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FEDERAL REGISTER

VOLUME 31 • NUMBER 191

Saturday, October 1, 1966 • Washington, D.C.

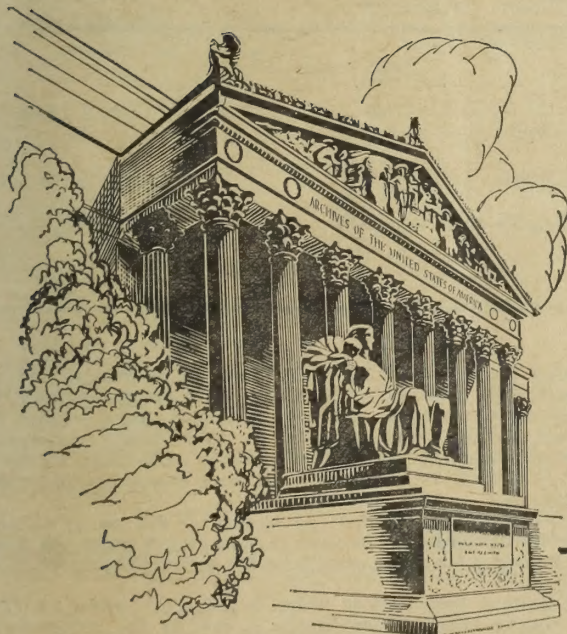
Pages 12829-12912

(Part II begins on page 12859)

Agencies in this issue—

Agricultural Research Service
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative
Committee
Food and Drug Administration
Health, Education, and Welfare
Department
Interior Department
Internal Revenue Service
International Commerce Bureau
Interstate Commerce Commission
National Park Service
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



Volume 79

UNITED STATES STATUTES AT LARGE

[89th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1965, reorganization plans, a proposed amendment to the Constitution, and Presidential proclamations. Also in-

cluded are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

Price: \$9.25

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402



Area Code 202

Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Quarantine; plants having underground portions conforming to definition of bulbs..... 12834

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Commodity Credit Corporation; Consumer and Marketing Service.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Detroit-Toronto, Erie-Toronto route case..... 12852

Los Angeles/Chicago-Toronto service case..... 12852

Wings and Wheels Express, Inc..... 12852

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service; Executive Office of the President and Commission on Marine Science, Engineering, and Resources..... 12833

COAST GUARD

Proposed Rule Making

Oceanographic vessels; inspection and certification..... 12860

COMMERCE DEPARTMENT

See International Commerce Bureau.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Cottonseed; purchases by crushers..... 12837

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations in California and Arizona:

Lemons..... 12837

Oranges, Valencia..... 12836

Oranges, grapefruit and tangelos in Florida; export limitations... 12835

Tangelos grown in Florida; shipments limitation..... 12835

Proposed Rule Making

Milk in Tri-State marketing area; recommended decision..... 12845

CUSTOMS BUREAU

Notices

Pig iron from U.S.S.R.; antidumping proceeding..... 12851

FEDERAL AVIATION AGENCY

Rules and Regulations

Transition area; alteration..... 12840

FEDERAL COMMUNICATIONS COMMISSION

Notices

Petroleum and gas company emergency communications requirements; extension of time for filing..... 12853

Hearings, etc.:

Microwave Communications, Inc., et al..... 12852

Northern Indiana Broadcasters, Inc..... 12853

Sawnee Broadcasting Co. (WSNE) and Hall County Broadcasting Co. (WLBA)..... 12853

Sports Network, Inc., and American Telephone and Telegraph Co..... 12854

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules and Regulations

Payment of deposits and interest thereon; banks in Alaska..... 12837

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Operations; distribution of earnings:

Bases, terms, and conditions other than those provided by charter..... 12839

Variable rates..... 12838

FEDERAL MARITIME COMMISSION

Notices

United States flag ocean carriers rate agreement; approval..... 12855

FEDERAL POWER COMMISSION

Rules and Regulations

Uniform system of accounts, Class C natural gas companies; fees for applications; correction.... 12840

Notices

Hearings, etc.:

Burlington Bank & Trust Co. et al.; correction..... 12855

Idaho Power Co..... 12855

Maxwell Oil Co. et al..... 12855

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE

CFR Checklist..... 12833

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Color additives; titanium dioxide; confirmation of effective date.... 12840

Drugs, antibiotic; suspension of certification service..... 12841

Food additives; inorganic bromides..... 12841

Tomatoes, canned; effective date of standards of identity amendment..... 12840

Proposed Rule Making

Inorganic bromides in oat flour; tolerances for residues; decrease..... 12849

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Rules and Regulations

Inventions and patents; miscellaneous amendments..... 12842

INTERIOR DEPARTMENT

See also National Park Service.

Notices

Swanson, Stanley Milton; statement of changes in financial interests..... 12851

INTERNAL REVENUE SERVICE

Proposed Rule Making

Expenses for education (2 documents)..... 12843, 12845

INTERNATIONAL COMMERCE BUREAU

Notices

Electronic Enterprise and Ho Chee Choon; order denying export privileges for indefinite period. 12851

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief..... 12856

Motor carrier:

Temporary authority applications..... 12856

Transfer proceedings..... 12857

NATIONAL PARK SERVICE

Notices

Fort Sumter Tours, Inc.; intention to extend concession contract... 12851

(Continued on next page)

SECURITIES AND EXCHANGE COMMISSION

Notices

Westec Corp.; order suspending
trading----- 12856

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Employment size standards for
concerns primarily engaged in
manufacturing; correction----- 12840

Proposed Rule Making

Size standards; small business for
purpose of government procure-
ment----- 12849

TREASURY DEPARTMENT

See Coast Guard; Customs Bu-
reau; Internal Revenue Service.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

5 CFR	14 CFR	46 CFR
213----- 12833	71----- 12840	PROPOSED RULES:
7 CFR	18 CFR	2----- 12860
319----- 12834	204----- 12840	24----- 12860
905 (2 documents)----- 12835	21 CFR	30----- 12860
908----- 12836	8----- 12840	70----- 12860
910----- 12837	53----- 12840	90----- 12860
1443----- 12837	121----- 12841	110----- 12860
PROPOSED RULES:	146----- 12841	175----- 12860
1005----- 12845	PROPOSED RULES:	188----- 12860
12 CFR	121----- 12849	189----- 12860
329----- 12837	26 CFR	190----- 12860
545 (2 documents)----- 12838, 12839	PROPOSED RULES:	191----- 12860
13 CFR	121----- 12849	192----- 12860
121----- 12840	45 CFR	193----- 12860
PROPOSED RULES:	6----- 12842	194----- 12860
121----- 12849	7----- 12842	195----- 12860
	8----- 12842	196----- 12860

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1966, is \$100 domestic, \$30 additional for foreign domestic, \$30 additional for foreign mailing. The subscription price for revised volumes and supplements issued as of January 1, 1967, will be at the same rate.

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9 (Rev. Jan. 1, 1966) -----	1.25
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13 (Rev. Jan. 1, 1963) -----	4.25
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(Supp. Jan. 1, 1966) -----	.75
19 (Rev. Jan. 1, 1966) -----	1.75
20 (Rev. Jan. 1, 1966) -----	1.75
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23 (Rev. Jan. 1, 1966) -----	.25
24 (Rev. Jan. 1, 1966) -----	1.25
25 (Rev. Jan. 1, 1966) -----	1.25
26 Parts:	
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1 (§§ 1.401-1.500) (Rev. Jan. 1, 1966) -----	.65
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1 (§§ 1.641-1.850) (Rev. Jan. 1, 1966) -----	1.00
1 (§§ 1.851-1.1200) (Rev. Jan. 1, 1966) -----	1.25
1 (§§ 1.201-1.6000) (Rev. Jan. 1, 1966) -----	1.25
1 (§§ 1.6001-end) to Part 19 (Rev. Jan. 1, 1966) -----	.65
20-29 (Rev. Jan. 1, 1961) -----	4.25
(Supp. Jan. 1, 1966) -----	.40
30-39 (Rev. Jan. 1, 1961) -----	3.50
(Supp. Jan. 1, 1966) -----	.50
40-169 (Rev. Jan. 1, 1966) -----	1.75
170-299 (Rev. Jan. 1, 1961) -----	6.25
(Supp. Jan. 1, 1966) -----	1.00
300-499 (Rev. Jan. 1, 1961) -----	4.00
(Supp. Jan. 1, 1966) -----	.50
500-599 (Rev. Jan. 1, 1961) -----	4.25
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600-end (Rev. Jan. 1, 1961) -----	3.00
(Supp. Jan. 1, 1966) -----	.40
27 (Rev. Jan. 1, 1961) -----	3.00
(Supp. Jan. 1, 1966) -----	.30
28 (Rev. Jan. 1, 1966) -----	.50
29 Parts:	
1-499 (Rev. Jan. 1, 1966) -----	.65
500-899 (Rev. Jan. 1, 1966) -----	1.75
900-end (Rev. Jan. 1, 1966) -----	.65
30 (Rev. Jan. 1, 1966) -----	1.25
31 (Rev. Jan. 1, 1966) -----	1.25
32 Parts:	
1-39 (Rev. Jan. 1, 1966) -----	2.50
40-399 (Rev. Jan. 1, 1966) -----	1.00
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(Supp. Jan. 1, 1966) -----	.65
590-699 (Rev. Jan. 1, 1966) -----	4.25
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(Supp. Jan. 1, 1966) -----	1.00
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(Supp. Jan. 1, 1965) -----	.40
36 (Rev. Jan. 1, 1960) -----	3.00
(Supp. Jan. 1, 1966) -----	.60
37 (Rev. Jan. 1, 1960) -----	3.50
(Supp. Jan. 1, 1966) -----	.45
38 (Rev. Jan. 1, 1966) -----	2.00
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41 Chapters:	
1 (Rev. Jan. 1, 1966) -----	1.75
2-4 (Rev. Jan. 1, 1966) -----	.70
5-5D (Rev. Jan. 1, 1966) -----	.50
6-17 (Rev. Jan. 1, 1966) -----	1.75
18 (Rev. Jan. 1, 1966) -----	1.75
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(Supp. Jan. 1, 1966) -----	.40
45 (Rev. Jan. 1, 1960) -----	3.75
(Supp. Jan. 1, 1966) -----	1.50
46 Parts:	
1-145 (Rev. Jan. 1, 1966) -----	2.75
146-149 (Rev. Jan. 1, 1966) -----	2.50
(Supp. July 1, 1966) -----	.60
150-199 (Rev. Jan. 1, 1966) -----	1.25
200-end (Rev. Jan. 1, 1966) -----	1.75
47 Parts:	
0-19 (Rev. Jan. 1, 1966) -----	1.00
20-69 (Rev. Jan. 1, 1966) -----	1.50
70-79 (Rev. Jan. 1, 1966) -----	1.00
80-end (Rev. Jan. 1, 1966) -----	1.50
48 (Rev. Jan. 1, 1966) -----	.40
49 Parts:	
0-70 (Rev. Jan. 1, 1963) -----	5.25
(Supp. Jan. 1, 1966) -----	.40
71-90 (Rev. Jan. 1, 1966) -----	2.25
91-164 (Rev. Jan. 1, 1966) -----	1.50
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(Supp. Jan. 1, 1966) -----	.60
General Index (Rev. Jan. 1, 1966) -----	1.00
List of Sections Affected, 1949-1963 (Compilation) -----	6.75

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President and Commission on Marine Science, Engineering, and Resources

1. Section 213.3103 is amended to show that all positions on the staff of the National Council on Marine Resources and Engineering Development

are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3103 as set out below.

§ 213.3103 Executive Office of the President.

(b) National Council on Marine Resources and Engineering Development
(1) All positions on the Council staff.

2. Section 213.3190 is added to show that all positions on the staff of the Commission on Marine Science, Engineering, and Resources are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, § 213.3190 is added as set out below.

§ 213.3190 Commission on Marine Science, Engineering, and Resources.

(a) All positions on the Commission staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-10729; Filed, Sept. 30, 1966; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

ADMINISTRATIVE INSTRUCTIONS LISTING GENERA OR SPECIES OF PLANTS HAVING UNDERGROUND PORTIONS CONFORMING TO DEFINITION OF BULBS

Pursuant to § 319.37-1(h) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-1(h)), under authority of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), administrative instructions designated as § 319.37-1a are hereby revised to read as follows:

§ 319.37-1a Administrative instructions listing genera or species of plants having underground portions conforming to the definition of bulbs in § 319.37-1(h).

(a) Most or all of the species of the genera listed in this paragraph, and all of the species listed in this paragraph, have underground parts that conform to the definition of bulbs contained in § 319.37-1(h):

Achimenes (Gesner.).
Acidanthera (Irid.).
Agapanthus (Lil.).
Albuca (Lil.).
Allium (Lil.).
Alstroemeria (Amar.).
Amarcrinum = Crinodonna.
Amaryllis (Amar.).

Amianthium (Lil.).
Ammocharis (Amar.).
Anapalina (Irid.).
Androcymbium (Lil.).
Androstaphium (Lil.).
Anemone (Ranun.). (Anemone is prohibited entry from Germany.).
Anomatheca = Lapeirousia.
Anthericum (Lil.).
Antholyza (Irid.).
Arum (Ar.).
Babiana (Irid.).
Begonia (Begon.).
Bellevalia = Hyacinthus.
Bessera (Lil.).
Bletia (Orch.).
Bletilla (Orch.).
Bloomeria (Lil.).
Bongardia chrysogonum (Berber.).
Boophane (Amar.).
Bottionea (Lil.).
Bowia (Lil.).
Bravoa (Amar.).
Brevoortia (Lil.).
Brodiaea (Lil.).
Brunsdonna (Amar.).
Brunsvigia (Amar.).
Bulbocodium (Lil.).
Buphane = Boophane.
Caladium (Ar.).
Calla = Zantedeschia.
Caliphurria (Amar.).
Calochortus (Lil.).
Calostemma (Amar.).
Camassia (Lil.).
Canna (Cann.).
Chasmanthe (Irid.).
Chionodoxa (Lil.).
Chionoscilla (Lil.).
Chlidanthus (Amar.).
Chorogalum (Lil.).
Cipura (Irid.).
Clivia (Lil.).
Colchicum (Lil.).
Convallaria (Lil.).
Cooperanthes (Amar.).
Cooperia (Amar.).
Corydalis (Fumar.).
Crinodonna (Amar.).
Crinum (Amar.).
Crocasmia (Irid.).
Crocus (Irid.).
Curcuma (Zingiber.).
Curtonus (Irid.).
Cyclamen (Prim.).
Cyclobotrya-Calochortus.
Cypella (Irid.).
Cyrtanthus (Amar.).
Dahlia (Compos.).
Dientra (Fumar.).
Dielytra-Dientra.
Dierama (Irid.).
Dipcadi (Lil.).
Dipidax (Lil.).
Drimia (Lil.).
Drymophila (Lil.).
Elisena (Amar.).
Eranthis (Ranun.).
Eremurus (Lil.).
Erythronium (Lil.).
Eucharis (Amar.).
Eucomis (Lil.).
Euryclis (Amar.).
Eustephia (Amar.).
Eustylis (Irid.).
Ferraria (Irid.).
Freesia (Irid.).
Fritillaria (Lil.).
Funkia-Hosta.
Gagea (Lil.).
Galanthus (Amar.).
Galtonia (Lil.).
Geissorhiza (Irid.).
Geranium tuberosum (Geran.).
Gesneria (Gesner.).
Gladolus (Irid.). (Gladolus is prohibited entry from African sources).
Globba (Zingiber.).
Gloriosa (Lil.).

Gloxinia-Sinningia.
Griffinia (Amar.).
Habenaria radiata (Orch.).
Habranthus (Amar.).
Haemanthus (Amar.).
Hastingsia (Lil.).
Hedychium (Zingiber.).
Helonias (Lil.).
Heloniopsis (Lil.).
Hemerocallis (Lil.).
Herbertia (Irid.).
Hermodactylus (Irid.).
Hesperantha (Irid.).
Hesperocallis (Lil.).
Hessee (Amar.).
Hexaglottis (Irid.).
Hippeastrum (Amar.).
Homeria (Irid.).
Homoglossum (Irid.).
Hosta (Lil.).
Hyacinthus (Lil.).
Hydrotaenia (Irid.).
Hyline (Amar.).
Hymenocallis (Amar.).
Hypoxis (Amar.).
Incarvillea (Bignon.).
Ipheion (Lil.).
Iris (Irid.).
Ismene (Amar.).
Isoloma (Gesner.).
Ixia (Irid.).
Ixoliolion (Amar.).
Kaempferia (Zingiber.).
Kohleria (Gesner.).
Lachenalia (Lil.).
Lapeirousia (Irid.).
Lapeyrouisia = Lapeirousia.
Leucocoryne (Lil.).
Leucojum (Amar.).
Lilium (Lil.).
Littonia (Lil.).
Lloydia (Lil.).
Lycoris (Amar.).
Manfreda (Amar.).
Massonia (Lil.).
Melasphaerula (Irid.).
Merendera (Lil.).
Mertensia (Borag.).
Milla (Lil.).
Montbretia = Tritonia.
Moraea (Irid.).
Muilla (Lil.).
Muscari (Lil.).
Naegelia (Gesner.).
Narcissus (Amar.).
Nemastylis (Irid.).
Nerine (Amar.).
Nomocharis (Lil.).
Notholirion (Lil.).
Nothoscordum (Lil.).
Ornithogalum (Lil.).
Ostrowskia magnifica (Campan.).
Oxalis (Oxal.).
Paeonia herbaceous (Ranun.).
Pamianthe (Amar.).
Pancratium (Amar.).
Papaver (Papaver.).
Paspheia (Lil.).
Phaedranassa (Amar.).
Placea (Amar.).
Polianthes (Amar.).
Polyanthes = Pollanthes.
Polyanthus = Polianthes.
Prochnyanthes (Amar.).
Pulsatilla = Anemone (Anemone is prohibited entry from Germany).
Puschkinia (Lil.).
Pyrolirion (Amar.).
Quamasia = Camassia.
Ranunculus (Ranun.).
Rechsteineria (Gesner.).
Rhodohypoxis (Amar.).
Rhodophiala (Amar.).
Rigidella (Irid.).
Romulea (Irid.).
Salpingostylis (Irid.).
Sandersonia (Lil.).
Sauromatum (Ar.).
Saxifraga granulata (Sax.).

Schizobasopsis=Bowiea.
Schizostylis (Irid.).
Scilla (Lil.).
Sinningia: the "Gloxinia" of florists (Gesner.).
Smithiantha (Gesner.).
Sparaxis (Irid.).
Spiloxene (Amar.).
Sprekella (Amar.).
Stenanthium (Lil.).
Stenomesson (Amar.).
Sternbergia (Amar.).
Streptanthera (Irid.).
Synnotia (Irid.).
Tecophilaea thomsonia (Ar.).
Tigridia (Irid.).
Trimeza (Irid.).
Tristagma (Lil.).
Triteleia=Brodiaea.
Tritonia (Irid.).
Tropaeolum tuberosum (Trop.).
Tulbaghia (Lil.).
Tulipa (Lil.).
Tydaea (Gesner.).
Urceocharis (Amar.).
Urceolina (Amar.).
Urginea (Lil.).
Vagarla (Amar.).
Vallota (Amar.).
Veltheimia (Lil.).
Watsonia (Irid.).
Zantedeschia (Ar.): the calla of gardeners.
Zephyranthes (Amar.).
Zigadenus (Lil.).
Zingiber (Zingiber.).
Zygadenus=Zigadenus.

In the list in this paragraph the correct botanical name follows the equal sign after each synonym. Botanical family abbreviations are in parentheses and have the following meanings: (Amar.) Amaryllidaceae; (Ar.) Araceae; (Begon.) Begoniaceae; (Berber.) Berberideae; (Bignon.) Bignoniaceae; (Borag.) Boraginaceae; (Campan.) Campanulaceae; (Cann.) Cannaceae; (Compos.) Compositae; (Fumar.) Fumariaceae; (Geran.) Geraniaceae; (Gesner.) Gesneriaceae; (Irid.) Iridaceae; (Lil.) Liliaceae; (Orch.) Orchidaceae; (Oxal.) Oxalidaceae; (Papaver.) Papaveraceae; (Prim.) Primulaceae; (Ranun.) Ranunculaceae; (Sax.) Saxifragaceae; (Trop.) Tropaeolaceae; (Zingiber.) Zingiberaceae.

(b) A determination as to whether a particular shipment of plant material qualifies as bulbs will be made at the time of offer for entry.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162; 29 F.R. 16210, as amended; 7 CFR 319.37-1(h))

The foregoing administrative instructions shall become effective October 1, 1966, when they shall supersede 7 CFR 319.37-1a, effective September 2, 1961.

These revised administrative instructions list genera and species of plants having underground portions that conform to the definition of bulbs in § 319.37-1(h) and are commodities of importance in international trade. A number of additions have been made to the list to include genera and species presently found in international trade channels which have not heretofore been listed.

This document constitutes an interpretation of the term "bulb" as defined in the regulations and as an interpretive rule is not subject to the notice and other public procedure and delay in effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C.

1003). Therefore, the administrative instructions set forth above shall become effective on publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 28th day of September 1966.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 66-10728; Filed, Sept. 30, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 30]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as herein-after provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 3, 1966. The committee held an open meeting on September 27, 1966, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation

effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangelos, grown in the production area, at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.486 Tangelo Regulation 30.

(a) **Order.** (1) During the period beginning at 12:01 a.m., e.s.t., October 3, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2 $\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 28, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 66-10745; Filed, Sept. 30, 1966; 8:48 a.m.]

[Export Reg. 14]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of oranges, including Temple oranges, grapefruit, and tangelos, as herein-after provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grapefruit, and tangelos, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; the recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of oranges, including Temple oranges, grapefruit, and tangelos, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 27, 1966; such meeting was held to consider recommendations for regulation on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such fruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 905.487 Export Regulation 14.

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., October 3, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any oranges, including Temple oranges, grapefruit, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended U.S. Standards for Florida Oranges and Tangelos;

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the aforesaid U.S. Standards for Florida Oranges and Tangelos;

(iv) Any grapefruit, grown in the production area, which are of a size smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised U.S. Standards for Florida Grapefruit; or

(v) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended U.S. Standards for Florida Oranges and Tangelos.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective terms in the revised U.S. Standards for Florida Grapefruit (§§ 51.750-51.783 of this title), or the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 29, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-10756; Filed, Sept. 30, 1966;
8:48 a.m.]

[Valencia Orange Reg. 181]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIG- NATED PART OF CALIFORNIA

Limitation of Handling

§ 908.481 Valencia Orange Regulation 181.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Com-

mittee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 29, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 2, 1966, and ending at 12:01 a.m., P.s.t., October 9, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement.
(2) As used in this section, "handler," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-10796; Filed, Sept. 30, 1966;
11:30 a.m.]

[Lemon Reg. 234]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.534 Lemon Regulation 234.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot

be completed on or before the effective date hereof. Such committee meeting was held on September 27, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 2, 1966, and ending at 12:01 a.m., P.s.t., October 9, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 111,600 cartons;
- (iii) District 3: 76,325 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 29, 1966.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.*

[F.R. Doc. 66-10757; Filed, Sept. 30, 1966;
8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1966 Cottonseed Oil and Meal Purchase Program Regs. & Amdt. 1]

PART 1443—OILSEEDS

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1966)

PURCHASES OF COTTONSEED BY CRUSHERS

The regulations issued by the Commodity Credit Corporation governing the purchase of cottonseed oil and cottonseed meal as a part of the 1966 Cottonseed Price Support Program (31 F.R. 8348) are amended as follows:

The first sentence of paragraph (b) (2) of § 1443.2044 *Purchases of cottonseed by crusher*, is amended as follows to revise the method which may be used in grading cottonseed in the San Joaquin Valley of Calif.:

§ 1443.2044 Purchases of cottonseed by crushers.

* * * *

(b) * * *
(2) In the San Joaquin Valley of Calif. the grade of cottonseed acquired by the crusher from gins within the area may be determined on the basis of composite samples of such cottonseed. * * *

* * * *
(Secs. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212, 15 U.S.C. 714b and 714c, and 7 U.S.C. 1447, 1421, 1446d)

Effective date. This amendment shall become effective on the date it is filed with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 27, 1966.

H. D. GODFREY,
*Executive Vice President,
Commodity Credit Corporation.*

[F.R. Doc. 66-10698; Filed, Sept. 30, 1966;
8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Maximum Rates of Interest or Dividends Payable on Deposits by Insured Nonmember Mutual Savings Banks; Banks in Alaska

Effective October 1, 1966, § 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.7) is amended by adding a new paragraph (e) as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.

* * * *

(e) *Banks in Alaska.* Notwithstanding paragraph (b) of this section, any insured nonmember mutual savings bank located in the State of Alaska may pay for any time on or after October 1, 1966, a rate of interest or dividends not in excess of 5½ percent per annum on any deposit and may continue to pay a higher rate of interest or dividends in accordance with any time certificate of deposit, savings certificate, or similar certificate issued by the bank prior to September 22, 1966, requiring maintenance of the deposit for a stated period or making the rate of interest or dividends dependent thereon, and on any renewals or extensions of such certificates on the same terms and conditions. For the purposes of paragraphs (c) and (d) of this section, the applicable maximum rate for any such bank located in the State of Alaska is that prescribed by this paragraph.

The purpose of this amendment is to prescribe for insured nonmember mutual savings banks in the State of Alaska a maximum rate of interest or dividends on deposits of 5½ percent per annum, together with a "grandfather clause" permitting such banks to continue to pay higher existing rates on certificates evidencing funds deposited prior to September 22, 1966.

There was no notice and public participation with respect to this amendment, nor is the effective date thereof deferred with prior publication, as the Board of Directors has found pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6) that, under

the circumstances, such procedure would cause delay and would prevent the action from becoming effective as promptly as necessary in the public interest.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819)

FEDERAL DEPOSIT INSURANCE
CORPORATION,

[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 66-10707; Filed, Sept. 30, 1966;
8:45 a.m.]

**Chapter V—Federal Home Loan Bank
Board**

**SUBCHAPTER C—FEDERAL SAVINGS AND LOAN
SYSTEM**

[No. 20,204]

PART 545—OPERATIONS

**Distribution of Earnings at Variable
Rates**

SEPTEMBER 29, 1966.

Resolved that, notice and public procedure having been duly afforded (31 F.R. 12062) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 545.3-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.-3-1) providing for the distribution of earnings by Federal savings and loan associations at variable rates, and for the purpose of effecting such amendment, hereby amends said § 545.3-1 to read as follows, effective October 1, 1966.

**§ 545.3-1 Distribution of earnings at
variable rates.**

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.), after having determined the rate at which earnings will be distributed on its savings accounts for the dividend period, hereinafter referred to as the regular rate, may provide for the distribution of earnings for that dividend period at a higher rate or rates on savings accounts which meet eligibility requirements fixed by the board of directors pursuant to paragraph (b) of this section and such additional requirements as the board of directors may impose.

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1) and (2) of this paragraph and such additional requirements as the board of directors may impose.

(1) *Accounts evidenced by account books.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V, a savings account which is evidenced by

an account book and is maintained at not less than \$1,000 for a continuous period of not less than 12 months may receive earnings at a rate higher than the regular rate.

(2) *Accounts evidenced by separate certificates.* A savings account which is evidenced by a separate certificate, as provided in paragraph (c) of this section, issued and dated on or after the date of such resolution, may receive earnings on the amount of such certificate at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of Subchapter B of this Chapter V, if such account is maintained at not less than \$1,000 for a continuous period of not less than 6 months, nor more than 12 months, commencing on the date of such certificate. If such savings account is evidenced by more than one separate certificate, the provisions of this subparagraph (2) shall be as fully applicable to each such certificate as if each such certificate evidenced a separate savings account.

(c) *Use of certificate.* A Federal association which issues certificates evidencing savings accounts on which earnings are distributable at a rate higher than the regular rate pursuant to this section shall issue certificates in the form prescribed in subparagraph (1) of this paragraph, or in one of the optional forms permitted by subparagraph (2) of this paragraph, but may not issue more than one type of form for any one class of savings accounts in any one dividend period. The form to be issued shall be set forth in the minutes of the board of directors together with the date after which said form will be issued and the class of savings account for which said form will be issued.

(1) *Form of certificate.* An account evidenced by a separate certificate issued pursuant to this section may not be printed in or in any manner attached to an account book. Such separate certificate shall be in the form prescribed pursuant to paragraph (b) of § 545.2 bearing on its face the following additional words: "Earnings are distributable on the amount of this certificate as provided in, and subject to, § 545.3-1 of the rules and regulations for the Federal Savings and Loan System. On the qualified amount of this certificate at the expiration of the period ending ----- (date), it is anticipated, subject to final determination of the board of directors, that the holder will be paid earnings at the rate of ----- percent per annum. This certificate shall be renewed, as to any qualified amount not withdrawn prior to or at the expiration of said period or any renewal period, on the same terms and conditions unless a written notice has been mailed by the association at least 30 days prior to the expiration of the period ending ----- (date), or prior to the expiration of any renewal period, stating that the holder will not be entitled to receive earnings at a rate higher than the regular rate for savings account books for any time this certificate is outstanding

after the expiration of the period in which such notice is given. Amounts withdrawn prior to ----- (date) will receive earnings on the following basis: (Here a statement shall be included as to the basis for distributing earnings as provided by the board of directors pursuant to subparagraph (2) of paragraph (d) of this section.)"

(2) *Optional forms of certificate.* A Federal association at its option may issue a separate certificate evidencing savings accounts issued pursuant to this section which omits any one or more of the second, third, or fourth sentences of the quoted language set forth in subparagraph (1). If the third sentence is omitted, the association shall substitute for said third sentence the following sentence: "Earnings shall be distributable at the regular rate for savings account books for any period during which this certificate is outstanding after ----- (date)."

(d) *Time and manner of distributing earnings.* (1) As to an account issued under this section which is evidenced either by an account book or by a certificate issued in accordance with paragraph (c), which does not contain the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c), earnings at the regular rate shall be distributed on each such savings account at each date as of which the Federal association regularly distributes earnings on its savings accounts.

(2) As to an account issued under this section which is evidenced by a certificate issued in accordance with paragraph (c) and which contains the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c), no earnings shall be distributed until the account has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section unless part or all of the account is withdrawn prior to meeting such eligibility requirements. In such event, the board of directors may provide that the funds withdrawn shall receive a percentage of the regular rate of earnings which percentage may vary according to the length of time the funds remain in the account, but shall be less than 100 but not less than 50 percent of the regular rate of earnings distributable on accounts evidenced by an account book.

(3) When any savings account issued pursuant to this section has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section, any earnings on the account that then remain undistributed shall thereupon be credited or paid to the owner thereof.

(4) As to an account issued under this section which is evidenced by an account book and which has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section, the association, while such account continues to be eligible to receive a higher rate, shall continue to distribute earnings at a higher rate pursuant to this section at each date as of which the association regularly distributes earnings on its sav-

ings accounts until such time as the board of directors determines to discontinue such higher rate.

(5) As to any account issued under this section which is evidenced by a certificate issued on or after October 1, 1966, in accordance with paragraph (c) of this section and which does not contain the third sentence of the quoted language set forth in subparagraph (1) of paragraph (c), earnings shall be distributed for any period during which such account is outstanding beyond the time eligibility requirements fixed pursuant to paragraph (b) of this section at the regular rate for account books at each date as of which the association regularly distributes earnings on its savings accounts.

(6) While an account evidenced by a certificate issued prior to October 1, 1966, under this section continues to be eligible to receive, and the association continues to distribute, earnings at a higher rate pursuant to this section, earnings on such account shall be distributed, for any period during which such account is outstanding beyond the time eligibility requirement fixed pursuant to paragraph (b) of this section, at each date as of which the association regularly distributes earnings on its savings accounts, at such applicable higher rate as is from time to time determined by the board of directors within the limitations of this section.

(7) While any certificates issued in accordance with paragraph (c) of this section remain outstanding, a reserve for undistributed earnings on such accounts shall be maintained and appropriate credits and debits shall be made to such reserve as of the dates the Federal association regularly distributes earnings on its savings accounts.

(e) *Exchange of accounts.* Such part of any savings account as is not less than the minimum amount fixed pursuant to subparagraph (2) of paragraph (b) of this section may, upon request by the holder of such account, be exchanged for one or more separate certificates issued pursuant to and in accordance with paragraphs (b) and (c) of this section; and the association may, either at the time of such exchange or at the next date as of which it regularly distributes earnings, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

(f) *Exclusion.* This section shall not be applicable to distribution of earnings on any savings account on which such association is paying or is obligated to pay a bonus under any provision of this part.

(g) *Notice requirements.* Each Federal association which determines after the effective date of this paragraph to distribute earnings pursuant to the provisions of this section shall, within 30 days, give notice of such determination by at least one of the following means:

(1) Postage prepaid to each member having a savings account at the time of determination with a balance of not less than the determined amount at the last address of the member appearing on the books of such Federal association;

(2) Posting in a conspicuous place in each of the offices of the association for so long as the association continues to offer the plan; or

(3) Publishing in a newspaper printed in the English language and of general circulation in the city or county in which each office of the association is located.

Each Federal association which on the effective date of this paragraph is distributing earnings pursuant to this section shall, if it has not previously done so, give the notice required by this paragraph within 30 days from the effective date of the paragraph.

(h) *Limitation on issuance of certificates.* No Federal association may issue any certificate pursuant to this section at any time when the total of its savings accounts evidenced by such certificates exceeds 50 percent of the association's total capital.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the foregoing amendment is designed to permit Federal savings and loan associations to adjust their operations as of the beginning of the next quarterly dividend period to changed economic conditions emerging during the current quarterly period, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not consistent with the public interest and provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-10751; Filed, Sept. 30, 1966; 8:48 a.m.]

[No. 20,205]

PART 545—OPERATIONS

Distribution of Earnings on Bases, Terms, and Conditions Other than those Provided by Charter

SEPTEMBER 29, 1966.

Whereas, by Federal Home Loan Bank Board Resolution No. 20,176, dated September 10, 1966, and duly published in the FEDERAL REGISTER on September 15, 1966 (31 F.R. 12061), this Board proposed, pursuant to Part 508 of the general regulations of the Board (12 CFR Part 508), to amend paragraph (b), (c), and (d) of § 545.1-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-1) the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available having been considered by it;

Now, therefore, be it resolved, that this Board hereby determines to adopt the

amendment, as proposed, without change, effective October 1, 1966.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

* * * * *

(b) *Quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on savings accounts as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N and Charter K (rev.) for the 6-month period ending on June 30 and December 31, respectively, next succeeding.

(c) *Amounts withdrawn between distribution dates.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on amounts withdrawn from savings accounts, or designated classes thereof, between the dates as of which such Federal association regularly distributes earnings on savings accounts: *Provided*, That, earnings on any amount so withdrawn shall neither be distributed for any greater portion of the dividend period than that during which such amount remained in the association nor at a rate in excess of the rate at which earnings, exclusive of any bonus, are distributed on savings accounts for the dividend period in which such amount is so withdrawn.

(d) *Determination date.* For the purpose of computing earnings for distribution on savings accounts, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption of a resolution so providing and while such resolution remains in effect, fix a date, not later than the 20th of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments received by the association on or before such determination date shall receive earnings as if invested on the first of such month; payments received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month, except that, after adoption by the association's board of directors of a resolution so providing and while such resolution remains in effect, payments received subsequent to a determination date which is

not later than the 10th of the month shall receive earnings from the date of receipt.

[F.R. Doc. 66-10752; Filed, Sept. 30, 1966; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS

Employment Size Standards for Concerns Primarily Engaged in Manufacturing

Correction

In F.R. Doc. 66-7709, appearing at page 9721 of the issue for Tuesday, July 19, 1966, the following corrections are made in Schedule A, Major Group 36, in the Employment Size Standard column:

1. In entry 3631, the number "75" should read "750".

2. In entry 3633, the number "1,00" should read "1,000".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-SW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 27, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10132) stating that the Federal Aviation Agency proposed to alter the Ardmore, Okla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2154) the Ardmore, Okla., transition area is amended to read:

ARDMORE, OKLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 085° bearings from the

Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 16, 1966.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 66-10690; Filed, Sept. 30, 1966; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-307; Order 325]

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

Fees for Applications; Correction

SEPTEMBER 14, 1966.

In the order Amending Uniform System of Accounts Prescribed for Natural Gas Companies, issued August 2, 1966, and published in the FEDERAL REGISTER August 9, 1966 (F.R. Doc. 66-8635, 31 F.R. 10605); in Part 204 of the "Gas Plant Instructions" change the designation of the new paragraph from "13" to "14" in:

1. The second line of subparagraph (B) (1);
2. Caption of new paragraph;
3. Last line of the "Note" near bottom of page;
4. Last line of Item 3 of subparagraph (4).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10691; Filed, Sept. 30, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt from Certification

Subpart F—Listing of Color Additives for Drug Use Exempt from Certification

TITANIUM DIOXIDE; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing titanium dioxide as a safe color additive for use in food and drugs and exempting it from certification:

1. In response to the order in the above-identified matter published in the FEDERAL REGISTER of January 27, 1966 (31 F.R. 1065), The Toilet Goods Asso-

ciation, Inc., 1270 Avenue of the Americas, New York, N.Y. 10020, which is not the petitioner, submitted an objection because the order did not include a regulation listing titanium dioxide as a safe color additive for use in or on cosmetics.

No representation has been made that the regulations in the order (21 CFR 8.316, 8.6005) listing titanium dioxide as a safe color additive for use in or on foods and drugs are deficient in any respect. A regulation listing titanium dioxide as a safe color additive for use in cosmetics was not included in the order because the petitioner failed to submit adequate information about the use of the additive in cosmetics.

The Commissioner of Food and Drugs has concluded, therefore, that reasonable grounds for objection have not been presented. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c) (2), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that the regulations (21 CFR 8.316, 8.6005) promulgated by the subject order became effective March 28, 1966.

The provisional listing of titanium dioxide for use in or on cosmetics (21 CFR 8.501(g)) will continue, to allow time for information necessary for a permanent listing to be assembled.

2. Effective on publication of this order in the FEDERAL REGISTER, § 8.501 *Provisional lists of color additives* is amended by deleting the item "Titanium dioxide" from both paragraphs (e) and (f).

(Sec. 706 (b), (c) (2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c) (2), (d))

Dated: September 26, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-10719; Filed, Sept. 30, 1966; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Canned Tomatoes; Confirmation of Effective Date of Order Amending Standards of Identity and Quality

In the matter of amending the definition and standard of identity for canned tomatoes (21 CFR 53.40) with respect to peeling and coring requirements; the optional use of organic acidifying agents, a nutritive sweetener in solid form, and tomato paste or puree; and certain appropriate labeling changes including the requirement that all optional ingredients be declared; and the standard of quality for canned tomatoes (21 CFR 53.41) to show that the test for amount of peel does not apply to canned unpeeled tomatoes:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended

SUBCHAPTER C—DRUGS

PART 146—ANTIBIOTIC DRUGS;
PROCEDURAL REGULATIONS

Suspension of Certification Service

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), the procedural antibiotic drug regulations are amended to provide for the suspension of certification service when there is a failure of compliance with the requirements of good manufacturing practice prescribed by Part 133 (21 CFR Part 133).

Accordingly, § 146.6 is revised to read as follows:

§ 146.6 Suspension of certification service.

When the Commissioner finds that a person has:

(a) Obtained or attempted to obtain a certificate through fraud or through misrepresentation or concealment of a material fact; or

(b) Falsified the records required to be kept by § 146.5; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to take an inventory of stocks on hand, or otherwise to check the correctness of such records as required by § 146.5; or

(d) Failed to establish a system for maintaining the records required by § 146.14 or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with the provisions of that section, or has refused to permit access to, or copying, or verification of such records or reports; or

(e) Failed to conform to the requirements of good manufacturing practice prescribed by Part 133 of this chapter; the Commissioner will immediately suspend service to such person under the regulations in this chapter. Upon request a hearing will be granted to such person to show cause why such service should be resumed.

This order amends the antibiotic-drug procedural regulations in the interest of protecting the public health; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 23, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-10722; Filed, Sept. 30, 1966; 8:47 a.m.]

400 parts per million for residues of inorganic bromides in dried eggs and processed herbs and spices from fumigation with methyl bromide alone;

2. A tolerance of 125 parts per million should be established for residues of inorganic bromides in or on the flours of barley, corn, milo (sorghum), rice, rye, and wheat from fumigation with a mixture of methyl bromide and ethylene dibromide; and

3. These actions will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1020 is amended by adding in numerical sequence a tolerance of 400 parts per million to paragraph (a) and a tolerance of 125 parts per million to paragraph (b), as follows:

§ 121.1020 Inorganic bromides.

* * * * *

(a) * * *

400 parts per million in or on dried eggs and processed herbs and spices.

* * * * *

(b) * * *

125 parts per million in or on the flours of barley, corn, milo (sorghum), rice, rye, and wheat.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10721; Filed, Sept. 30, 1966; 8:47 a.m.]

70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 11, 1966 (31 F.R. 10676). Accordingly, the amendments promulgated by that order will become effective October 10, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10720; Filed, Sept. 30, 1966; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

INORGANIC BROMIDES

An order was published in the FEDERAL REGISTER of June 15, 1966 (31 F.R. 8369), establishing tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide. The petitioner, Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, has requested that the present tolerance of 400 parts per million for residues of inorganic bromides in dried eggs and processed herbs and spices from fumigation with a mixture of methyl bromide and ethylene dibromide be extended to provide for the same residues from fumigation with methyl bromide alone.

Also, a petition (FAP 4H1474) was filed by Ferguson Fumigants, Inc., 93 Ford Lane, Hazelwood, Mo. 63042, proposing the issuance of a regulation to provide for the safe use of ethylene dibromide in combination with methyl bromide as a fumigant of flours derived from the cereal grains barley, corn, milo (sorghum), oats, rice, rye, and wheat. Previously, at the request of this petitioner, a food additive tolerance was established for 200 parts per million of inorganic bromides (calculated as Br) in or on oat flour as the result of the use of a mixture of methyl bromide and ethylene dibromide as a fumigant (21 CFR 121.1020(b)). A proposal to decrease this tolerance in or on oat flour to 125 parts per million is being published separately in this issue of the FEDERAL REGISTER.

The Commissioner of Food and Drugs, having evaluated the data in the petitions and other relevant material, has concluded that:

1. The food additive regulations should be amended to provide for a tolerance of

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 6—INVENTIONS AND PATENTS (GENERAL)

PART 7—EMPLOYEE INVENTIONS

PART 8—INVENTIONS RESULTING FROM RESEARCH GRANTS, FELLOWSHIP AWARDS, AND CONTRACTS FOR RESEARCH

Miscellaneous Amendments

In order to withdraw the delegation of authority from the heads of the constituent organizations and to vest responsibility in the Assistant Secretary (Health and Scientific Affairs) for administration of inventions and patents for the Department of Health, Education, and Welfare, Title 45, Subtitle A, Parts 6, 7, and 8, are hereby amended as follows:

§ 6.0 [Deleted]

1. Section 6.0 is deleted.

§§ 6.0, 6.1 [Redesignated]

2. Section 6.1 is hereby renumbered as § 6.0, and § 6.2 is renumbered as § 6.1.
3. A new § 6.2 is added as follows:

§ 6.2 General Responsibility.

The Assistant Secretary (Health and Scientific Affairs) is responsible for the administration of the invention and patent program of the Department and the determination of rights in inventions and patents in which the Department has an interest.

4. Section 6.3 is revised to read as follows:

§ 6.3 Government-owned patents; licensing; dedication to the public.

Licenses to practice inventions covered by patents and pending patent applications owned by the U.S. Government as represented by this Department will be royalty free, revocable, and nonexclusive. Except in unusual cases when it is determined that unconditional licensing would be contrary to the public interest, licenses will be issued to all applicants and will contain no limitations or standards relating to the quality of the products to be manufactured, sold, or distributed thereunder. To reduce the need for individual license applications, patents held for unconditional licensing shall be dedicated to the public as may be feasible.

§ 6.5 [Deleted]

5. Section 6.5 is deleted.

§ 6.6 [Deleted]

6. Section 6.6 is deleted.

7. Section 7.1 is revised to read as follows:

§ 7.1 Duty of employee to report inventions.

Every Department employee is required to report to the Assistant Secretary (Health and Scientific Affairs) in accordance with the procedures established therefor, every invention made by him (whether or not jointly with others) which bears any relation to his official duties or which was made in whole or in any part during working hours, or with any contribution of Government facilities, equipment, material, funds, or information, or of time or services of other Government employees on official duty.

§ 7.2 [Deleted]

8. Section 7.2 is deleted.

§ 7.3 [Amended]

9. In § 7.3, on line 7 after "by the" "head of the appropriate office or constituent organization" is deleted and there is inserted "Assistant Secretary (Health and Scientific Affairs)."

10. In § 7.3(a), "Assistant Secretary (Health and Scientific Affairs)" is inserted on line 2 after "by the" in lieu of "Secretary."

11. In § 7.3(b), in the 6th line from the end of this paragraph, after "such reservation" there is deleted "in the terms thereof or where applicable in the terms required by 35 U.S.C. 266."

§ 7.5 [Deleted]

12. Section 7.5 is deleted.

§ 7.6 [Deleted]

13. Section 7.6 is deleted.

14. Section 7.7 is revised to read as follows:

§ 7.7 Notice to employee of determination.

The employee-inventor shall be notified in writing of the Department's determination of the rights to his invention and of his right of appeal, if any. Notice need not be given if the employee stated in writing that he would agree to the determination of ownership which was in fact made.

§ 7.8 [Amended]

15. Section 7.8 is amended in the following respect: On lines 9 and 10, there

is omitted "Department Patents Officer" and inserted in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

§ 8.1 [Amended]

16. Section 8.1 is amended by deleting in the third line from the end of the introductory paragraph, after "shall provide", the words "as the head of the constituent unit may determine,".

17. Section 8.1(a) is amended by deleting in line 4, after "by the", the words "head of the constituent unit responsible for the grant" and inserting in lieu thereof, "Assistant Secretary (Health and Scientific Affairs)".

18. Section 8.1(b) is amended by deleting in line 8 the words "head of the constituent unit" and inserting in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

§ 8.2 [Amended]

19. Section 8.2 is amended by deleting in line 4 (exclusive of heading) "head of the constituent organization" and inserting in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

§ 8.5 [Amended]

20. Section 8.5 is amended by deleting in line 2 "head of the responsible constituent organization" and inserting in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

§ 8.6 [Amended]

21. Section 8.6(a) is amended by deleting in lines 6 and 7 "head of the constituent organization responsible for the contract" and substituting therefor "Assistant Secretary (Health and Scientific Affairs)". In line 3 from end of same paragraph there is deleted "the organization head" and "he" is inserted in lieu thereof.

§ 8.7 [Amended]

22. Section 8.7 is amended by deleting in the second line from the end the word "Secretary" and inserting in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

Dated: September 26, 1966.

[SEAL]

JOHN W. GARDNER,
Secretary.

[F.R. Doc. 66-10724; Filed, Sept. 30, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

EXPENSES FOR EDUCATION

Notice of Proposed Rule Making

Pursuant to the Administrative Procedure Act, approved June 11, 1946, regulations proposed to be prescribed as § 1.162-5 and § 1.262-1(b)(9) were published in tentative form with a notice of proposed rule making in the *FEDERAL REGISTER* for July 7, 1966 (31 F.R. 9276). Notice is hereby given that such proposed regulations are withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:IR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the *FEDERAL REGISTER*. Any person submitting written comments or suggestions who desires an opportunity to comment orally at the public hearing which will be held on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. Notice of the time, place, and date of the public hearing is published simultaneously herewith. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] **SHELDON S. COHEN,**
Commissioner of Internal Revenue.

In order to provide more specific rules with respect to the treatment, for Federal income tax purposes, of expenditures for education, § 1.162-5 (relating to expenses for education) and § 1.262-1 (relating to personal, living, and family expenses) of the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.162-5 is amended to read as follows:

§ 1.162-5 Expenses for education.

(a) *General rule.* Expenditures made by an individual for education (including research undertaken as part of his educational program) which are personal or capital expenditures, or which have elements of both, are not deductible. Educational expenditures included within this category are described in para-

graph (b) of this section. On the other hand, expenditures made by an individual for education (including research undertaken as part of his educational program) which are neither capital nor personal expenditures are deductible as ordinary and necessary business expenses (even though the education may lead to a degree) if the education—

(1) Maintains or improves skills required by the individual in his present employment or other trade or business, or

(2) Meets the express requirements of the individual's employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the individual of an established employment relationship, status, or rate of compensation.

(b) *Nondeductible educational expenditures—*(1) *In General.* Educational expenditures described in subparagraphs (2) and (3) of this paragraph are personal or capital expenditures, or have elements of both, and, therefore, are not deductible as ordinary and necessary business expenses even though they may maintain or improve skills required by the individual in his present employment or other trade or business or may meet the express requirements of the individual's employer or of applicable law or regulations.

(2) *Minimum educational requirements.* (i) The first category of nondeductible capital or personal educational expenses are expenditures made by an individual for education which is required of him in order to meet the minimum educational requirements for qualification in his present employment or other trade or business. The minimum education necessary to qualify for a position or other trade or business must be determined from a consideration of such factors as the requirements of the employer, the applicable law and regulations, and the standards of the profession, trade, or business involved. The fact that an individual is already performing service in an employment status does not establish that he has met the minimum educational requirements for qualification in that employment. Once an individual has met the minimum educational requirements for qualification in his present employment or other trade or business, he shall be treated as continuing to meet those requirements even though they are subsequently changed.

(ii) The minimum educational requirements for qualification of a particular individual in a position in an educational institution is the minimum level of education (in terms of college hours or degree) which under the applicable laws or regulations, in effect at the time this individual is first employed in such position, is normally required of an in-

dividual initially being employed in such a position. If there are no normal requirements as to the minimum level of education required for a position in an educational institution, then an individual in such a position shall be considered to have met the minimum educational requirements for qualification in that position when he becomes a member of the faculty of the educational institution. The determination of whether an individual is a member of the faculty of an educational institution must be made on the basis of the particular practices of the institution. However, an individual will ordinarily be considered to be a member of the faculty of an institution if (a) he has tenure or his years of service are being counted toward obtaining tenure; (b) the institution is making contributions to a retirement plan in respect of his employment; or (c) he has a vote in faculty affairs.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). General facts: State X requires a bachelor's degree for beginning secondary school teachers which must include 30 credit hours of professional education courses. In addition, in order to retain his position, a secondary school teacher must complete a fifth year of preparation within 10 years after beginning his employment. If an employing school official certifies to the State Department of Education that applicants having a bachelor's degree and the required courses in professional education cannot be found, he may hire individuals as secondary school teachers if they have completed a minimum of 90 semester hours of college work. However, to be retained in his position, such an individual must obtain his bachelor's degree and complete the required professional education courses within 3 years after his employment commences. Under these facts, a bachelor's degree is considered to be the minimum educational requirement for qualification as a secondary school teacher in State X. The following are examples of the application of these facts in particular situations:

Situation 1. A, at the time he is employed as a secondary school teacher in State X, has a bachelor's degree including 30 credit hours of professional education courses. After his employment, A completes a fifth college year of education and, as a result, is issued a standard certificate. The fifth college year of education undertaken by A is not education required to meet the minimum educational requirements for qualification as a secondary school teacher.

Situation 2. Because of a shortage of applicants meeting the stated requirements, B, who has a bachelor's degree, is employed as a secondary school teacher in State X even though he has only 20 credit hours of professional education courses. After his employment, B takes an additional 10 credit hours of professional educational courses. These courses do not constitute education required to meet the minimum educational requirements for qualification as a secondary school teacher.

Situation 3. Because of a shortage of applicants meeting the stated requirements, C

is employed as a secondary school teacher in State X although he has only 90 semester hours of college work towards his bachelor's degree. After his employment, C undertakes courses leading to a bachelor's degree. These courses (including any courses in professional education) constitute education required to meet the minimum educational requirements for qualification as a secondary school teacher.

Situation 4. Subsequent to the employment of A, B, and C, but before they have completed a fifth college year of education, State X changes its requirements affecting secondary school teachers to provide that beginning teachers must have completed 5 college years of preparation. In the cases of A, B, and C, a fifth college year of education is not considered to be education undertaken to meet the minimum educational requirements for qualification as a secondary school teacher.

Example (2). D, who holds a bachelor's degree, obtains temporary employment as an instructor at University Y and undertakes graduate courses as a candidate for a graduate degree. D may become a faculty member only if he obtains a graduate degree and may continue to hold a position as instructor only so long as he shows satisfactory progress towards obtaining this graduate degree. The graduate courses taken by D constitute education required to meet the minimum educational requirements for qualification in D's intended trade or business and, thus, the expenditures for such courses are not deductible.

Example (3). E, who has completed 2 years of a normal 3-year law school course leading to a bachelor of laws degree (LL.B.), is hired by a law firm to do legal research and perform other functions on a full-time basis. As a condition to continued employment, E is required to obtain an LL.B. and pass the State bar examination. E completes his law school education by attending night law school, and he takes a bar review course in order to prepare for the State bar examination. The law courses and bar review course constitute education required to meet the minimum educational requirements for qualification in E's intended trade or business and, thus, the expenditures for such courses are not deductible.

(3) Qualification for new trade or business, position, or specialty. (i) The second category of nondeductible capital or personal educational expenses are expenditures made by an individual for education which is part of a program of study being pursued by him which will lead to qualifying him in a new trade or business, position, or specialty. A change of duties does not constitute a new position or specialty if the new duties involve the same general type work as is involved in the individual's present employment. For this purpose, all teaching and related duties shall be considered to involve the same general type of work. The following are examples of changes in duties which do not constitute new positions or specialties:

(a) Elementary to secondary school classroom teacher.

(b) Classroom teacher in one subject (such as mathematics) to classroom teacher in another subject (such as science).

(c) Classroom teacher to guidance counselor.

On the other hand, a change in duties from a classroom teacher to principal constitutes a new position. Thus, if a

classroom teacher undertakes a program of study which will lead to qualifying him to become a principal, the expenditures for such education are nondeductible even though some or all of the courses in the program also satisfy requirements for the retention of his teaching position.

(ii) The application of this subparagraph to individuals other than teachers may be illustrated by the following examples:

Example (1). A, a general practitioner of medicine, takes a course of study which qualifies him as a specialist in pediatrics. A's expenses for such education are not deductible because of course of study qualifies him for a new specialty.

Example (2). B, a self-employed certified public accountant, attends law school at night and after completing his law school studies receives a bachelor of laws degree. The expenditures made by B in attending law school are nondeductible because this course of study qualifies him for a new trade or business.

Example (3). Assume the same facts as in example (2) except that B is employed by an accounting firm, rather than self-employed, and that his employer requires him to obtain a bachelor of laws degree. B intends to remain as an employee of the accounting firm. Nevertheless, the expenditures made by B in attending law school are not deductible since this course of study qualifies him for a new trade or business.

Example (4). C, a general practitioner of medicine, takes a 2-week course reviewing new developments in several specialized fields of medicine. C's expenses for the course are deductible because the course maintains or improves skills required by him in his trade or business and does not qualify him for a new specialty within his trade or business.

(c) Deductible educational expenditures—(1) Maintaining or improving skills. The deduction under the category of expenditures for education which maintains or improves skills required by the individual in his present employment or other trade or business includes refresher courses or courses dealing with current developments. In addition, a deduction may also be allowable under this category for expenditures for academic or vocational courses provided such expenditures are not within one of the categories of capital or personal expenditures described in paragraph (b) of this section.

(2) Meeting requirements of employer. An individual is considered to have undertaken education in order to meet the express requirements of his employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the taxpayer of his established employment relationship, status, or rate of compensation only if such requirements are imposed for a bona fide business purpose of the individual's employer. Only the minimum education necessary to the retention by the individual of his established employment relationship, status, or rate of compensation may be considered as undertaken to meet the express requirements of the taxpayer's employer. However, education in excess of such minimum education may qualify as education undertaken in order to maintain or improve the skills required by the taxpayer in his

present employment or other present trade or business (see subparagraph (1) of this paragraph). In no event, however, is a deduction allowable for expenditures for education which, even though for education required by the employer or applicable law or regulations, are within one of the categories of capital or personal expenditures described in paragraph (b) of this section.

(d) Travel as a form of education. In general, an individual's expenditures for travel (including travel while on sabbatical leave which travel has no direct relationship to the conduct of the individual's trade or business) as a form of education are personal in nature and, therefore, not deductible.

(e) Travel away from home. (1) If an individual travels away from home primarily to obtain education the expenses of which are deductible under this section, his expenditures for travel meals, and lodging while away from home are deductible. However, if as an incident of such trip the individual engages in some personal activity such as sightseeing, social visiting, or entertaining, or other recreation, the portion of the expenses attributable to such personal activity constitutes nondeductible personal or living expenses and is not allowable as a deduction. If the individual's travel away from home is primarily personal, the individual's expenditures for travel, meals and lodging (other than meals and lodging during the time spent in participating in deductible educational pursuits) are not deductible. Whether a particular trip is primarily personal or primarily to obtain education the expenses of which are deductible under this section depends upon all the facts and circumstances of each case. An important factor to be taken into consideration in making the determination is the relative amount of time devoted to personal activity as compared with the time devoted to educational pursuits. The rules set forth in this paragraph are subject to the provisions of section 162(a)(2), relating to deductibility of certain traveling expenses, and section 274(c) and (d), relating to allocation of certain foreign travel expenses and substantiation required, respectively, and the regulations thereunder.

(2) Examples. The application of this subsection may be illustrated by the following examples:

Example (1). A, a self-employed tax consultant, decides to take a 1-week course in new developments in taxation, which is offered in City X, 500 miles away from his home. His primary purpose in going to X is to take the course, but he also takes a side trip to City Y (50 miles from X) for 1 day, takes a sightseeing trip while in X, and entertains some personal friends. A's transportation expenses to City X and return to his home are deductible but his transportation expenses to City Y are not deductible. A's expenses for meals and lodging while away from home will be allocated between his educational pursuits and his personal activities. Those expenses which are entirely personal, such as sightseeing and entertaining friends, are not deductible to any extent.

Example (2). The facts are the same as in example (1) except that A's primary purpose in going to City X is to take a vacation. This purpose is indicated by several factors, one of which is the fact that he spends only 1 week attending the tax course and devotes 5 weeks entirely to personal activities. None of A's transportation expenses are deductible and his expenses for meals and lodging while away from home are not deductible to the extent attributable to personal activities. His expenses for meals and lodging allocable to the week attending the tax course are, however, deductible.

Example (3). B, a high school mathematics teacher in New York City, in the summertime travels to a university in California in order to take a single 3-hour mathematics course the expense of which is deductible under this section. A full course of study for the summer session is 12 hours. Since B is pursuing only one-fourth of a full course of study and the remainder of her time is devoted to personal activities the expense of which is not deductible, absent other compelling circumstances, the trip is considered taken primarily for personal reasons and the cost of traveling from New York City to California and return would not be deductible. However, one-fourth of the cost of B's meals and lodging while attending the university in California may be considered properly allocable to deductible educational pursuits and, therefore, is deductible.

PAR. 2. Paragraph (b) of § 1.262-1 is amended by adding a subparagraph (9) at the end thereof which reads as follows:

§ 1.262-1 Personal, living, and family expenses.

(b) *Examples of personal, living, and family expenses.* * * *

(9) Expenditures made by a taxpayer in obtaining an education or in furthering his education are not deductible unless they qualify under section 162 and § 1.162-5 (relating to trade or business expenses).

[F.R. Doc. 66-10800; Filed, Sept. 30, 1966; 12:51 p.m.]

[26 CFR Part 1]

EXPENSES FOR EDUCATION

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 162 of the Code relating to expenses for education appears in this issue of the *FEDERAL REGISTER* (supra).

A public hearing on the provisions of this proposed amendment to the regulations will be held starting on Tuesday, November 15, 1966, at 10 a.m. e.s.t., and continuing if necessary on November 16. The hearing will be held in the Auditorium of the Smithsonian Institution, Natural History Building, 10th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by

November 10, 1966, telephone (Washington, D.C.—area code 202-964-3935).

Lester R. Uretz,
Chief Counsel.

BY: JAMES F. DRING,
Director, Legislation and
Regulations Division.

[F.R. Doc. 66-10801; Filed, Sept. 30, 1966; 12:51 p.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1005]

[Docket No. AO-177-A27]

MILK IN TRI-STATE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tri-State marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the third day after publication of this decision in the *FEDERAL REGISTER*. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Charleston, W. Va., on September 7-8, 1966, pursuant to notices thereof which were issued August 18, 1966 (31 F.R. 11149) and August 24, 1966 (31 F.R. 11397).

The material issues on the record of the hearing relate to:

1. Reload point,
2. Pricing diverted milk,
3. Pooling standards for supply plants, and
4. Producer definition.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Reload point.* Milk moved from the farm of a producer to a reload point and then to a pool plant should be priced at the location of the reload point. A reload point should be defined as a location at which milk moved from a farm in a

tank truck is commingled with other milk before entering a plant. A reload operation on the premises of a plant, however, would be considered a part of the plant operation and not a reload point under the order.

The order does not now define a reload point. Bulk tank milk that is assembled and reloaded at such a point for movement to a pool plant is now priced at the location of the pool plant where received. Until April of this year, there was no such operation under the Tri-State order. Since April, milk received from dairy farmers at a reload point in Madison, Wis., has been pooled under the order because of its receipt at the Athens, Ohio, plant of a Tri-State handler.

The milk of the approximately 50 producers shipping to the Madison reload point is purchased by the Tri-State handler through the producers' cooperative. The handler pays the cooperative for the milk delivered to the reload point at the f.o.b. Athens price. Milk delivered to the reload point that is not needed by the Athens handler is diverted to a non-pool plant at Norwalk, Wis., about 100 miles from Madison. The milk that is diverted to the Norwalk plant is sold back to the cooperative by the Athens handler at the Class II price.

Each producer whose milk is assigned for delivery to the Madison reload point pays 18 cents per hundredweight for hauling. This is the only hauling cost paid directly by him. All other hauling of his milk, whether to Athens, Ohio, or Norwalk, Wis., is borne collectively by the cooperative. The hauling cost for moving milk from Madison to Athens is 75 cents per hundredweight. For milk moved from Madison to Norwalk, the cooperative pays 20 cents per hundredweight.

The function of a reload point approximates that of a supply plant in that milk is assembled at such place for movement to the market. It serves for a distributing plant an essential function that is customarily performed by a supply plant. Facilities at a reload point do not have the permanence of a supply plant. This is because reload points are maintained only for the purpose of transferring milk from farm pickup tank trucks to larger tank trucks. Reload operations do not have the receiving facilities and holding tanks that supply plants must have. Hence, they cannot be expected to perform as a supply plant in all respects and should not be treated for all order purposes as a supply plant.

Currently under the order, milk which is received from the farm of a producer at a supply plant is priced at the location of the supply plant. Since the assembly function of the reload point is similar to that of the supply plant, it is appropriate that milk received at a reload point be priced in the same manner as milk received at a supply plant.

As provided elsewhere in this decision, a supply plant that qualifies monthly as a pool plant in September through March obtains pool plant status for the following April-August, whether or not any milk is shipped from the supply plant to

pool distributing plants in these latter months. Producers delivering to a reload point would, in effect, receive the same consideration. That is, their milk could be moved as diverted milk to nonpool plants throughout the months of April-July if they had otherwise qualified as producers under the order. This is because the order provides for unlimited diversion during these months.

For August-March, the diversion provisions of the order enable a producer to divert up to 50 percent of his monthly deliveries. This is comparable to the actual shipments required to be made from a supply plant to qualify as a pool plant. As proposed in this decision, a supply plant would have to ship 50 percent of its monthly receipts from dairy farmers to pool distributing plants in September-November to qualify for pooling and 40 percent monthly in other months. Hence, even if it were otherwise justified, no advantage would accrue to producers delivering to a reload point by having such reload point designated as a supply plant.

Pricing producer milk at the location of a reload point was proposed by the major producer associations in the market. They claim that the present arrangement whereby producer milk may be received by a handler from a distant reload point and be priced at his plant enables the handler to purchase milk for manufacturing purposes and utilize the pool to pay for the transportation.

The present absence in the order of a provision for reload point pricing has provided an advantage to handlers. A handler in the market buying milk from a supply plant for Class II use normally would have to assume the cost of moving the milk to his plant. However, a handler receiving milk from a reload point for Class II use does not now bear the cost of hauling the milk. The outlying bulk tank producer receives the uniform price f.o.b. market and bears the cost of hauling the milk to the market, regardless of the use made of his milk by the handler. The purchasing handler, therefore, is provided a significant advantage on distant milk so assembled for Class II purposes as compared to buying distant milk through a supply plant for similar use.

Establishing the reload point as the point of pricing would reduce the incentive to move distant milk at producers' expense to the market for Class II use. Uniform prices to producers would be enhanced since milk moved through the reload point would be priced at that location and the consequent savings on transportation applicable to the Class II portion of such milk would be reflected in the uniform price.

The Class II utilization of the Athens handler receiving milk from the Madison reload point has increased greatly since he began receiving milk from the reload point in April. In April through July in 1964 and 1965, his Class II utilization was 2.45 million and 2.36 million pounds, respectively. His April-July 1966 Class II utilization was 7.84 million. In the most recent month for which data were available at the time of the hearing, July 1966,

the handler's Class II utilization was 2.25 million pounds compared to 0.57 million in each of the months of July in 1964 and 1965.

In July 1966, the Tri-State Class II price was \$4.05 and the Athens district uniform price \$4.98, a difference of 93 cents. Producers claim that the handler's cost of the Class II milk received from the Madison reload point is now subsidized through the pool by this 93-cent difference. If the handler purchased the Class II milk at the Madison location, his cost under the order would be \$4.05 plus the cost of moving the milk from Madison to Athens.

In each month since the Athens handler began receiving milk from the Madison reload point, the quantities thus received have been less than his monthly Class II utilization. Apparently, the receipts from the reload point are used primarily in the manufacture of Class II products. A representative of the Athens handler testified that the reason for the handler's expanded Class II utilization in recent months was to supply the Class II product requirements of recently acquired Class I outlets.

It is not the purpose of the order to maintain a supply of Class II milk for the market. The Class I prices in the order are established on the basis of maintaining an adequate supply, including necessary reserves, of Class I milk for the market. Including in the pool, milk that is not intended to supply the market's Class I needs, but that will be used primarily for the manufacture of Class II products, will tend to reduce the uniform price to all producers. This will tend to impair the maintenance of an adequate supply of milk for Class I use from those producers on whom the market regularly depends for its Class I needs.

When milk from the producers supplying the Madison reload point is not needed by the Athens handler, it is moved as diverted milk to a nonpool plant for manufacturing purposes. It will be no less practicable to maintain in the Madison vicinity the manufacture of the Class II products that are now manufactured at the Athens plant. Unless the milk is used as part of the Class I supply of the market, it is not economically justifiable to move it in the form of whole milk from a distant location to the market for manufacturing use instead of manufacturing it at facilities in or near the production area.

The cost of moving manufactured milk products is but a small fraction of moving their whole milk equivalent. Consequently, there is little difference in the value of milk used in manufactured products that is associated with the location of the plant receiving the milk. The present location adjustment provisions of the order are established on the basis of moving only whole milk to the market for Class I purposes. Under current conditions in the Tri-State market, it is economically inappropriate to encourage through the present order provisions the movement of whole milk to the market at producers' expense for manufacturing.

It is necessary in conjunction with reload point pricing that a handler re-

ceive a location adjustment credit from the pool for moving milk from a reload point to the market for Class I use. Under reload point pricing, the producer would incur only the cost of moving the milk to the reload point and the handler would assume the cost of hauling the milk to the market where it is used. Such credit would achieve a high degree of uniformity of milk prices to handlers f.o.b. market regardless of the location where handlers may acquire the milk. The order now provides a similar location adjustment credit on milk which is moved to the market from a supply plant and assigned to Class I.

Because the pool would bear the handler's cost (the location adjustment) of moving the milk to market from a reload point, it is also necessary to assure that the location adjustment credit be allowed only when there is a bona fide need for milk for Class I use at the handler's plant. Otherwise, the handler could obtain milk from distant sources and claim Class I use for it, and thus receive the location credit, while at the same time receive milk from nearer sources and assign this milk to Class II. This would result in the pool unnecessarily bearing the cost of moving milk from the more distant sources to the market when, in fact, the milk was not needed for Class I use.

As was indicated, it is economically unjustifiable to move whole milk from a distant location to the market for manufacturing purposes. The incentive for such movement of milk would remain, however, if a handler could receive a pool credit on milk moved from a reload point without regard to actual need for Class I use. Accordingly, it is necessary as an integral part of reload point pricing that the order provide a means of determining when a handler location adjustment credit is appropriate.

Because this concept is no less applicable to receipts of milk from a supply plant than from a reload point, the provision for handler location adjustment credits should apply to both types of sources of milk.

For the purpose of computing such credit, the order should provide that fluid milk products received at a pool plant from other pool plants and reload points shall be assigned to any Class I milk at such pool plant that is in excess of the sum of producer milk receipts (except receipts from reload points) at the plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment should be made first to receipts from plants and reload points at which no location adjustment is applicable and then in sequence beginning with receipts from the plant or reload point at which the lowest location adjustment is applicable.

This sequential assignment of milk will provide an equitable basis for facilitating the movement of milk from pool plants and reload points for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk from pool plants and reload points for other than Class I purposes at the expense of

producers supplying the Class I market. Such assignment, which is commonly provided in other Federal orders, is required to effectuate the reload point location adjustment provisions for the reasons stated.

2. *Pricing diverted milk.* Milk that is diverted from a pool plant to a nonpool plant should be priced at the location of the nonpool plant. Presently, diverted milk is priced at the location of the pool plant from which diverted.

A change in the pricing of diverted milk was proposed by cooperatives in the market. They proposed that milk diverted to a nonpool plant located more than 125 miles from the cities in the market designated as pricing points be priced at the plant to which diverted. In the case of milk diverted to less distant plants, the present manner of pricing would continue to apply.

Pricing diverted milk at the location of the pool plant from which diverted provides an incentive to both handlers and dairy farmers to pool milk supplies under the order which are not needed in the order market and which may have no real association with the Class I market. This makes it possible to exploit the pool by diverting milk to manufacturing plants and negates the incentive to make milk available for the market's Class I needs. Moreover, it results in producers in the market paying (through the pool) a transportation cost to the market on milk which is not moved to the market and on which an equivalent transportation charge is not incurred.

As indicated elsewhere in this decision, milk is now diverted from an Athens pool plant to a nonpool plant in Wisconsin, more than 500 miles from Athens. When this milk is received at the Athens pool plant, the hauling charge incurred on such milk from the farm to the Athens plant is 93 cents. However, the hauling cost incurred when the milk is moved to the nonpool plant from the farm as diverted milk is 18 to 38 cents. The Wisconsin producers supplying the Athens plant pay (through their cooperative) 75 cents per hundredweight for hauling their milk from the Wisconsin reload point to Athens. This approximates the location adjustment under the order for milk moved to Athens from the Wisconsin location. When the milk is not so moved, the cooperative saves the 75-cent hauling cost. Because the diverted milk is now priced f.o.b. Athens, the producers whose milk is diverted receive the uniform price applicable at Athens rather than that applicable at the nonpool plant where their milk was actually received. The difference between these prices (the location adjustment) is paid from the pool to these producers at the expense of all producers sharing in the pool proceeds.

The mileage limitation proposed by the cooperatives should not be adopted. For purposes of pricing diverted milk, there is no reason to differentiate in this market between various distances to which milk is diverted. The uniform price for such milk would be affected proportionately to the distance that milk is diverted.

3. *Pooling standards for supply plants.* The present basis on which a supply plant may qualify as a pool plant should be changed. A supply plant should be required to ship to pool distributing plants in September, October, and November at least 50 percent of its monthly Grade A receipts, and in any other month at least 40 percent of such receipts. A supply plant that is pooled in each of the months of September through March should be accorded pool plant status in April through August.

A supply plant may now qualify as a pool plant in any month in which not less than 50 percent of its Grade A receipts is shipped to pool distributing plants. A supply plant that is pooled in each of the months of September through December automatically qualifies as a pool plant in the following January through August period.

Several cooperatives proposed that the monthly shipping requirement be lowered to 40 percent. They proposed also that the present September-December period used for establishing automatic pool plant status be extended to include January, February, and March. Under their proposal, a supply plant qualifying for automatic pooling for the April-August period would have to ship to pool distributing plants during the September-March period an average of not less than 50 percent of its Grade A receipts.

Proponents stated that these changes are necessary to assure that a pool supply plant sharing in the Class I proceeds of the market is supplying the market when supplemental supplies are needed to meet handlers' Class I requirements. They cited recent problems which handlers operating distributing plants in the tristate market had in obtaining milk supplies from a pool supply plant at Circleville, Ohio.

The difficulties experienced in obtaining milk from the Circleville plant apparently stemmed from the plant's loss for a period of time of its status under the U.S. Public Health Code as a qualified "interstate milk shipper." Thus, milk from this Ohio plant was ineligible under the West Virginia health requirements to be received at distributing plants in West Virginia. The supply plant's pool status was not affected, though, as milk from the plant was eligible for distribution in the Ohio portion of the marketing area. Moreover, it was not necessary for the plant to ship milk to distributing plants at the time the milk supplies were sought because the plant was operating as an automatically qualified pool plant. A representative of the Circleville plant testified, however, that at the time of the hearing (September, a qualifying month for automatic pooling) the plant was qualified as an "interstate milk shipper."

The Circleville plant is the only supply plant that has been associated with the market on a regular basis. The plant has been customarily relied upon by Tri-State handlers as a source of supplemental milk supplies for Class I use. The plant also manufactures milk which

is surplus to the fluid needs of the market.

Shipping standards are the basis used for determining which supply plants are an integral part of the market and constitute a source of regular and dependable supplies for the market. They are intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

Shipping requirements serve the added purpose of assuring that handlers engaged in bottling and distribution operations in the market are able to obtain milk from pool supply plants for their fluid milk requirements. Without such requirements, supply plants may tend to keep milk at their plants for manufacturing when it is to their advantage to do so. In this circumstance, milk supplies would be associated with the market for manufacturing rather than fluid purposes, and returns to producers supplying the Class I needs of handlers would be inappropriately lowered.

The present pooling standards do not provide the necessary assurance that a pool supply plant will make qualified milk available to the market on a regular and dependable basis. Extending the present qualifying period for future automatic pooling would tend to provide such assurance. The benefits received by a supply plant which is allowed to be pooled without supplying the market are generally recognized. A plant with a Class I utilization lower than the average for the market is able to provide its dairy farmers with returns higher than would be possible if the plant were not pooled. This gives the plant operator an incentive to ship milk to distributing plants during the qualifying period for automatic pooling.

Lowering the shipping requirements for the months of December through August to 40 percent of a supply plant's Grade A receipts recognizes, on the other hand, handlers' lesser need during this time than in the fall months for supplemental supplies. In December, the demand for fluid milk products drops because of the customary closing of schools and colleges. Demand is similarly affected in the summer months for this reason. During the spring months, milk production is seasonally higher while demand remains relatively constant. It is not expected that the lower shipping requirements would attract additional milk supplies to the market for manufacturing purposes.

4. *Producer definition.* The proposal which would restrict the health approval of a producer to that given by local authorities in the marketing area should not be adopted.

The order now provides that to qualify as a producer a dairy farmer must produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority.

Cooperatives in the market proposed that producer status be accorded only to those dairy farmers who produce milk approved by the appropriate health authority in the marketing area. Under

their proposal, those dairy farmers not having such approval, even though their milk meets the Grade A inspection requirements of another health authority, would not be eligible to qualify as producers.

Producer status under the Tri-State order should not be contingent upon the health approval of authorities in a particular area. Such agencies tend to limit the scope of their dairy farm inspection to relatively nearby farms. Adoption of the cooperatives' proposal, therefore, would tend to limit the dairy farmers who may become associated with the Tri-State market.

Any dairy farmer producing Grade A milk, wherever located, should be eligible under the terms of the order to ship milk to a Tri-State pool plant. To provide otherwise would not tend to effectuate the purposes of the Act.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Tri-State marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1005.11(b) is revised to read as follows:

§ 1005.11 Pool plant.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

2. Section 1005.15 is revised to read as follows:

§ 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant, at a reload point or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

3. Section 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which

diverted: *Provided*, That in any month, August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

4. A new § 1005.19 is added to read as follows:

§ 1005.19 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

5. In § 1005.32, a new paragraph (d) is added to read as follows:

§ 1005.32 Other reports.

(d) Each handler receiving milk from a reload point shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk received from such reload point.

6. Section 1005.53 is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants and reload points at a pool plant shall be assigned any remainder of Class I milk at such plant that is in excess of the sum of producer milk receipts at the plant (excluding such receipts from reload points) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants and reload points at which no location adjustment is applicable pursuant to this section and then in sequence beginning with receipts from the plant or reload point with the lowest applicable location adjustment.

7. Section 1005.72 is revised to read as follows:

§ 1005.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a pool plant shall be reduced as follows:

(1) Except as provided in paragraph (b) of this section, according to the location of the pool plant at the rates set forth in § 1005.53; and

(2) Additionally, at a pool plant at which the Gallipolis-Scioto or Athens district Class I price is applicable at the rate of 10 cents and 20 cents, respectively.

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of computations pursuant to § 1005.74(b), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

Signed at Washington, D.C., on September 27, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10699; Filed, Sept. 30, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

INORGANIC BROMIDES IN OAT FLOUR

Tolerance for Residues; Decrease

A petition (FAP 4H1474) was filed by Ferguson Fumigants, Inc., 93 Ford Lane, Hazelwood, Mo. 63042, proposing the issuance of a regulation to provide for the safe use of a mixture of methyl bromide and ethylene dibromide as a fumigant of flours derived from the cereal grains barley, corn, milo (sorghum), oats, rice, rye, and wheat. In an order published elsewhere in this issue of the FEDERAL REGISTER, tolerances of 125 parts per million for inorganic bromides (calculated as Br) in the flours of barley, corn, milo (sorghum), rice, rye, and wheat are being established.

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, has concluded that the present tolerance of 200 parts per million for oat flour should be decreased, as proposed below, to 125 parts per million since a tolerance no higher than that level is needed for the residues likely to occur.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 C.F.R. 2.120; 31 F.R. 3008), it is proposed that Part 121 be amended in Subpart D in the following respects:

§ 121.1020 [Amended]

1. By changing in paragraph (b) of § 121.1020 *Inorganic bromides* the tolerance "200 parts per million in or on oat flour" to read "125 parts per million in or on oat flour."

2. By revising § 121.1133(c) to read as follows:

§ 121.1133 Fumigants for grain mill machinery.

(c) Residues of inorganic bromides (calculated as Br) in milled fractions derived from cereal grain from all fumigation sources, including fumigation of grain-mill machinery, shall not exceed 125 parts per million.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10723; Filed, Sept. 30, 1966; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

Notice is hereby given that the Administrator of the Small Business Administration (SBA) proposes to amend the Small Business Size Standards Regulation (Revision 6), as amended, by establishing a new definition of a small business concern for the purpose of bidding on Government procurements for refined petroleum products other than lubricants and miscellaneous petroleum products.

Under the present definition a small business concern for the purpose of furnishing a refined petroleum product, is one which does not exceed 1,000 persons and does not have more than 30,000 barrels-per-day crude oil capacity from owned or leased facilities. The same definition presently applies to a concern which does not engage in petroleum refining but which blends petroleum products from components purchased from large or small refiners.

One of the primary purposes of making small business set-asides for refined petroleum products is to preserve the productive capacity of small refiners and to assist them in competing in this increasingly highly concentrated industry.

It has been alleged that these objectives would not be accomplished if concerns which are not themselves refiners, offer for sale petroleum products which they produce from materials acquired from concerns that do not qualify as small business concerns, through a process other than that commonly accepted as refining, are allowed to qualify as small business in connection with government procurements of refined petroleum products.

Preliminary studies of the history of procurements in this field suggest that there may be merit to the above view. For this reason the Small Business Administration is considering revising its regulation to accomplish the objectives set forth above.

Interested persons may file with the Small Business Administration within 15 days after publication in the FEDERAL REGISTER written statements of facts, opinions or arguments concerning the proposed definitions.

All correspondence shall be addressed to:

Deputy Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to change the definition of a small business concern for the purpose of bidding on Government procurements for a refined petroleum product as follows:

The Small Business Size Standards (Revision 6), (31 F.R. 9721) as amended (31 F.R. 10114, 11651, 11973), is hereby further amended by:

1. Revising § 121.3-8(b) and the final sentence of (c), and by adding a new paragraph (g) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(c) * * * If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks, No. 2952, Asphalt felts and coatings, No. 2992, Lubricating oils and greases or No. 2999, Products of petroleum and coal, not elsewhere classified, paragraph (g) of this section is for application.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, Products of petroleum and coal, not elsewhere classified, is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities, and (iii) if the product to be delivered in the performance of the contract will contain at least 50 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however,* That

a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph above may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement in effect on the date of the bid or offer between the bidder and offeror and the refiner of the product to be delivered: *Provided,* That the exchange agreement requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes any monetary settlement, that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further,* That the exchange of products for

products to be delivered to the Government, will be completed within 90 days after expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

2. Deleting from Schedule B of Part 121 the size standard for Standard Industrial Classification Industry No. 2911, Petroleum refining.

Dated: September 26, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-10695; Filed, Sept. 30, 1966;
8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3—G]

PIG IRON FROM U.S.S.R.

Antidumping Proceeding Notice

SEPTEMBER 23, 1966.

On September 1, 1966, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs regulations indicating a possibility that pig iron imported from the U.S.S.R. is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

The information was submitted by Congressman Thaddeus J. Dulski of New York.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation pursuant to § 14.6(d) (1) (i) of the Customs regulations and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2), and (3) of the Customs regulations to determine the validity of the information.

A summary of information received from all sources is as follows: Information received indicates that the net price of pig iron from the U.S.S.R. for export to the United States is generally lower than the net price of comparable pig iron sold for home consumption in countries not having a state-controlled economy, suggesting the possibility of sales at less than fair value within the meaning of the Antidumping Act of 1921.

This notice is published pursuant to § 14.6(d) (1) (i) of the Customs regulations (19 CFR 14.6(d) (1) (i)).

[SEAL]

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-10697; Filed, Sept. 30, 1966;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

FORT SUMTER TOURS, INC.

Notice of Intention to Extend Concession Contract Regarding Facilities and Services in Fort Sumter National Monument

Pursuant to the provisions of Section 5, Public Law 89-249, public notice is

hereby given that the Department of the Interior, through the Director, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to extend for the period January 1, 1967, through December 31, 1967, the concession contract under which Fort Sumter Tours, Inc., provides concession facilities and services for the public in Fort Sumter National Monument.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: September 29, 1966.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 66-10749; Filed, Sept. 30, 1966;
8:48 a.m.]

Office of the Secretary

STANLEY MILTON SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) Delete Mid America Mutual Fund.
- (3) None.
- (4) None.

This statement is made as of September 20, 1966.

Dated: September 20, 1966.

S. M. SWANSON.

[F.R. Doc. 66-10712; Filed, Sept. 30, 1966;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(65)-53]

ELECTRONIC ENTERPRISE AND HO CHEE CHOON

Order Denying Export Privileges for Indefinite Period

In the matter of Electronic Enterprise and Ho Chee Choon, 9 Leng Kee Road, Singapore, and 83-A Kim Keat Avenue, Singapore, respondents; File No. 23(65)-53.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because said respondents, without good cause being shown, failed to furnish responsive answers to interrogatories and to make available for inspection commodities exported from the United States which were consigned to Electronic Enterprise. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that the respondent firm Electronic Enterprise deals in electrical and electronic instruments and is located in Singapore; that the respondent Ho Chee Choon is the owner and manager of said firm; that the aforesaid Investigations Division is conducting an investigation as to the location, or disposition by said respondents, of certain strategic U.S.-origin commodities exported from the United States and consigned to Electronic Enterprise; that the purpose of said investigation is to ascertain whether said respondents re-exported or traded in said commodities in violation of the U.S. Export Regulations. It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to section 382.15 of the Export Regulations. Said respondents have failed to furnish responsive answers to all of said interrogatories as required by said section. The respondents were also requested to make available for inspection certain commodities exported from the United States which were consigned to Electronic Enterprise. The respondents have failed to do so. They have not shown good cause for their failure to furnish answers to all of the interrogatories or to make the commodities available for inspection.

I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them and comply with the request to make available for inspection the commodities specified, or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use,

sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: September 26, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-10708; Filed, Sept. 30, 1966;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16928, etc.]

DETROIT-TORONTO, ERIE-TORONTO ROUTE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 12, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 27, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10709; Filed, Sept. 30, 1966;
8:46 a.m.]

[Docket No. 16901, etc.]

LOS ANGELES/CHICAGO-TORONTO SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 19, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 28, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10710; Filed, Sept. 30, 1966;
8:46 a.m.]

[Docket No. 17438]

WINGS AND WHEELS EXPRESS, INC.

Notice of Postponement of Hearing

Notice hereby is given that hearing in the above-indicated proceeding, now scheduled to be held October 4, 1966, is postponed until October 5, 1966, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 28, 1966.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 66-10711; Filed, Sept. 30, 1966;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16509-16519; FCC 66M-1290]

MICROWAVE COMMUNICATIONS, INC. ET AL.

Order Regarding Procedural Dates

In re applications of Microwave Communications, Inc. et al.; Docket No. 16509, File No. 4615-C1-P-64; for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Chicago, Ill., St. Louis, Mo., and intermediate points; Docket Nos. 16510, 16511, 16512, 16513, 16514, 16515, 16516, 16517, 16518, 16519.

On September 23, 1966, counsel for Microwave Communications, Inc. filed a motion for continuance of procedural dates. Movant says that "[a]dditional time is required by the applicant * * * for the completion of its direct written case because of the unexpected death on September 10, 1966, of the senior member of the law firm which represents MCI and the heavy workload placed on surviving members of the firm." Because the earliest of the dates, September 30, 1966, falls before the expiration of the time within which to file responses to the motion, the Hearing Examiner is exercising his discretion, under Rule 1.298, to act "without waiting for the filing of responsive pleadings."

It is ordered, This 27th day of September 1966, that the motion is granted, and procedural dates or extended as follows:

	From	To
Applicant to furnish its direct written case to other parties and Hearing Examiner.	Sept. 30	Oct. 31, 1966
Petitioners to furnish their direct written cases to applicant and Hearing Examiner.	Oct. 21	Nov. 21, 1966
Receipt of notification of witnesses for cross-examination.	Oct. 31	Nov. 30, 1966
Hearing-----	Nov. 7	Dec. 7, 1966

Released: September 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10714; Filed, Sept. 30, 1966;
8:46 a.m.]

[Docket No. 14855; FCC 66M-1288]

NORTHERN INDIANA BROADCASTERS, INC.

Memorandum Opinion and Order Continuing Hearing

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Ind.; Docket No. 14855, File No. BP-14771; for construction permit.

1. Here under consideration is a pleading entitled, "Request for Extension of Dates for Hearing Proceeding," filed by counsel for South Bend on September 22, 1966. The pleading asks that the hearing now scheduled for September 28, 1966, be continued to October 19, 1966.

2. South Bend marshals the following arguments in support of its request. The Examiner has already once continued hearing at the request of the applicant. Applicant has furnished other parties with that portion of its showing which it was obligated to exchange pursuant to prehearing arrangements and the material is voluminous. The 9-day time span now provided between exchange and hearing furnishes inadequate time within which to prepare for hearing. All parties agree to the requested continuance.

3. In view of the last mentioned consideration, particularly, the Examiner is disposed to grant the request. He does so in the belief that all things considered such action will tend to facilitate rather than delay close of the record. In doing so, we would like to point out that here involved is an application for a radio station in Mishawaka, Ind. To be finally determined is whether the frequency sought should go to the applicant, be thrown open to other bids, or, for good reason, lie fallow. The matter is not one that involves sublime mystery. Yet the application has been on file since April 4, 1961, has been in hearing status since November 21, 1962, has twice been through formal hearing, and stands on the threshold of a third. It would seem that if this case is not to constitute a monument to administrative procedural inefficiency, it is going to have to move along toward final disposition at a considerably accelerated pace. Counsel are not wholly free of responsibility in this area. Requests for delay in taking procedural steps do not ordinarily contribute to speeding up overall process.

Accordingly, it is ordered, This 27th day of September 1966, that so much of the subject request as seeks continuance of hearing is granted, and the hearing

now scheduled for September 28, 1966, is continued to October 19, 1966.¹

Released: September 27, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10715; Filed, Sept. 30, 1966;
8:46 a.m.]

PETROLEUM AND GAS COMPANY EMERGENCY COMMUNICATIONS REQUIREMENTS

Extension of Time for Filing

SEPTEMBER 26, 1966.

The Commission, by Defense Commissioner Lee Loevinger, today extended the time from October 1, to January 1, for petroleum and gas companies to file their emergency communications requirements and a listing of their communications facilities which could be made available for use in an emergency as a part of the Petroleum and Gas Industry Communications Emergency Plan (PAGICEP).

On August 19, the Commission announced the approval of the PAGICEP Plan as the INTERIM Basic Plan for the Petroleum and Gas Industry under Executive Order 11092, and requested those companies desiring to participate voluntarily in the PAGICEP Plan to furnish their emergency communications requirements and a listing of their communications facilities. The Chairman of the Industrial Communications Services Subcommittee of the National Industry Advisory Committee stated that many of these companies feel that they will not be able to complete both tasks before October 1, and requested an extension of time.

Statements should be submitted to the Executive Secretary, NIAC, Federal Communications Commission, Washington, D.C. 20554. They will be forwarded to the Petroleum and Gas Ad Hoc Working Group to assist it in developing working plans at the regional level.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10716; Filed, Sept. 30, 1966;
8:46 a.m.]

¹ South Bend also asks for an extension of time to October 11, 1966, within which parties may notify those of applicant's witnesses they desire be present at hearing for examination. This notification is a matter that has been left by the Examiner to the private arrangements of counsel. He declines to now intervene on the subject. His sole concern is that the notifications be so effected as not to delay hearing.

[Docket Nos. 16301, 16312; FCC 66R-366]

SAWNEE BROADCASTING CO. (WSNE) AND HALL COUNTY BROADCASTING CO. (WLBA)

Memorandum Opinion and Order Enlarging Issues

In re applications of John T. Pittard, tr/as Sawnee Broadcasting Co. (WSNE), Cumming, Ga.; Docket No. 16301, File No. BP-16375; Ernest H. Reynolds, Jr., tr/as Hall County Broadcasting Co. (WLBA), Gainesville, Ga.; Docket No. 16312, File No. BP-16606; for construction permits.

1. This proceeding involves the mutually exclusive applications of Sawnee Broadcasting Co. (WSNE) and Hall County Broadcasting Co. (WLBA), each seeking a construction permit to improve the facilities of their respective standard broadcast stations. The applications were designated for hearing by order released November 26, 1965, and the record was closed on April 22, 1966. Presently under consideration is a petition filed by WSNE on June 23, 1966, seeking the addition of an issue to inquire into the financial qualifications of WLBA.¹

2. In support of its request, WSNE alleges that in order to finance the subject proposal and an FM station,² WLBA will require \$62,317.16, as follows:

Dollars

1,980.00--	Note, Piedmont Southern Life Ins. Co.
4,800.00--	Note, Gainesville National Bank.
13,817.16--	AM and FM equipment payments.
4,470.00--	Payment for proposed loan for FM stations from Gainesville National Bank.
15,000.00--	FM operation for 1 year.
13,750.00--	AM operation for 3 months.
2,500.00--	Cost of remodeling new studio.
3,000.00--	Miscellaneous AM construction costs.
3,000.00--	Miscellaneous FM construction costs.

To meet this requirement, WSNE alleges that WLBA will have available only \$46,346, as follows:

Dollars

15,000.00--	Loan from Gainesville National Bank for FM station.
15,000.00--	Balance of proceeds from insurance payment.
10,000.00--	Loan from Ernest H. Reynolds, Sr. ³
6,346.00--	Cash on hand, April 30, 1966.

³ Ernest H. Reynolds, Jr., is the sole proprietor of WLBA.

¹ Also before the Board are (a) statement in support, filed July 15, 1966, by the Broadcast Bureau; (b) opposition, filed July 15, 1966, by Hall County Broadcasting Co. (WLBA); and (c) reply, filed July 27, 1966, by Sawnee. Since the subject petition is an outgrowth of an earlier petition filed by WSNE, no question of timeliness is raised. See memorandum opinion and order, 3 FCC 2d 900 (1966) in which the pertinent history and chronology appear.

² On May 27, 1965, WLBA's application for a new FM broadcast station in Gainesville, Ga., was granted (FCC 65R-193).

In addition to the alleged shortages shown above, WSNE challenges various other aspects of WLBA's financial proposal including the proposed \$15,000 bank loan; the availability of the \$15,000 in insurance proceeds;⁴ the financial arrangements with the proposed equipment supplier; and WLBA's estimate of expenses for construction and operation. Finally, WSNE contends that WLBA cannot rely upon revenues to finance its proposal because it has not adequately established a basis for its revenue estimate. The Bureau supports the addition of a financial issue, contending that WLBA will require \$51,188, and has available only \$43,180.

3. In response, WLBA first alleges that it is relying, to finance the two stations, on existing assets of Reynolds personally, and the assets of WLBA, as shown on attached balance sheets; the \$10,000 loan from Reynolds, Sr.; the \$15,000 commitment from the Gainesville National Bank; and revenues. With regard to the expenses of construction and first year's operation, WLBA alleges that the equipment payment for the FM proposal was included in the operating expense estimate for that station; that the \$2,500 for remodeling the new studio has already been paid; and that the miscellaneous construction costs for both stations will not exceed \$1,500. WLBA also attempts to resolve the various other questions raised by WSNE.

4. The Board finds it exceedingly difficult to determine, with any degree of precision, the amount that WLBA will require to finance its proposals or the amount it has available.⁵ From WLBA's most recent financial amendment, filed June 1, 1966, and the information submitted with WLBA's opposition, it appears, however, that WLBA would require (aside from increased costs of AM operation) a minimum of \$35,470 in order to finance the AM and FM operations, consisting of \$13,800 for equipment payments; \$1,500 in miscellaneous construction expenses; \$4,470 in payments for the proposed bank loan; \$4,800 in payments for the existing bank loan; \$7,000 for FM operation for the first year; \$1,980 in mortgage payments to the Piedmont

⁴ Reynolds received \$20,000 from an insurance company as reimbursement for damage sustained in a fire that destroyed the existing facilities of WLBA. Of this amount, \$5,000 was used as a down payment for a building purchased by Reynolds.

⁵ WLBA has filed several amendments to its financial proposal. Additionally, some of the information submitted with its opposition varies from that shown in its amended application. Notwithstanding this variance, the Board will consider the information in the opposition.

⁶ Reynold's personal balance sheet shows only \$200 in current assets and \$2,230 in short term liabilities. The balance sheet, purportedly that of WLBA, shows accounts receivable of \$16,797.62 in addition to the cash, but there is no showing of the availability and liquidity of this amount. Therefore it cannot be considered available. See KWEN Broadcasting Company, FCC 64R-37, released Jan. 21, 1964. It is also noteworthy that this balance sheet reflects only \$4,803 in current assets over short term liabilities.

Southern Life Insurance Co.; and \$1,920 in payments on another mortgage to Dr. R. L. Rogers. In arriving at these figures, the Board has resolved all disputed matters in WLBA's favor. Even so, to meet the minimum requirement, the maximum WLBA appears to have available (assuming that the increased costs of AM operation could be met from existing revenues) is approximately \$33,126, consisting of the \$10,000 loan from Reynolds, Sr.; the \$15,000 proposed bank loan; and approximately \$8,126 in cash, shown on the balance sheet submitted with WLBA's opposition.⁷ The showing of WLBA regarding the basis of its revenues estimate is inadequate to allow us to place additional reliance on this factor. Moreover, there appears to have been a considerable change in WLBA's financial picture since its most recent amendment, and questions concerning WLBA's estimate of expenses for construction and operation have not been satisfactorily answered.

5. In view of the foregoing, the Board is of the opinion that a full inquiry into WLBA's financial proposal is necessary. Such inquiry should encompass the question of the effect of the grant to WLBA of May 27, 1965 (note 2, supra) on the instant proposal.

Accordingly, it is ordered, This 22d day of September, 1966, That the further petition to enlarge issues, filed on June 23, 1966, by Sawnee Broadcasting Company (WSNE) is granted; that the record in this proceeding is reopened for further hearing consistent with this opinion; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine as to Hall County Broadcasting Co. (WLBA) (1) the funds available; (2) estimated construction costs; and (3) estimated operating expenses for the first year of operation;

(b) In the event that WLBA will depend upon operating revenues during the first year operation to meet fixed costs and operating expenses, to determine the basis of its estimated revenues for the first year of operation;

(c) To determine, in light of the evidence adduced under the foregoing issues, whether WLBA is financially qualified to construct and operate its proposed station.

Released: September 27, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,⁷

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10717; Filed, Sept. 30, 1966;
8:46 a.m.]

[Docket No. 16043; FCC 66M-1289]

SPORTS NETWORK, INC. AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Regarding Procedural Dates

Sports Network, Inc., New York, N.Y.,
Complainant; versus American Tele-

⁷ Board Member Slone not participating.

phone and Telegraph Co., New York, N.Y., Defendant; Docket No. 16043.

1. On September 15, 1966, Sports Network filed a motion to extend time for exhibit exchange from October 11 to November 21. It asks for more time because "[i]t will not be possible to meet that deadline in view of the large volume of statistical data that has to be sorted out and analyzed for the exhibits." Movant also requests an early further prehearing conference to discuss the resetting of other procedural dates (hearing is now scheduled for October 25). At that conference, Sports Network says, it "would like to discuss the problem of interrelationship of matters at issue in this case with matters being explored in the large AT&T investigatory proceeding (Docket No. 16258)."

2. Sports Network notes that [c]ounsel for AT&T consents to a grant of this motion and to immediate consideration of it. "It also declares that [c]ounsel for AT&T and the Broadcast [sic] Bureau consent to the holding of such a conference." Now, the Broadcast Bureau has not yet, so far as the Hearing Examiner knows, indicated any intention to appear in this case, so it is assumed that "Broadcast" is a misprint for "Common Carrier." In any event, on September 22, the Common Carrier Bureau filed a partial opposition to the motion. The Bureau does not object to the extension of time, but it opposes a further prehearing conference. It writes, in contradiction of movant's contention that "the questions involved in [the present] proceedings [relating to individual classes of service] are not in issue in Docket No. 16258," which, as the Commission said in its memorandum opinion and order setting Sports Network's complaint for hearing, is "concerned with the total revenue requirements of the Bell System companies * * *" (FCC 66-403, released May 6, 1966). The Bureau therefore maintains that "no good reason has been presented or exists for calling a second prehearing conference for the purposes stated by Complainant."

3. The Hearing Examiner cannot help expressing his concern over the fact that 15 months after the filing of the complaint and 4 months after designation for what one would think was a desired hearing, movant conjures up inadmissible relationships between cases in an evident attempt further to delay disposition of its charges. The complaint, as the Commission has implied, has a litigious life of its own, the force of which must be determined by the record in the present proceeding. And as for the mass of statistical data which Sports Network has allegedly been culling and analyzing for its exhibits, there is no averment that this material was not in its possession before it filed its complaint; the transcript of the prehearing conference of June 16, 1966, does not show a request by complainant of defendant for additional data. It might reasonably be supposed that selection, analysis, and exhibit preparation should have been far advanced by now, if not already completed.

4. Although enough has been written in the preceding paragraph to indicate that if it were not that the other parties do not object to the extension of time, the postponement might have been refused, in the circumstances it will be allowed. But the request for a further prehearing conference must be denied for the reasons stated by the Bureau and adopted by the Hearing Examiner. The order below will also set other new procedural dates required by the requested extension.

5. *Accordingly, it is ordered.* This 26th day of September 1966, that the motion to extend time for exhibit exchange, filed by Sports Network on September 15, 1966, is granted to the extent that procedural dates are extended as follows:

	From	To
Receipt of complainant's direct written case and names of its witnesses to testify orally.	Oct. 11	Nov. 21, 1966
Receipt of notification of witnesses desired for cross-examination.	Oct. 18	Nov. 28, 1966
Hearing.....	Oct. 25	Dec. 5, 1966

In other respects the motion is denied.
Released: September 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10718; Filed, Sept. 30, 1966;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

U.S. FLAG OCEAN CARRIERS

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

U.S.-flag ocean carriers rate agreement:

Notice of agreement filed for approval by:

O. W. Koke, Secretary, Pro Tem, 80 Broad Street, 34th Floor, New York, N.Y. 10004.

Agreement No. 9578, between 11 American flag lines, provides that the carriers may from time to time meet, discuss and agree between themselves upon rates, terms and conditions and other matters relating to the carriage of cargoes of military household goods, personal effects, and unaccompanied baggage originating with the U.S. Department of Defense and moving under Department of Defense through Government bills of lading executed by truck lines, household movers, railroads and/or regulated or nonregulated freight forwarders operating under rate and service tenders approved by the U.S. Department of Defense. The agreement covers movements from, to, and between ports on the U.S. Atlantic, Great Lakes, Gulf of Mexico, or in territories and possessions of the United States, and all foreign countries.

Dated: September 28, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-10730; Filed, Sept. 30, 1966;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7310]

IDAHO POWER CO.

Notice of Application

SEPTEMBER 22, 1966.

Take notice that on September 15, 1966, Idaho Power Co. (Idaho) and Utah Power & Light Co. (Utah) filed an application with the Federal Power Commission seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition by Utah of certain electric facilities of Idaho.

Idaho is incorporated under the laws of the State of Maine and is qualified to do business in the States of Idaho, Oregon, and Nevada with its principal place of business office in Boise, Idaho, and is engaged in the electric utility business in southern and central Idaho, in a portion of Elko County in northern Nevada and in four counties in the eastern part of Oregon.

Utah is incorporated under the laws of the State of Maine and is qualified to transact business in the States of Utah, Wyoming, and Idaho with its principal place of business office at Salt Lake City, Utah, and is engaged in the electric utility business and 14 counties in Idaho, 26 counties in Utah and 2 counties in Wyoming.

The facilities to be transferred from Idaho to Utah consist of a 161 kv transmission line located between Utah's Goshen substation in Idaho, and Utah's proposed Jefferson substation in Idaho. The original cost of the subject facilities is currently estimated at approximately \$143,000. According to the application Idaho will transfer these facilities to

Utah for a consideration of approximately \$85,000, which sum represents the original cost adjusted to reflect retirements, replacements, and improvements of the facilities, less accumulated depreciation as of June 1, 1966.

Any person desiring to be heard or to make any protest with reference to the application should on or before October 26, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10692; Filed, Sept. 30, 1966;
8:45 a.m.]

[Docket Nos. G-2661 etc.]

BURLINGTON BANK & TRUST CO. ET AL.

Findings and Order; Correction

AUGUST 25, 1966.

Burlington Bank & Trust Co., Trustee, et al., Docket Nos. G-2661, etc., Mabee Petroleum Corp., et al., Docket No. CI66-1214 (G-18045).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors correspondents, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing issued August 4, 1966 and published in the FEDERAL REGISTER August 13, 1966 (F.R. Doc. 66-8712, 31 F.R. 10856), change Docket No. "G-10845" to read Docket No. "G-18045" in ordering paragraph (Y).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10693; Filed, Sept. 30, 1966;
8:45 a.m.]

[Docket No. CS66-2 etc.]

MAXWELL OIL CO. ET AL.

Findings and Order; Correction

AUGUST 11, 1966.

Maxwell Oil Co. (Operator), et al. Docket No. CS66-2, etc.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity terminating certificates, severing and terminating proceedings, amending orders issuing certificates, canceling FPC gas rate schedules, and dismissing applications, issued July 20, 1966 and published in the FEDERAL REGISTER July 27, 1966 (F.R. Doc. 66-8127, F.R. 31-10155), in the second paragraph change "\$ 157.20" to read "\$ 157.40."

In footnote 2, bottom of first column on page 10156, correct Docket No. "CS66-110" to read "CS66-124." Also in Appendix correct Docket No. "RI64-188" to read "RI65-188" after Docket No. CS66-72, terminated suspension to FPC Gas Rate Schedule No. 17 and correct Docket No. "CI62-268" to read "CI60-268" after Docket No. CS66-121, Noleh Gas & Oil Corp. (Operator.)

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10694; Filed, Sept. 30, 1966;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

SEPTEMBER 27, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 28, 1966, through October 7, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10713; Filed, Sept. 30, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 28, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40724—Clay from Gulfport, Miss. Filed by O. W. South, Jr., agent (No. A4945), for interested rail carriers.

Rates on clay, kaolin, or pyrophyllite, in carloads, from Gulfport, Miss., to Kansas City, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 235 to Southern Freight Association, agent, tariff ICC S-40.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10725; Filed, Sept. 30, 1966;
8:47 a.m.]

[Notice 261]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 28, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 78786 (Sub-No. 266 TA), filed September 23, 1966. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: T. T. Edwards (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except commodities in bulk, commodities requiring special equipment, class A and B explosives and household goods as defined by the Commission, between points in California, Arizona, New Mexico, and Nevada, as follows: (A) (1) from San Francisco, Calif., to Stockton, Calif., over U.S. Highway 50; (2) from junction U.S. 50 and California Highway 120 near Banta, Calif., over California Highway 120 to junction U.S. Highway 99, (3) from Banta, Calif., over California Highway 33 to Los Banos, Calif., (4) from Vernalis, Calif., to Modesto, Calif., over California Highway 132, (5) from Gustine, Calif., to Merced, Calif., over California Highway 140, (6) from Los Banos, Calif., to junction U.S. Highway 99 and Cali-

fornia Highway 152 over California Highway 152, (7) from Sacramento, Calif., to Calexico, Calif., over U.S. Highway 99 to junction U.S. Highway 60, thence over U.S. Highway 60 to Coachella, Calif., thence over California Highway 86 to El Centro, Calif., thence over California Highway 111 to Calexico, Calif., (8) from Coachella, Calif., to Brawley, Calif., over California Highway 111, (9) from San Diego, Calif., to Yuma, Ariz., over U.S. Highway 80, (10) from Arcata, Calif., to Santa Ana, Calif., over U.S. Highway 101, (11) from Benson, Ariz., to Lordsburg, N. Mex., over U.S. Highway 80, (12) from San Simon, Ariz., to junction U.S. Highway 80 near Steins, N. Mex., over Arizona Highway 86, and (13) from Casa Grande, Ariz., to Gila Bend, Ariz., over Arizona Highway 84; and return over the same routes in (1) through (13) above serving all intermediate points and all off-route points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Marin, Mendocino, and Merced Counties, Calif. NOTE: Applicant states it proposes to tack the authority sought in (A) above to authority presently held by it in its certificate MC-78786; in Items 13, 20, 22B, 34, 36, 37, 38, 40, 97, 99, 100, 102, and Sub 219, 110, 113, 115, and 116.

Applicant also states it proposes to interline traffic carried under the subject authority with other connecting motor common carriers at the usual gateways, over El Paso, Tex., Phoenix, Yuma, and Tucson, Ariz., San Diego, Santa Ana, El Centro, Los Angeles, Bakersfield, Fresno, Stockton, San Francisco, Oakland, Sacramento, Willits, Eureka, Red Bluff, and Redding, Calif.; and Medford, Klamath Falls, Coos Bay, Roseburg, Eugene, Albany, Salem, and Portland, Oreg., Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba, and the Arizona counties of Yuma, Maricopa, Pinal, Santa Cruz, Cochise, Graham, Greenlee, Gila, and Pima which are stations on the rail lines of Southern Pacific Co. and its wholly owned rail subsidiaries (Northwestern Pacific Railroad Co., Petaluma and Santa Rosa Railroad Co., Visalia Electric Railroad Co., San Diego and Arizona Eastern Railroad, and Holtor Inter-Urban Railway Co. (B) (1) from Alturas, Calif., to Reno, Nev., over U.S. Highway 395, (2) from Hawthorne, Nev., to Phoenix, Ariz., over U.S. Highway 95 to junction U.S. Highway 93 near Boulder City, Nev., thence over U.S. Highway 93 to Kingman, Ariz., thence over U.S. Highway 66 to junction Arizona Highway 93 thence over Arizona Highway 93 to junction U.S. Highway 89, thence over U.S. Highway 89 to Phoenix, (3) from Las Vegas, Nev., to Yuma, Ariz., over U.S. Highway 95, serving Las Vegas for purposes of joinder only; (4) from Indio, Calif., to Phoenix, Ariz., over U.S. Highway 60, (5) from Globe, Ariz., to Glenbar, Ariz., over U.S. Highway 70, (6)

from Canby, Calif., to Susanville, Calif., over California Highway 299 to Adin, Calif., thence over California Highway 139 to Susanville, Calif.; and return over same routes, as alternate routes for operating convenience only, in connection with (B) (1) through (6) above, serving no intermediate points, for 180 days. Supporting shippers: The application is supported by statements from 176 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 114211 (Sub-No. 105 TA), filed September 23, 1966. Applicant: WARREN TRANSPORT, INC., 213 Witly Street, Post Office Box 420, Waterloo, Iowa 50704. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors, agricultural machinery and implements, industrial and construction machinery and equipment, attachments and parts* of the above described commodities, when moving in mixed loads with such commodities, from the plant and warehouse sites of Deere & Co., located in Moline and East Moline, Ill., and Dubuque and Waterloo, Iowa, to the port of entry of the international boundary of the United States and Canada located at or near Noyes, Minn., for 180 days. Supporting shipper: Deere & Co., John Deere Road, Moline, Ill. 61265. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 235 Federal Building, Fourth and Perry Streets, Davenport, Iowa 52801.

No. MC 123393 (Sub-No. 166 TA), filed September 26, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948 (Commercial Station), Springfield, Mo. 65803. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita and Arkansas City, Kans., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, South Carolina, North Carolina, Alabama, Georgia, the District of Columbia (except frozen meat pies and frozen poultry pies from Macon, Mo.), Tennessee, Kentucky, and Florida (except frozen meat pies and frozen poultry pies from Macon, Mo.), for 180 days. Supporting shippers: Sunflower Packing Co., Inc., 1410 East 21st Street, Wichita, Kans. 67208, Cudahy Co., 22d and Broadway, Wichita, Kans. 67202, Excel Packing Co., Inc., Wichita, Kans., Kansas Cold Storage Inc., 21st at Topeka, Wichita, Kans. 67214, Dold Packing Co., Inc., 421 East 21st Street, Wichita, Kans.

67214, Wichita Ice & Cold Storage Co., Wichita, Kans., Star Meat Inc., Wichita, Kans., John Morrell & Co., Mauer-Neuer Division, Arkansas City, Kans. 67005. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128566 (Sub-No. 1 TA), filed September 23, 1966. Applicant: C. W. LOWE, doing business as LOWE TRANSPORT, 942 Edith Street, Missoula, Mont. 59801. Applicant's representative: Jeremy Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: *Defluorinated phosphate and rock phosphate*, in bulk and in bags, for Canadian destination, from Garrison, Mont., over U.S. Highway 12 to junction Montana Highway 272, thence over Montana Highway 272 to junction Montana Highway 20, thence over Montana Highway 20 to junction Interstate Highway 15 near Great Falls, Mont. (also from Garrison over U.S. Highway 12 to Helena, Mont., thence over U.S. Highway 91 and Interstate Highway 15 to Great Falls, Mont.), thence over Interstate Highway 15 to the port of entry on the international boundary line between the United States and Canada at Sweetgrass, Mont., serving no intermediate points, for 180 days. Supporting shipper: Rocky Mountain Phosphates, Inc., Garrison, Mont. 59731. Send protests to: Paul J. Lebane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10726; Filed, Sept. 30, 1966;
8:47 a.m.]

[Notice 1420]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 28, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69039. By order of September 27, 1966, the Transfer Board approved the transfer to Trinity Transportation, Inc., Braintree, Mass., of the certificate of registration in No. MC-

58759 (Sub-No. 1), issued April 7, 1964, to Wardell's Motor Transportation, Inc., Dedham, Mass., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized by irregular route common carrier certificate No. 1739, dated January 15, 1945, issued by the Massachusetts Department of Public Utilities. Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC-FC-69055. By order of September 27, 1966, the Transfer Board approved the transfer to Fastest Way Motor Freight, Inc., Spokane, Wash., of the operating rights in certificates Nos. MC-123602 (Sub-No. 2), MC-123602 (Sub-No. 3), MC-123602 (Sub-No. 5) and MC-123602 (Sub-No. 6) issued April 26, 1962, February 21, 1963, June 24, 1964, and November 29, 1965, respectively, to Grant Cowie, doing business as Fastest Way Motor Freight, Spokane, Wash., authorizing the transportation of: General commodities, with the usual exceptions, between points in Washington and Idaho. Hugh A. Dressel, 702 Old National Building, Spokane, Wash. 99201, attorney for applicants.

No. MC-FC-69056. By order of September 27, 1966, the Transfer Board approved the transfer to John W. Gillingham, Jr., doing business as Medical Lake-Spokane Auto Freight, Spokane, Wash., of the operating rights in certificate No. MC-114794 issued to Hubert B. Gillingham, doing business as Dependable Motor Freight, Cheney, Wash., authorizing the transportation of: General commodities, with the usual exceptions, between Spokane and Cheney, Wash. Hugh A. Dressel, 702 Old National Building, Spokane, Wash. 99201, attorney for applicants.

No. MC-FC-69064. By order of September 27, 1966, the Transfer Board approved the transfer to Advance Materials Corp., West Stockbridge, Mass., of certificates Nos. MC-113657 and MC-113657 (Sub-No. 1), issued March 3, 1953, and April 21, 1966, respectively, to Joseph J. Marchetto, West Stockbridge, Mass., the former authorizing the transportation, over irregular routes, of agricultural lime, in bulk, from Lee, Mass., to points in New York within 50 miles of Lee; and the latter the transportation of lime and limestone, in bulk, over irregular routes, from Lee and West Stockbridge, Mass., to points in Connecticut and points in Albany, Columbia, Delaware, Dutchess, Essex, Fulton, Greene, Herkimer, Montgomery, Nassau, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Suffolk, Ulster, Warren, Washington, and Westchester Counties, N.Y. James E. Hannon, 47 Main Street, Lee, Mass. 01238, attorney for applicants.

No. MC-FC-69070. By order of September 27, 1966, the Transfer Board approved the transfer to Iddings Trucking, Inc., New Matamoras, Ohio, of the certificate of registration in No. MC-99656 (Sub-No. 1), issued June 22, 1965, to Jennings Transfer Co., a corporation, Caldwell, Ohio, evidencing a right to engage in transportation in interstate or

NOTICES

foreign commerce as authorized by certificate of public convenience and necessity No. 3586-I, dated March 28, 1962, issued by the Public Utilities Commission of Ohio. Paul F. Beery, 100 East Broad, Columbus, Ohio 43215, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10727; Filed, Sept. 30, 1966;
8:47 a.m.]

FEDERAL REGISTER

VOLUME 31 • NUMBER 191

Saturday, October 1, 1966 • Washington, D.C.

PART II

Department of the Treasury

•
Coast Guard

Oceanographic Vessels

Notice of Proposed Rule Making
Regarding Inspection and
Certification



DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Parts 2, 24, 30, 70, 90, 110, 175, 188-196]

[CGFR 66-49]

OCEANOGRAPHIC VESSELS

Inspection and Certification

1. The Commandant, U.S. Coast Guard, will consider proposals regarding the inspection and certification of oceanographic vessels, which are being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, and therefore entitled to special consideration under Public Law 89-99, approved July 30, 1965 (79 Stat. 424; 46 U.S.C. 441-445). The Merchant Marine Council will hold a public hearing on Monday, November 21, 1966, in Room 1120, Coast Guard Headquarters, 1300 E Street NW., Washington, D.C., for the purpose of receiving comments, views, and data on the proposed rules and regulations to govern the inspection and certification of oceanographic vessels, as set forth below in this document. Interested persons and organizations are requested to submit written or oral comments about these proposals. The written comments should be submitted in triplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, prior to November 18, 1966, in order to assure consideration.

2. This document contains the complete text of the proposed rules and regulations together with appropriate references to statutes authorizing such regulations. Copies of this document will be mailed to persons and organizations who have made known their continued interest in the subjects under consideration by the Merchant Marine Council and have requested that such copies be furnished them. Copies of this document will be furnished, upon request to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, so long as they are available. After the supply of extra copies is exhausted, copies will be available for reading purposes only in Room 4211, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. In order to insure consideration of written comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations be submitted on Form CG-3287, or separate sheets of paper, showing the section number and paragraph designation (if any); the subject; the proposed change; the reason or basis; and the name, business firm or organization (if any), and the address of the submitter. A small quantity of Form CG-3287 will be distributed with copies of this document which are sent to those who have expressed interest in these proposals to the Merchant Marine Council. Additional copies of this form may be reproduced by typewriter or otherwise.

4. The public hearing held by the Merchant Marine Council is informal and intended to obtain views and information from those who will be directly affected by the proposals under consideration. Each oral or written comment received is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves the wording of a proposed regulation, such proposal is changed accordingly, and after adoption by the Commandant, the regulations as revised are published in the FEDERAL REGISTER. The acknowledgment of the comments received or reasons why certain suggested changes were or were not adopted will not be furnished since personnel to handle the necessary correspondence is not available.

5. Vessels are subject to inspection and certification by the Coast Guard when by reason of size, method of propulsion, occupation or trade in which engaged, or waters on which operated, specific laws require it. Public Law 89-99 (46 U.S.C. Code, secs. 441 to 445) is an act which exempts oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes. This law applies only to those vessels which the Coast Guard finds are " * * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research * * *." By law such a vessel " * * * shall not be considered a passenger vessel, a vessel carrying passengers, or a passenger-carrying vessel under the laws relating to the inspection and manning of merchant vessels by reason of the carriage of scientific personnel." Also, such a vessel " * * * shall not be deemed to be engaged in trade or commerce." (46 U.S.C. 442, 443.)

6. The proposed regulations in this document are intended to set forth the requirements applicable to oceanographic vessels coming within findings based on Public Law 89-99 (46 U.S.C. 441), with respect to inspection and certification under other laws, as set forth with the proposed regulations. These proposals do not deal with manning of oceanographic vessels and the shipment and discharge of seamen under Title 53 of the Revised Statutes. Determinations on these matters will be made on an individual vessel basis, and no regulation exempting any such vessel from such provisions will be promulgated until findings show a provision of law or regulation " * * * is not necessary in the performance of the mission of the vessel, * * *."

7. The purpose of the proposed rules and regulations is to establish requirements in one subchapter which will govern the inspection and certification of those oceanographic vessels coming within the provisions of Public Law 89-99 (46 U.S.C. 441-445), and are found to be oceanographic research vessels as defined in 46 U.S.C. 441, and not engaged in trade or commerce. If or when a vessel is not employed exclusively as an "oceanographic research vessel" as defined in 46 U.S.C. 441, then such a vessel

will be inspected and certificated as required by the applicable inspection laws, and scientific personnel aboard then become persons employed in the business of the vessel.

8. The authority to prescribe rules and regulations generally for inspection and certification of vessels is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Other provisions in Title 52 of the Revised Statutes describe vessels subject to inspection and certification, as well as other laws which are deemed to be supplementary to Title 52, R.S. These laws are cited as a part of the authority for the proposed regulations in 46 CFR Parts 188 through 196, following the table of contents for each part. The authority of the Secretary of the Treasury to prescribe regulations under the laws was further delegated to the Commandant, U.S. Coast Guard, by Treasury Department Orders 120 and 167-66, as well as in others for specific laws, which are also noted in the authority note following the table of contents for each part below.

9. It is proposed to add a new Subchapter U, entitled "Oceanographic Vessels," consisting of Parts 188 to 196, inclusive, at the end of Chapter I, in Title 46—Shipping, which will read as follows:

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

Part	
188	General provisions.
189	Inspection and certification.
190	Construction and arrangement.
191	Subdivision and stability.
192	Lifesaving equipment.
193	Fire protection equipment.
194	Handling, use and control of explosives and other dangerous articles.
195	Vessel control and miscellaneous systems and equipment.
196	Operations.

PART 188—GENERAL PROVISIONS

Subpart 188.01—Authority and Purpose

Sec.	
188.01-1	Purpose of regulations.
188.01-3	Scope of regulations.
188.01-5	Assignment of functions.
188.01-10	Authority for regulations.

Subpart 188.05—Application

188.05-1	Vessels subject to requirements of this subchapter.
188.05-2	Exemptions from inspection laws for oceanographic vessels and terms and conditions which apply in lieu thereof.
188.05-3	New vessels and existing vessels for the purpose of application of regulations in this subchapter.
188.05-5	Specific application noted in text.
188.05-7	Ocean or unlimited coastwise vessels on inland and Great Lakes routes.
188.05-10	Application to vessels on an international voyage.
188.05-30	Portable containers—interpretive rulings.
188.05-33	Scientific personnel—interpretive rulings.
188.05-35	Load lines—interpretive ruling.
188.05-37	Numbered vessels not subject to International Convention for Safety of Life at Sea, 1960—interpretive ruling.

Subpart 188.10—Definitions of Terms Used in This Subchapter

Sec.	
188.10-1	Approved.
188.10-3	Approved containers.
188.10-5	Barge.
188.10-7	Chemical stores.
188.10-9	Chemical storeroom.
188.10-11	Chemistry laboratory.
188.10-13	Coast Guard District Commander.
188.10-15	Coastwise.
188.10-17	Combustible liquid.
188.10-19	Commandant.
188.10-21	Compressed gas.
188.10-23	Corrosive liquids.
188.10-25	Explosive.
188.10-27	Flammable liquid.
188.10-31	Great Lakes.
188.10-33	Headquarters.
188.10-35	International voyage.
188.10-37	Label.
188.10-39	Lakes, bays, and sounds.
188.10-41	Liquefied compressed gas.
188.10-43	Liquefied flammable gas.
188.10-45	Marine inspector or inspector.
188.10-47	Nuclear vessel.
188.10-49	Numbered vessel.
188.10-51	Ocean.
188.10-53	Oceanographic vessel.
188.10-55	Officer in Charge, Marine Inspection.
188.10-59	Recognized classification society.
188.10-61	Rivers.
188.10-63	Rules of the Road.
188.10-65	Seagoing barge.
188.10-67	Scientific equipment.
188.10-69	Scientific laboratory.
188.10-71	Scientific personnel.
188.10-73	Ships' stores and supplies.
188.10-75	Undocumented vessel.
188.10-77	Vessel.

Subpart 188.15—Equivalents

188.15-1	Conditions under which equivalents may be used.
188.15-5	Design of vessels.

Subpart 188.20—General Marine Engineering Requirements

188.20-1	Marine engineering details.
188.20-5	Nuclear vessels.

Subpart 188.25—General Electrical Engineering Details

188.25-1	Electrical engineering details.
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Subpart 188.35—American Bureau of Shipping's Standards

188.35-1	Standards to be used.
188.35-5	Where obtainable.

AUTHORITY: The provisions of this Part 188 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4400, as amended, 4401, as amended, 4403, as amended, 4417, as amended, 4418, as amended, 4472, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 362, 364, 372, 391, 392, 170, 481, 489, 395, 363, 367, 526p; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 188.01—Authority and Purpose

§ 188.01-1 Purpose of regulations.

(a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for oceanographic vessels found by the Officer in Charge, Marine Inspection, or the Com-

mandant, U.S. Coast Guard, to be "oceanographic research vessels" as defined in section 441 of 46 U.S. Code (Public Law 89-99), and of a type as listed in column 7 of Table 188.05-1(a). These requirements are prescribed in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto which govern inspection and certification of vessels, and to provide for oceanographic vessels exemptions from specific requirements when found they are " * * * not necessary in the performance of the mission of the vessel, * * * "; as well as to specify the terms and conditions applicable to such vessels, as authorized by section 445 of 46 U.S. Code (Public Law 89-99). The regulations are necessary to carry out the provisions of applicable laws governing inspection and certification of oceanographic vessels and such regulations have the force of law.

§ 188.01-3 Scope of regulations.

(a) The regulations in this subchapter contain requirements for materials, design, construction, equipment, lifesaving appliances and procedures, fire protection, and fire prevention procedures, inspection and certification, and special operational requirements for oceanographic vessels, including the handling, use, and control of explosives and other dangerous articles or substances.

(b) The regulations in this subchapter are deemed to be necessary when " * * * a vessel * * * is being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research * * * ". If or when a vessel is not so exclusively employed and engages in any trade or commerce then the provisions of section 441 through 445 of 46 U.S. Code (Public Law 89-99), are not applicable and such a vessel shall be subject to the applicable provisions of laws and other regulations in this chapter governing such activities.

(c) The regulations in this subchapter do not govern the minimum manning of oceanographic vessels, nor the shipment and discharge of seamen.

(1) For manning of oceanographic vessels, see § 157.15-1 and other applicable regulations in Part 157 of Subchapter P (Manning) of this chapter.

(2) For shipment and discharge of seamen, see Parts 14 through 16 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for applicable requirements.

§ 188.01-5 Assignment of functions.

(a) The Secretary of the Treasury by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), and others for specific laws or amendments enacted since then, delegated to the Commandant, U.S. Coast Guard, the administration of functions in the vessel inspection laws.

(b) The Acting Assistant Secretary of the Treasury, pursuant to the authority delegated by the Secretary of the Treasury in Treasury Department Order 190 (Rev. 2), by Treasury Department Order 167-66, dated September 8, 1965 (30 F.R. 11735), transferred to the Commandant,

U.S. Coast Guard, the functions of the Secretary of the Treasury contained in the Act of July 30, 1965 (Public Law 89-99, 79 Stat. 424, 46 U.S.C. 441-445), concerning the exemption of oceanographic research vessels from the application of certain vessel inspection laws.

§ 188.01-10 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in 46 U.S. Code, sections 375 and 416, as well as in certain other provisions in 46 U.S. Code, sections 170, 361, 362, 363, 364, 367, 372, 391, 392, 395, 399, 400, 407, 411, 435, 481, and 489. In 46 U.S. Code, section 445, is the authority for exemptions for oceanographic vessels upon such terms and conditions as may be deemed necessary. Under the provisions of 46 U.S. Code, section 372, the Commandant, U.S. Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules and regulations.

(b) *Inspection and certification.* The regulations regarding inspection and certification of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 399, 411, 435, and 481.

(c) *Construction and arrangement.* The regulations regarding construction and arrangement of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, and 481.

(d) *Subdivision and stability.* The regulations regarding subdivision and stability of oceanographic vessels interpret or apply 46 U.S. Code, sections 85a, 88a, 363, 367, 392, 395, 435, and 481.

(e) *Lifesaving equipment.* The regulations regarding lifesaving equipment of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 435, 481, and 526p.

(f) *Fire protection equipment.* The regulations regarding fire protection equipment of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 435, 481, and 526p.

(g) *Handling, use and control of explosives and other dangerous articles.* The regulations regarding the handling, use, and control of explosives and other dangerous articles for oceanographic vessels interpret or apply 46 U.S. Code, sections 170, 363, 367, 391, 392, 395, 435, and 481.

(h) *Vessel control and miscellaneous systems and equipment.* The regulations regarding vessel control and miscellaneous systems and equipment of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 435, and 481.

(i) *Operations.* The regulations regarding operations of oceanographic vessels interpret or apply 46 U.S. Code, sections 170, 363, 367, 391, 392, 395, 435, and 481.

Subpart 188.05—Application

§ 188.05-1 Vessels subject to requirements of this subchapter.

(a) This subchapter shall be applicable to all U.S.-flag vessels indicated in

PROPOSED RULE MAKING

Column 7 of Table 188.05-1(a) to the extent prescribed by applicable laws and the regulations in this subchapter, except as follows:

(1) Any foreign vessel.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 188.05-1(a)

Method of propulsion	Size or other limitations ¹	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹				
		Vessels inspected and certificated under Subchapter D—Tank Vessels ²	Vessels inspected and certificated under either Subchapter H—Passenger Vessels ^{2,3,4,5} or Subchapter T—Small Passenger Vessels ^{2,3,4}	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels ^{2,6}	Vessels subject to provisions of Subchapter C—Uninspected Vessels ^{2,3,6,7}	Vessels subject to provisions of Subchapter U—Oceanographic Vessels ^{2,6,7}
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Steam-----	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers. ⁷	All tugboats and towboats.	All vessels except those covered by columns 3, 4, 5, and 7.	All vessels engaged in oceanographic research.
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers. ⁷ 3. All other vessels carrying passengers, ⁷ except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None-----	All vessels engaged in oceanographic research.
Motor-----	Vessels not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers. ⁷	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, 5, and 7.	None.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers. ⁷ 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, 5, and 7.	None.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, ⁷ except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, 5, and 7.	All vessels engaged in oceanographic research.
Sail-----	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers. ⁷	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None-----	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None-----	None.

See footnotes at end of table.

TABLE 188.05-1(a)—Continued

Method of propulsion	Size or other limitations ¹	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹				
		Vessels inspected and certificated under Subchapter D—Tank Vessels ²	Vessels inspected and certificated under either Subchapter H—Passenger Vessels ^{2,3,4,5} or Subchapter T—Small Passenger Vessels ^{2,3,4}	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels ^{2,6}	Vessels subject to provisions of Subchapter C—Uninspected Vessels ^{2,6,7}	Vessels subject to provisions of Subchapter U—Oceanographic Vessels ^{2,6,7,8}
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Non-self-propelled.	Vessels less than 100 gross tons.	All vessels carrying combustible or liquid cargo in bulk.	All vessels carrying more than 6 passengers. ⁷	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.	None.
	Vessels 100 gross tons or over.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by columns 4 and 7.	All seagoing barges engaged in oceanographic research.

¹ Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

² Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions. The provisions of 46 U.S.C. 170 and Subchapter N (Dangerous Cargoes) of this chapter apply whenever explosives or dangerous articles or substances are on board vessels (including motorboats), except when specifically exempted by law.

³ Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

⁴ Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

⁵ Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount

of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

⁶ Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1960.

⁷ The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (Sec. 1, 70 Stat. 151; 46 U.S.C. 390). On oceanographic vessels scientific personnel on board shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., shall be counted as persons.

⁸ Under 46 U.S.C. 441 an "oceanographic research vessel" is a vessel " * * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * * ". Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certificated for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

⁹ Boilers and machinery are subject to examination on vessels over 40 feet in length.

§ 188.05-2 Exemptions from inspection laws for oceanographic vessels and terms and conditions which apply in lieu thereof.

(a) The regulations in this subchapter govern vessels employed exclusively as "oceanographic research vessels," as defined in section 441 of 46, U.S. Code, with respect to inspection and certification by the U.S. Coast Guard. Any law in Title 52 of the Revised Statutes regarding inspection and certification which has requirements different from those specified in this subchapter shall be deemed to come within the provisions of section 445 of 46, U.S. Code, and the oceanographic vessel shall be exempt from its application because it is not necessary in the performance of the mission of the vessel so long as the vessel complies with the applicable requirements in this subchapter.

(b) The oceanographic vessel shall comply with the dangerous cargo act in section 170 of 46, U.S. Code, and the regulations in Subchapter N (Dangerous Cargoes) of this chapter whenever applicable, except to the extent as specifically provided otherwise in this subchapter.

§ 188.05-3 New vessels and existing vessels for the purpose of application of regulations in this subchapter.

(a) *New vessels.* In this application of the regulations in this subchapter, a new vessel is meant to be one, the construction of which is contracted for on or after March 1, 1967, or the major alteration of a vessel is contracted for on or after March 1, 1967, or the conversion of any vessel not previously inspected and

certificated by the Coast Guard which is contracted for on or after March 1, 1967.

(b) *Existing vessels.* In the application of the regulations in this subchapter an existing vessel is meant to be one which is holding a valid certificate of inspection as an oceanographic vessel on March 1, 1967.

(c) *Other vessels.* When it is desired to have a vessel, which has been used in another trade or for recreational purposes, initially inspected and certificated as an oceanographic vessel on or after March 1, 1967, such vessel shall be subject to all the requirements governing a vessel contracted for on or after March 1, 1967. However, if such vessel has a current certificate of inspection as a passenger, tank, cargo, or miscellaneous vessel, the Commandant may authorize its inspection and certification under this subchapter as a vessel contracted for prior to March 1, 1967, subject to those requirements necessitated by change in service.

§ 188.05-5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion

of a vessel to an oceanographic vessel, and the changing of area of operation of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

§ 188.05-7 Ocean or unlimited coastwise vessels on inland and Great Lakes routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland routes, including the Great Lakes.

§ 188.05-10 Application to vessels on an international voyage.

(a) Where, in various places or portions of this subchapter, requirements are stipulated specifically for "vessels on an international voyage", it is intended that these requirements apply only to vessels subject to the International Convention for Safety of Life at Sea, 1960, which are mechanically propelled vessels of 500 gross tons and over on an international voyage, as defined in § 188.10-35.

(1) The International Convention for Safety of Life at Sea, 1960, is not applicable to undocumented vessels, which are vessels numbered in accordance with the Federal Boating Act of 1958 (46 U.S.C. 527-527h).

(b) In accordance with Regulation 4, Chapter I (General Provisions), of the International Convention for Safety of Life at Sea, 1960, a vessel which is not normally engaged on an international voyage, but which in exceptional circumstances, is required to undertake a single international voyage may be exempted

by the Commandant from any of the requirements of the Regulations of the Convention: *Provided*, That it complies with safety requirements which are adequate, in his opinion, for the voyage which is to be undertaken.

(c) In accordance with Regulation 1(c), Chapter II (Construction), of the International Convention for Safety of Life at Sea, 1960, the Commandant may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II of this Convention unreasonable or unnecessary, exempt from those requirements individual vessels or classes of vessels which, in the course of their voyage, do not go more than 20 miles from the nearest land.

(d) In accordance with Regulation 3(a), Chapter III (Lifesaving Appliances, Etc.), of the International Convention for Safety of Life at Sea, 1960, the Commandant, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of the full requirements of Chapter III of this Convention unreasonable or unnecessary, may to that extent exempt from the requirements of Chapter III individual vessels or classes of vessels which, in the course of their voyage, do not go more than 20 miles from the nearest land.

§ 188.05-30 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC-specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" as used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean flammable or combustible liquids.

§ 188.05-33 Scientific personnel—interpretive rulings.

(a) Scientific personnel on oceanographic vessels are not considered to be seamen or passengers, but are considered as "persons" when requirements are based on total persons on board.

(b) Scientific personnel on such vessels shall not be required to possess seamen's documents nor shall they be required to sign shipping articles.

§ 188.05-35 Load lines—interpretive ruling.

(a) Certificated vessels shall be subject to the applicable provisions of the Load Line Acts, and regulations in Subchapter E (Load Lines) of this chapter.

§ 188.05-37 Numbered vessels not subject to International Convention for Safety of Life at Sea, 1960—interpretative ruling.

(a) Vessels numbered under the requirements of Federal Numbering Act and/or State Numbering Act as required by 46 U.S.C. 527a shall not be required to comply with the requirements of the International Convention for Safety of Life at Sea, 1960, even though making an international voyage.

Subpart 188.10—Definition of Terms Used in This Subchapter

§ 188.10-1 Approved.

This term means those approved by the Commandant unless otherwise stated.

§ 188.10-3 Approved container.

This term means a container which is properly labeled, marked and approved by ICC for the commodity which it contains.

§ 188.10-5 Barge.

This term means any non-self-propelled vessel.

§ 188.10-7 Chemical stores.

This term means those chemicals intended for use in the performance of the vessel's scientific activities.

§ 188.10-9 Chemical storeroom.

This term refers to any compartment specifically constructed or modified for the stowage of chemical stores and so designated and identified.

§ 188.10-11 Chemistry laboratory.

This term refers to that laboratory used for chemical work. The term includes any space in which experiments are conducted or chemicals are used for scientific purposes in conjunction with the research mission of the vessel, and is so identified.

§ 188.10-13 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 188.10-15 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 188.10-17 Combustible liquid.

This term includes any liquid whose flashpoint, as determined by an open cup tester, is above 80° F.

§ 188.10-19 Commandant.

This term means the Commandant of the Coast Guard.

§ 188.10-21 Compressed gas.

This term includes any material or mixture having in the container an abso-

lute pressure exceeding 40 p.s.i. at 70° F.; or regardless of the pressure at 70° F., having an absolute pressure exceeding 104 p.s.i. at 130° F.; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100° F. as determined by the Reid method covered by the American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323). Compressed gases are discussed in more detail in Subpart 146.24 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 188.10-23 Corrosive liquids.

(a) This term includes those acids, alkaline caustic liquids, and other corrosive liquids which, when in contact with living tissues, will cause severe damage of such tissues by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fire when in contact with organic matter or with certain chemicals.

(b) A corrosive substance may be:

(1) Solid, such as iodine; or,

(2) Liquid, such as acids, or caustic soda solution; or,

(3) Gaseous, such as chlorine or sulfur dioxide.

§ 188.10-25 Explosive.

This term means a chemical compound or mixture, the primary purpose of which is to function by explosion; i.e., with substantially instantaneous release of gas and heat. Explosives are discussed in more detail in Subpart 146.20 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 188.10-27 Flammable liquid.

This term includes any liquid whose flashpoint, as determined by an open cup tester, is 80° F. or below.

§ 188.10-31 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

§ 188.10-33 Headquarters.

This term means the Office of the Commandant, U.S. Coast Guard, Washington, D.C.

§ 188.10-35 International voyage.

(a) The term "international voyage" as used in this subchapter shall have the same meaning as that contained in Regulation 2(d), Chapter I of the International Convention for Safety of Life at Sea, 1960, i.e., "International voyage means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country."

(b) The International Convention for Safety of Life at Sea, 1960, does not apply to vessels "solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap de Rosiers

to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63d Meridian." Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(c) For the purposes of this subchapter the term "territory" as used in paragraph (a) of this section shall be considered to include the Commonwealth of Puerto Rico, the Canal Zone, all possessions of the United States, and all lands held by the United States under a protectorate or mandate.

(d) In addition, although voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska are not "International voyages" under the provisions of the International Convention for Safety of Life at Sea, 1960, such voyages are similar in nature and shall be considered as "International voyages" and subject to the same requirements for the purposes of this subchapter.

§ 188.10-37 Label.

This term means the caution label required by Part 146 of Subchapter N (Dangerous Cargoes) of this chapter and the regulations of the ICC to be affixed to outside containers of explosives or other dangerous articles or substances.

§ 188.10-39 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds, other than the waters of the Great Lakes.

§ 188.10-41 Liquefied compressed gas.

This term means a gas which, under the charged pressure, is partially liquid at a temperature of 70° F.

§ 188.10-43 Liquefied flammable gas.

This term means any flammable gas having a Reid vapor pressure exceeding 40 p.s.i. which has been liquefied.

§ 188.10-45 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration to Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 188.10-47 Nuclear vessel.

This term means a vessel provided with a nuclear powerplant for propulsion or any other purpose, or any vessel handling or processing substantial amounts of radioactive material.

§ 188.10-49 Numbered vessel.

This term means a vessel which is numbered under the provisions of the Federal Boating Act of 1958 (46 U.S.C. 527-527h).

§ 188.10-51 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean, or the Gulf of Mexico more than 20 nautical miles offshore.

§ 188.10-15 Oceanographic vessel.

This term means an "oceanographic research vessel" as defined in section 441 of 46, U.S. Code, and is a vessel which "is being employed exclusively in oceanographic research, including, but not limited to, such studies pertaining to the sea as seismic, gravity meter and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research." Such a vessel shall not be deemed to be engaged in trade or commerce (46 U.S.C. 443).

§ 188.10-55 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 188.10-59 Recognized classification society.

This term means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 188.10-61 Rivers.

Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commander.

§ 188.10-63 Rules of the Road.

(a) This term means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG-169).

(2) Rules of the Road—Great Lakes (CG-172).

(3) Rules of the Road—Western Rivers (CG-184).

(b) The current editions of the Rules of the Road pamphlets may be obtained from any Marine Inspection Office.

§ 188.10-65 Seagoing barge.

The phrase "every seagoing barge of one hundred gross tons or over" in subsections 395(a) and 395(b), Title 46 U.S. Code (Sec. 10, 35 Stat. 428, as amended), includes every non-self-propelled vessel of 100 gross tons or over, if such vessel will navigate the high seas or ocean. The phrase "non-self-propelled vessel" means a vessel without sufficient means for self-propulsion and is required to be towed.

§ 188.10-67 Scientific equipment.

This term means equipment installed or carried on board an oceanographic vessel and not normally required for the operation of a vessel or its machinery or for the navigation of the vessel, and which is used primarily in the gathering of scientific data or samples or in processing, analyzing, preserving, or storing such data or samples.

§ 188.10-69 Scientific laboratory.

This term means those spaces on board an oceanographic research vessel used primarily for scientific experimentation or research, and are so identified.

§ 188.10-71 Scientific personnel.

This term means those persons who are aboard an oceanographic vessel solely for the purpose of engaging in scientific research, or in instructing, or receiving instruction, in oceanography or limnology, and shall not be considered seamen under the provisions of Title 53 of the Revised Statutes and acts amendatory thereof or supplementary thereto.

§ 188.10-73 Ships' stores and supplies.

This term means any article or substance which is used on board a vessel subject to the appropriate portions of Parts 146 or 147 of Subchapter N (Dangerous Cargoes) of this chapter for the upkeep and maintenance of the vessel; or for the safety or comfort of the vessel, its passengers or crew; or for the operation or navigation of the vessel (except fuel for its own machinery).

§ 188.10-75 Undocumented vessel.

This term means any vessel which is not required to have, and does not have, a valid marine document by the Bureau of Customs.

§ 188.10-77 Vessel.

Where the word "vessel" is used in this subchapter, it shall be considered to include all inspected and certificated oceanographic vessels as listed in Column 7 of Table 188.05-1(a).

Subpart 188.15—Equivalents

§ 188.15-1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement; *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically

required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

§ 188.15-5 Design of vessels.

(a) In order not to inhibit design and application the Commandant may accept vessels of unusual, unique, special, or exotic design, both new and for conversion, after it is shown to his satisfaction that such a vessel is at least as safe as any vessel which meets the standards required by this subchapter.

Subpart 188.20—General Marine Engineering Requirements

§ 188.20-1 Marine engineering details.

(a) The marine engineering details shall be in accordance with Subchapter F (Marine Engineering) of this chapter.

§ 188.20-5 Nuclear vessels.

(a) Nuclear vessels shall comply with the applicable requirements in Subpart 57.30 of Part 57 of Subchapter F (Marine Engineering) of this chapter.

Subpart 188.25—General Electrical Engineering Requirements

§ 188.25-1 Electrical engineering details.

(a) The electrical engineering details shall be in accordance with Subchapter J (Electrical Engineering) of this chapter.

Subpart 188.35—American Bureau of Shipping's Standards

§ 188.35-1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used.

(b) The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 188.35-5 Where obtainable.

(a) The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, 45 Broad Street, New York, N.Y. 10004.

(b) These standards may also be examined at the Office of the Commandant (M), U.S. Coast Guard, Washington, D.C., or at the Office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

PART 189—INSPECTION AND CERTIFICATION

Subpart 189.01—Certificate of Inspection

Sec.	
189.01-1	When required.
189.01-5	Posting.
189.01-10	Period of validity.
189.01-15	Temporary certificate.

Subpart 189.05—Permit To Proceed to Another Port for Repair

Sec.	
189.05-1	When issued.
189.05-5	To whom issued.
189.05-10	Conditions of permit.
189.05-15	Posting.

Subpart 189.15—Inspection of Vessels

189.15-1	Standard in inspection of hulls, boilers, and machinery.
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Subpart 189.20—Initial Inspection

189.20-1	Prerequisite of certificate of inspection.
189.20-5	When made.
189.20-10	Plans.
189.20-15	Scope of inspection.
189.20-20	Specific tests and inspections.
189.20-25	Chemical and explosive hazards.

Subpart 189.25—Inspection for Certification

189.25-1	Prerequisite of reissuance of certificate of inspection.
189.25-5	When made.
189.25-10	Scope of inspection.
189.25-15	Lifesaving equipment.
189.25-20	Fire-extinguishing equipment.
189.25-25	Hull equipment.
189.25-30	Electrical engineering equipment.
189.25-35	Marine engineering equipment.
189.25-40	Sanitary inspection.
189.25-45	Fire hazards.
189.25-47	Chemical and explosive hazards.
189.25-50	Inspector not limited.

Subpart 189.27—Reinspection

189.27-1	When made.
189.27-5	Scope.
189.27-10	Deficiencies in maintenance.
189.27-15	Inspector not limited.

Subpart 189.30—Inspection After Accident

189.30-1	General or partial survey.
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Subpart 189.33—Sanitary Inspections

189.33-1	When made.
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Subpart 189.35—Inspection of Weight Handling Gear

189.35-1	When made.
189.35-3	Inspections.
189.35-5	Tests.
189.35-7	Plans.

Subpart 189.40—Drydocking

189.40-1	When required.
189.40-5	Notice by owner.

Subpart 189.45—Repairs and Alterations

189.45-1	Notice required.
189.45-5	Inspection required.

Subpart 189.50—Special Operating Requirements

189.50-1	Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions.
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Subpart 189.55—Plan Approval

189.55-1	General.
189.55-5	Plans and specifications required for new construction.
189.55-10	Plans required for alterations of existing vessels.
189.55-15	Procedure for submittal of plans.
189.55-20	Number of plans required.

Subpart 189.60—Certificates Under International Convention for Safety of Life at Sea, 1960

Sec.	
189.60-1	Application.
189.60-5	Cargo Ship Safety Construction Certificate.
189.60-10	Cargo Ship Safety Equipment Certificate.
189.60-15	Cargo Ship Safety Radiotelegraphy Certificate.
189.60-20	Cargo Ship Safety Radiotelephony Certificate.
189.60-25	Exemption Certificate.
189.60-30	Nuclear Cargo Ship Safety Certificate.
189.60-35	Posting of Convention certificates.
189.60-40	Duration of certificates.
189.60-45	American Bureau of Shipping.

AUTHORITY: The provisions of this Part 189 issued under R.S. 4405, as amended, 4462, as amended, and sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4472, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 391, 392, 170, 481, 489, 395, 363, 367, 526p; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-66, Sept. 8, 1965, 30 F.R. 11735, unless otherwise noted.

Subpart 189.01—Certificate of Inspection

AUTHORITY: The provisions of this Subpart 189.01 interpret or apply R.S. 4421, as amended, 4423, as amended, sec. 12, 35 Stat. 428, as amended; 46 U.S.C. 399, 400, 397.

§ 189.01-1 When required.

(a) Except as noted in this subpart or Subpart 189.05 of this part, no vessel subject to inspection and certification shall be operated without a valid certificate of inspection.

§ 189.01-5 Posting.

(a) The original certificate of inspection shall, in general, be framed under glass or other transparent material and posted in a conspicuous place where it will be most likely to be observed. On other vessels such as barges, where the framing of the certificate under glass would be impracticable, the original certificate of inspection shall be kept on board to be shown on demand.

§ 189.01-10 Period of validity.

(a) Certificates of inspection will be issued for periods of either 1 or 2 years. Application may be made by the master, owner, or agent for inspection and issuance of a new certificate of inspection at any time during the period of validity of the current certificate. For nuclear vessels, the period of validity shall be 1 year.

(b) Certificates of inspection may be revoked or suspended by the Coast Guard where such process is authorized by law. This may occur if the vessel does not meet the requirements of law or regulations in this chapter or if there is a failure to maintain the safety requirements requisite to the issuance of a certificate of inspection.

(c) (1) In the case of the following vessels, modification of the period of validity of the certificate of inspection

will be permitted as set forth in this paragraph:

(i) Non-self-propelled vessels of 100 gross tons and over proceeding on the high seas or ocean for the sole purpose of changing place of employment.

(ii) Non-self-propelled vessels of 100 gross tons and over making rare or infrequent voyages on the high seas or ocean and returning to the port of departure.

(2) The certificate of inspection may be issued for a specific period of time to cover a described situation or for one voyage only but in no case to exceed 2 years. The certificate of inspection will include the conditions under which the vessel must operate. Unless the vessel is in compliance with this subchapter insofar as it applies to seagoing barges of 100 gross tons and over, such vessel shall not carry any person on board while underway, and the certificate of inspection will be endorsed as an unmanned seagoing barge.

§ 189.01-15 Temporary certificate.

(a) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG-854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

Subpart 189.05—Permit To Proceed to Another Port for Repair

AUTHORITY: The provisions of this Subpart 189.05 interpret or apply R.S. 4453, as amended; 46 U.S.C. 435.

§ 189.05-1 When issued.

(a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repair, Form CG-948, to a vessel, if in his judgment it can be done with safety, even if the certificate of inspection of the vessel has expired or is about to expire.

§ 189.05-5 To whom issued.

(a) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

§ 189.05-10 Conditions of permit.

(a) The permit will state upon its face the conditions under which it is issued.

§ 189.05-15 Posting.

(a) The permit shall be carried in a manner similar to that described in § 189.01-5 for a certificate of inspection.

Subpart 189.15—Inspection of Vessels

§ 189.15-1 Standard in inspection of hulls, boilers, and machinery.

(a) In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see Subpart 188.35 of this subchapter, respecting material and construction of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise

provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), Subchapter F (Marine Engineering), or Subchapter J (Electrical Engineering) of this chapter shall be accepted as standard by the inspectors.

Subpart 189.20—Initial Inspection

§ 189.20-1 Prerequisite of certificate of inspection.

(a) The initial inspection is a prerequisite of the issuance of the original certificate of inspection.

§ 189.20-5 When made.

(a) The initial inspection will only be made upon the written application of the owner or builder of the vessel to the Officer in Charge, Marine Inspection, on Form CG-3752, Application for Inspection of U.S. Vessel, at or nearest the port where the vessel is located.

§ 189.20-10 Plans.

(a) Before application for inspection is made, and before construction is started, the owner or builder shall have plans approved by the Commandant indicating the proposed arrangement and construction of the vessel.

(b) The procedure for submitting plans and the list of plans to be supplied is set forth in Subpart 189.55 of this part.

§ 189.20-15 Scope of inspection.

(a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, except scientific equipment which does not affect the safety of the vessel or personnel, but including the outside of the vessel's bottom, and the inside and outside of the boilers and unfired pressure vessels. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and other pressure vessels and their appurtenances, piping, main and auxiliary machinery, electrical installations, life-saving appliances, fire detecting and extinguishing equipment, pilot ladders, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and determine that the vessel is in possession of a valid certificate issued by the Federal Communications Commission, if any. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory, and that the vessel is provided with lights, means of making sound signals and distress signals as required by applicable regulations and the applicable "Rules of the Road."

(b) When equipment other than scientific equipment is installed which is not required by the applicable regulations in this subchapter, that equipment shall be inspected and tested as may be required for such equipment by the Officer in Charge, Marine Inspection, to assure safety.

(1) All scientific equipment and their electrical or pressure connections to the ship's supply shall be designed to good

commercial standards and shall be free of personnel hazards caused by shock, temperature extremes, and moving parts.

(c) For nuclear vessels, the inspections required by this section shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

§ 189.20-20 Specific tests and inspections.

(a) The applicable tests and inspections as set forth in Subpart 189.25 of this part shall be made at this time. In addition, the following specific tests and inspections shall be made by the marine inspector.

(1) Installation of lifeboats, davits, and winches. See Subpart 192.35 of this subchapter.

(2) Installation of carbon dioxide extinguishing piping. See § 193.15-15 of this subchapter.

(3) Marine engineering equipment and systems. See Subchapter F (Marine Engineering) of this chapter.

(4) Electrical engineering equipment and systems. See Subchapter J (Electrical Engineering) of this chapter.

§ 189.20-25 Chemical and explosive hazards.

(a) If installed, the marine inspector shall examine the chemistry laboratory, scientific laboratory, chemical storeroom, magazines, vans and chests to insure that the workmanship and arrangements are satisfactory and the chemical and explosive hazards are minimized.

Subpart 189.25—Inspection for Certification

§ 189.25-1 Prerequisite of reissuance of certificate of inspection.

(a) An inspection for certification is a prerequisite of the reissuance of a certificate of inspection.

§ 189.25-5 When made.

(a) The inspection for certification will be made only upon written application of the master, owner, or agent of the vessel on Form CG-3752, Application for Inspection of U.S. Vessel, to the Officer in Charge, Marine Inspection, at or nearest the port where the vessel is located.

§ 189.25-10 Scope of inspection.

(a) The inspection for certification shall include an inspection of the structure, boilers, and other pressure vessels, machinery, and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers, and other pressure vessels and their appurtenances, piping, main and auxiliary machinery, electrical installations, life-saving appliances, fire detecting and extinguishing equipment, pilot ladders, and other equipment, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessel, and determine that the vessel is in possession of a valid certificate issued by the Federal Communications Commission, if required. The lights and means

of making sound signals carried by the vessel shall also be subject to the above-mentioned inspection for the purpose of insuring that they comply with the requirements of the applicable regulations and the applicable "Rules of the Road."

(b) For nuclear vessels, the inspections required by this section shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

(c) When equipment other than scientific equipment is installed which is not required by the applicable regulations in this subchapter, that equipment shall be inspected and tested as may be required for such equipment by the Officer in Charge, Marine Inspection, to assure safety.

(1) Scientific equipment and their electrical or pressure connections to the ship's supply will be checked to ascertain that it is maintained free of personnel hazards caused by shock, temperature extremes, and moving parts.

§ 189.25-15 Lifesaving equipment.

(a) At each inspection for certification, except as modified in subparagraph (2) of this paragraph, the marine inspector shall conduct the following tests and inspections of lifesaving equipment:

(1) It shall be demonstrated that the air tanks of all lifesaving appliances are airtight.

(2) Each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat, and be released from the falls. In making this test persons or deadweight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each. This test shall be made at least once in each 2-year period. If practicable it shall be made at the inspection for certification or at a reinspection.

(3) Each life preserver shall be examined to determine its serviceability. If found to be satisfactory, it will be stamped "Passed," together with the date, the port, and the inspector's initials. If not in a serviceable condition, the life preserver shall be removed from the vessel, and if beyond repair, shall be destroyed in the presence of the inspector.

(4) All lifeboat winch electrical control apparatus shall be opened up and inspected.

(5) Where gravity davits are installed, it shall be demonstrated that the lifeboat can be swung out and lowered from any stopped position by merely releasing the brake on the lifeboat winch. The use of force to start the davits or the lifeboat winch will not be permitted.

(6) Inflatable liferafts shall be serviced at an approved servicing facility in accordance with the provisions of Sub-

part 160.051 of Subchapter Q (Specifications) of this chapter. Inflatable liferafts shall be serviced at an approved servicing facility every 12 months or not later than the next vessel inspection for certification provided the total time since date of last servicing does not exceed 15 months. The period for servicing is computed from the date of last servicing. Except in emergencies no servicing should be done aboard vessels. If at any time external damage is found to the container or straps or if the seal is broken, the Officer in Charge, Marine Inspection, shall be notified and the raft may be required to be serviced by an approved servicing facility.

NOTE: After the raft has been satisfactorily serviced in the presence of a marine inspector at an approved servicing facility, the raft is repacked and sealed and the carrying case stamped "PASSED" together with the date, port, and the marine inspector's initials.

(7) All other items of lifesaving equipment shall be examined to determine that they are in suitable condition.

§ 189.25-20 Fire-extinguishing equipment.

(a) At each inspection for certification and at such other times as considered necessary the inspector shall determine that all fire-extinguishing equipment is in suitable condition and he may require such tests as are considered necessary to determine the condition of the equipment. The inspector shall determine if the tests and inspections required by § 196.15-60 of this subchapter have been conducted. At each inspection for certification the inspector shall conduct the following tests and inspections of fire-extinguishing equipment:

(1) All hand portable fire extinguishers and semiportable fire-extinguishing systems shall be checked as noted in Table 189.25-20(a)(1). In addition, the hand portable fire extinguishers and semiportable fire-extinguishing systems shall be examined for excessive corrosion and general condition.

TABLE 189.25-20(a)(1)	
Type unit	Test
Soda acid-----	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam -----	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze) -	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze, or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide-----	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear. ¹
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid ² -----	

¹ Cylinder shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

² Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids are not permitted.

(2) Fixed fire-extinguishing systems shall be examined for excessive corrosion and general conditions.

TABLE 189.25-20(a)(2)	
Type system	Test
Foam -----	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide-----	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. ¹

¹ Cylinders shall be tested and marked in accordance with regulations of the Interstate Commerce Commission, as noted in § 147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

NOTE: Section 147.04-1 of Subchapter N of this chapter includes requirements that such cylinders shall be retested and re-marked under the following conditions; (1) Whenever a cylinder is recharged or for any cause removed from a vessel subsequent to 5 years from the latest test date stamped on the shoulder of the cylinder; or (2) whenever a cylinder remains in place on a vessel for 12 years from the latest test date stamped on the shoulder of the cylinder. Cylinders retested under any of the above conditions shall have new or renewed valve and safety relief devices of the proper design installed in the cylinder.

(3) On all fire-extinguishing systems all piping, controls, valves, and alarms shall be checked to ascertain that the system is in operating condition.

(4) The fire main system shall be operated and the pressure checked at the outlets having the greatest pressure drop between the fire pumps and the nozzles which may not always be the most remote and highest outlets. All firehoses shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p.s.i.

§ 189.25-25 Hull equipment.

(a) At each inspection for certification the inspector shall conduct the following tests and inspections of hull equipment:

(1) All watertight doors shall be operated locally by manual power and also by hydraulic or electric power if so fitted. Where remote control is fitted, the doors shall also be operated by the remote control apparatus.

(2) The remote controls of all valves shall be operated.

(3) An inspection of the weight handling gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the gear. Current valid certificates and registers, issued by a recognized nonprofit organization or association approved by the Commandant, may be accepted as prima facie evidence of the condition and suitability of the weight handling gear. Weight handling gear certificates and registers will not be issued by the Coast Guard.

§ 189.25-30 Electrical engineering equipment.

(a) For inspection procedures of Electrical Engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

§ 189.25-35 Marine engineering equipment.

(a) For inspection procedures of Marine Engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

§ 189.25-40 Sanitary inspection.

(a) At each inspection for certification, the quarters, toilets, and washing spaces, galleys, serving pantries, lockers, etc., shall be examined by the marine inspector to be assured that they are in a sanitary condition.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

§ 189.25-45 Fire hazards.

(a) At each inspection for certification, the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

§ 189.25-47 Chemical and explosive hazards.

(a) The marine inspector shall inspect every chemistry laboratory, scientific laboratory, and chemical storeroom during each inspection for certification.

(b) Magazines, vans, and chests shall be inspected during each inspection for certification.

§ 189.25-50 Inspector not limited.

(a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

Subpart 189.27—Reinspection

§ 189.27-1 When made.

(a) At least one reinspection shall be made on each vessel holding a certificate of inspection valid for 2 years. This reinspection will be made, where possible, between the 10th and 14th months of the period for which the certificate is valid.

(b) No written application for reinspection will be required.

§ 189.27-5 Scope.

(a) The marine inspector shall examine all accessible parts of the vessel's hull, machinery, and equipment to be assured that it is in a satisfactory condition, except scientific equipment which does not affect the safety of the vessel or personnel.

(b) In general, the scope of the reinspection shall be the same as for the inspection for certification, but will be in less detail unless it is determined that a major change has occurred since the last inspection.

§ 189.27-10 Deficiencies in maintenance.

(a) If the reinspection reveals deficiencies in the maintenance as called for by the regulations in this subchapter, such necessary repairs or improvements shall be made as may be ordered.

§ 189.27-15 Inspector not limited.

(a) Nothing in this subpart shall be construed as limiting the marine inspector from making such tests or inspections as he deems necessary to be assured of the seaworthiness of the vessel.

Subpart 189.30—Inspection After Accident

§ 189.30-1 General or partial survey.

(a) A survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the vessel or the efficacy or completeness of its lifesaving appliances, firefighting or other equipment, or whenever any important repairs or renewals are made. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the regulations in this subchapter.

(R.S. 4450, as amended; 46 U.S.C. 239)

Subpart 189.33—Sanitary Inspections

§ 189.33-1 When made.

(a) An inspection of quarters, toilet and washing spaces, serving pantries,

galleys, etc., shall be made at least once in every month. If the route of the vessel is such that it is away from a U.S. port for more than 1 month, an inspection shall be conducted at least once every trip.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

Subpart 189.35—Inspection of Weight Handling Gear

§ 189.35-1 When made.

(a) Inspections and tests of weight handling gear shall be made at the time of the initial inspection for certification, during reinspection of the vessel, or as deemed necessary by the Officer in Charge, Marine Inspection.

§ 189.35-3 Inspections.

(a) Inspections will normally consist of a visual examination with access covers removed. Suitability of the equipment for the service intended will be emphasized.

(b) Disassembly of the equipment will be required only when there is a suspected deficiency or unsafe condition.

§ 189.35-5 Tests.

(a) Tests should normally consist of exercising the equipment as a unit with a proof load 25 percent in excess of the equipment's normal rated capacity. Test loads should not exceed design loads or manufacturer's limitations. The 25 percent excess proof load may be modified as circumstances warrant.

(b) Braking, safety, and limiting devices shall be tested whenever possible. Equipment so tested shall be suitably marked with the test load, date, and any other pertinent information by means of a permanently attached plate.

§ 189.35-7 Plans.

(a) Four (4) sets of plans for weight handling gear shall be submitted for review. These plans shall include:

(1) One line electrical diagrams showing appropriate overload protection as currently required by Subchapter J (Electrical Engineering) of this chapter.

(2) Plans showing the hydraulic or pneumatic equipment, which should be in compliance with Subpart 55.17 of Part 55 of Subchapter F (Marine Engineering) of this chapter.

(3) Stress and/or arrangement diagrams, as appropriate to the specific equipment in question, with supporting design calculations for the equipment designed to handle loads of 1 ton or more. In lieu of design calculations, purchase specifications or vendor's information may be accepted as sufficiently definitive on materials, design (safety) factors, and operating limitations.

(b) The owner shall provide the master for maintenance on the vessel one set of plans of the weight handling gear. These plans shall be made available to the marine inspector upon request.

Subpart 189.40—Drydocking

§ 189.40-1 When required.

(a) Except for extensions as authorized by the Commandant, all vessels shall be placed in drydock or hauled out for

examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel should be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of more than 3 months but not more than 6 months in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds an aggregate of 6 months service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals of 48 months if it operates in salt water an aggregate of more than 1 month but not more than 3 months in each 12-month period since it was last drydocked or hauled out.

(4) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates in salt water an aggregate not exceeding 1 month in each 12-month period since it was last drydocked or hauled out.

§ 189.40-5 Notice by owner.

(a) The master, owner, or agent shall notify the Officer in Charge, Marine Inspection, when any vessel is to be placed on a drydock in order that an examination of the underwater portion of the vessel may be made if deemed necessary.

Subpart 189.45—Repairs and Alterations

§ 189.45-1 Notice required.

(a) No repairs or alterations affecting the stability or safety of the vessel with regard to the hull, machinery, and equipment shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations shall be approved before work is started unless deemed unnecessary by the Officer in Charge, Marine Inspection.

(c) Drawings will not be required for repairs in kind.

(d) Notice is not required for repairs or alterations to scientific equipment where the stability or safety of the vessel with regard to the hull and machinery or equipment is not affected.

§ 189.45-5 Inspection required.

(a) An inspection, either general or partial depending upon the circumstances, shall be made whenever any important repairs or alterations are undertaken.

Subpart 189.50—Special Operating Requirements

§ 189.50-1 Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions.

(a) The provisions of "Standard for the Control of Gas Hazards on Vessels To Be Repaired," NFPA No. 306, published by National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, shall be used as a guide in conducting the inspections and issuance of certificates required by this section.

(b) Until an inspection has been made to determine that such operation can be undertaken with safety, no alterations, repairs, or other such operations involving riveting, burning, welding, or like fire-producing actions shall be made:

(1) Within or on the boundaries of tanks which have been used to carry combustible liquids or chemicals; or,

(2) Within spaces adjacent to tanks which have been used to carry Grade D combustible liquids, except where the distance between such tanks and the work to be performed is not less than twenty-five (25) feet; or,

(3) Within or on the boundaries of fuel tanks; or,

(4) Within or on the boundaries of tanks carrying Grade B or Grade C flammable liquids or within spaces adjacent to such tanks; or,

(5) To pipelines, heat coils, pumps, fittings, or other appurtenances connected to such fuel tanks.

(c) Such inspections shall be made and evidenced as follows:

(1) In ports or places in the United States or its territories and possessions the inspection shall be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of such certified marine chemist are not reasonably available, the Officer in Charge, Marine Inspection, upon the recommendation of the vessel owner and his contractor or their representative shall select a person who, in the case of an individual vessel, shall be authorized to make such inspection. If the inspection indicates that such operations can be undertaken with safety, a certificate setting forth the fact in writing and qualified as may be required, shall be issued by the certified marine chemist or the authorized person before the work is started. Such qualifications shall include any requirements as may be deemed necessary to maintain, insofar as can reasonably be done, the safe conditions in the spaces certified throughout the operation and shall include such additional tests and certifications as considered required. Such qualifications and requirements shall include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) When not in such a port or place, and a marine chemist or such person authorized by the Officer in Charge, Marine Inspection, is not reasonably available, the inspection shall be made by the senior officer in the crew present and a proper entry shall be made in the vessel's logbook.

(d) It shall be the responsibility of the senior officer present to secure copies of certificates issued by the certified marine chemist or such person authorized by the Officer in Charge, Marine Inspection. It shall be the responsibility of the senior officer in the crew present, insofar as the persons under his control are concerned, to maintain a safe condition on the vessel by full observance of all qualifications and requirements listed by the marine chemist in the certificate.

Subpart 189.55—Plan Approval

§ 189.55-1 General.

(a) The following list of required plans in § 189.55-5 is general in character, but includes all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangements, construction and required equipment.

(b) In the following list of required plans in § 189.55-5, the items which must be approved by the American Bureau of Shipping for vessels classed by that organization are indicated by an asterisk. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard they will in general be accepted as satisfactory except insofar as the law or the Coast Guard regulations contain requirements which are not covered by the American Bureau of Shipping.

§ 189.55-5 Plans and specifications required for new construction.

(a) *General.* (1) Specifications.

(2) General arrangement plan of decks, holds, inner bottoms, etc., and including inboard and outboard profile.

(b) *Hull structure.*¹ (1) *Inner bottom plating and framing.

(2) *Midship section.

(3) *Shell plating and framing.

(4) *Stem, stern frame, and rudder.

(5) *Structural deck plans for strength decks.

(6) *Pillars and girders.

(7) *Watertight and oiltight bulkheads.

(8) *Foundations for main machinery and boilers.

(9) *Arrangement of ports, doors, and airports in shell plating.

¹ The asterisk (*) indicates items which may require approval by the American Bureau of Shipping for vessels classed by that society.

(10) *Hatch coamings and covers in weather and watertight decks.

(11) *Details of watertight doors and operating gear.

(12) *Scuppers and drains penetrating shell plating.

(13) Weight handling gear.

(14) Fixed independent tanks containing flammable or combustible liquids in bulk.

(15) Special arrangements for scientific equipment, if any.

(c) *Hull calculations, etc.* Required only when a stability test is to be performed.

(1) Lines (for information).

(2) Curves of form.

(3) Capacity plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc. (for information).

(4) Tank sounding tables (for information).

(5) Draft mark locations (for information).

(6) Scientific equipment, if any.

(d) *Fire control.* (1) General arrangement plans showing for each deck the control stations, the various fire sections enclosed by fire resisting bulkheads, the arrangement of the alarm and extinguishing systems, the fire extinguishers, means of access to different compartments and decks and the ventilation system including location of ventilation shutdowns, positions of dampers and the number identifying each system.

(2) Ventilation diagram including dampers and other fire control features.

(3) Details of alarm systems.

(4) Details of extinguishing systems, including fire mains, carbon dioxide, foam and sprinkling systems.

(e) *Marine engineering.* For plans required for marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(f) *Electrical engineering.* For plans required for electrical engineering, equipment, and systems, see Subchapter J (Electrical Engineering) of this chapter.

(g) *Lifesaving equipment.* These plans are to show the location and arrangement of embarkation decks, all overboard discharges and projections in way of launching lifeboats, weights of lifeboats fully equipped and loaded, working loads of davits and winches, types and sizes of falls, the manufacturer's name and identification for all equipment, and all other relevant and necessary information.

(1) Arrangement of lifeboats.

(2) Arrangement of davits.

(3) Location and stowage of liferafts and buoyant apparatus.

(h) *Accommodations for crewmembers and scientific personnel.* Arrangement plans showing accommodations, ventilation, escapes, hospitals, and sanitary facilities for all crewmembers and scientific personnel.

(i) *Magazines and magazine vans.*

(1) All plans relating to the arrangement, construction, ventilation, and fire protection system for magazines and magazine vans. (The plans required for magazines and magazine vans to be in-

stalled or carried on a vessel after the vessel is in operation, are set forth in Subpart 195.11 of this subchapter.)

(2) Ventilation and sprinkler system calculations for magazines and magazine vans.

(j) *Scientific equipment.* Plans of scientific equipment to show location, estimated weight, and arrangements when on board the vessel. With estimated weights, the manufacturer's specifications, purchase specifications, or the vendor's information may be accepted as sufficiently definitive on materials, design (safety) factors, and operating limitations.

§ 189.55-10 Plans required for alterations of existing vessels.

(a) In the event of alterations involving the safety of the vessel, the applicable plans shall be submitted for approval covering the proposed work except as modified by § 189.45-1. The general scope of the plans shall be as noted in § 189.55-5.

§ 189.55-15 Procedure for submittal of plans.

(a) As the relative location of shipyards, design offices, and Coast Guard offices vary throughout the country, no specific routing will be required in the submittal of plans. In general, one of the following procedures would apply, but in a particular case, if a more expeditious procedure can be used, there will be no objection to its adoption.

(1) The plans may be submitted to the Officer in Charge, Marine Inspection, in the district in which the vessel is to be built. This procedure will be most expeditious in the case of those offices where personnel and facilities are available for examination and approval of plans locally.

(2) The plans may be submitted directly to the Commandant (MMT), U.S. Coast Guard, 1300 E Street NW., Washington, D.C. 20226. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(3) The plans may be submitted directly to field technical offices.

(i) Commander, 3d Coast Guard District (mmt), Governors Island, New York, N.Y. 10004, for the geographical area covered by 1st, 3d, and 5th Coast Guard Districts.

(ii) Commander, 8th Coast Guard District (mmt), Room 308, Customhouse, New Orleans, La., for geographical area covered by 2d, 7th, and 8th Coast Guard Districts.

(iii) Commander, 9th Coast Guard District (mmt), Main Post Office Building, West Third and Prospect Streets, Cleveland, Ohio 44113, for geographical area covered by 9th Coast Guard District.

(iv) Commander, 12th Coast Guard District (mmt), 630 Sansome Streets, San Francisco, Calif., for geographical area covered by 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

(4) In the case of classed vessels, upon specific request by the submitter, the

American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (2) of this paragraph.

§ 189.55-20 Number of plans required.

(a) Four copies of each plan are normally required so that one can be returned to the submitter. If the submitter desires additional approved plans, a suitable number should be submitted to permit the required distribution.

Subpart 189.60—Certificates Under International Convention for Safety of Life at Sea, 1960

§ 189.60-1 Application.

(a) The provisions of this subpart, with the exception of §§ 189.60-30 and 189.60-40(e), shall apply to all oceanographic vessels on an international voyage other than nuclear vessels. (See § 188.05-10 of this subchapter.)

(b) The provisions of §§ 189.60-30, 189.60-35, and 189.60-40(e) shall apply to all nuclear oceanographic vessels on an international voyage.

§ 189.60-5 Cargo Ship Safety Construction Certificate.

(a) All vessels on an international voyage are required to have a Cargo Ship Safety Construction Certificate. This certificate shall be issued by the U.S. Coast Guard or the American Bureau of Shipping to certain vessels on behalf of the United States of America as provided in Regulation 12, Chapter I, of the International Convention for Safety of Life at Sea, 1960.

(b) All such vessels shall meet the applicable requirements of this chapter for vessels on an international voyage.

§ 189.60-10 Cargo Ship Safety Equipment Certificate.

(a) All vessels on an international voyage are required to have a Cargo Ship Safety Equipment Certificate.

(b) All such vessels shall meet the applicable requirements of this chapter for vessels on an international voyage.

§ 189.60-15 Cargo Ship Safety Radiotelegraphy Certificate.

(a) The application for Cargo Ship Safety Radiotelegraphy Certificate is made on FCC Form 801 to the local office of the Federal Communications Commission.

(b) Where applicable, a Cargo Ship Safety Radiotelegraphy Certificate will be issued by the Federal Communications Commission to a vessel meeting its requirements for a vessel fitted with a radiotelegraph installation.

§ 189.60-20 Cargo Ship Safety Radiotelephony Certificate.

(a) The application for a Cargo Ship Safety Radiotelephony Certificate is made on FCC Form 801 to the local office of the Federal Communications Commission.

(b) Where applicable, a Cargo Ship Safety Radiotelephony Certificate will be

issued by the Federal Communications Commission to a vessel meeting its applicable requirements for a vessel fitted with a radiotelephone installation.

§ 189.60-25 Exemption Certificate.

(a) A vessel may be exempted by the Commandant from complying with certain requirements of the Convention under his administration upon request made in writing to him and transmitted via the Officer in Charge, Marine Inspection.

(b) When an exemption is granted to a vessel by the Commandant under and in accordance with the Convention, an Exemption Certificate describing such exemption shall be issued through the appropriate Officer in Charge, Marine Inspection, in addition to other required certificates.

§ 189.60-30 Nuclear Cargo Ship Safety Certificate.

(a) All nuclear cargo vessels on an international voyage are required to have a Nuclear Cargo Ship Safety Certificate.

(b) All such vessels shall meet the applicable requirements of this chapter for nuclear vessels on an international voyage.

(c) Nuclear vessels cannot be exempted from any requirements of the Convention.

§ 189.60-35 Posting of Convention certificates.

(a) The certificates described in this subpart, or certified copies thereof, when issued to a vessel shall be posted in a prominent and accessible place on the vessel.

(b) The certificates shall be carried in a manner similar to that described in § 189.01-5 for a certificate of inspection.

§ 189.60-40 Duration of certificates.

(a) A Cargo Ship Safety Equipment Certificate shall be issued for a period of not more than 24 months.

(b) A Cargo Ship Safety Construction Certificate shall be issued for a period of not more than 60 months.

(c) A Cargo Ship Safety Radiotelegraphy Certificate and a Cargo Ship Safety Radiotelephony Certificate shall be issued for a period of not more than 12 months.

(d) An Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.

(e) The Nuclear Cargo Ship Safety Certificate shall be issued for a period of not more than 12 months.

(f) A Convention Certificate may be withdrawn, revoked, or suspended at any time when it is determined the vessel is no longer in compliance with applicable requirements. (See § 2.01-70 of this chapter for procedures governing appeals.)

§ 189.60-45 American Bureau of Shipping.

(a) The American Bureau of Shipping, with its home office at 45 Broad Street, New York, N.Y. 10004, is hereby designated as an organization duly authorized to issue the "Cargo Ship Safety

Construction Certificate" to certain oceanographic vessels on behalf of the United States of America as provided in Regulation 12, Chapter I, of the International Convention for Safety of Life at Sea, 1960, and Executive Order 11239 and the certificate shall be subject to the requirements in this subpart. The American Bureau of Shipping is authorized to place the official seal of the United States of America on the certificate. This designation and delegation to the American Bureau of Shipping shall be in effect from March 1, 1967, until terminated by proper authority and notice of cancellation is published in the FEDERAL REGISTER.

(b) At the option of the owner or agent of a vessel on an international voyage and on direct application to the American Bureau of Shipping, the Bureau may issue to such vessel a Cargo Ship Safety Construction Certificate, having a period of validity of not more than 60 months after ascertaining that the vessel:

(1) Has met the applicable requirements of the Convention; and

(2) Is currently classed by the Bureau and classification requirements have been dealt with to the satisfaction of the Bureau.

(c) When the Bureau determines that a vessel to which it has issued a Cargo Ship Safety Construction Certificate no longer complies with the Bureau's applicable requirements for classification, the Bureau shall immediately furnish to the Coast Guard all relevant information, which will be used by the Coast Guard to determine whether or not to withdraw, revoke or suspend the Cargo Ship Safety Construction Certificate.

(Sec. 25, 41 Stat. 998, as amended, sec. 701, 62 Stat. 731, as amended; 46 U.S.C. 881, 18 U.S.C. 701)

PART 190—CONSTRUCTION AND ARRANGEMENT

Subpart 190.01—Hull Structure

Sec.	
190.01-1	Application.
190.01-5	Vessels subject to load line.
190.01-10	Structural standards.
190.01-13	Sliding watertight doors.
190.01-15	Special consideration.
190.01-90	Vessels contracted for prior to March 1, 1967.

Subpart 190.05—General Fire Protection

190.05-1	Application.
190.05-3	Fire hazards to be minimized.
190.05-5	Woodwork insulated from heated surfaces.
190.05-10	Chemical storeroom and lamp room construction.
190.05-15	Segregation of spaces containing the emergency source of electric power.
190.05-20	Segregation of chemical laboratories, scientific laboratories, and chemical storerooms.

Subpart 190.07—Structural Fire Protection

190.07-1	Application.
190.07-5	Definitions.
190.07-10	Construction.
190.07-90	Vessels contracted for prior to March 1, 1967.

Subpart 190.10—Means of Escape

Sec.	
190.10-1	Application.
190.10-5	Two means required.
190.10-10	Location.
190.10-15	Vertical ladders not accepted.
190.10-20	No means for locking doors.
190.10-25	Stairway size.
190.10-30	Dead end corridors.
190.10-35	Public spaces.
190.10-40	Access to lifeboats.
190.10-45	Weather deck communications.
190.10-90	Vessels contracted for prior to March 1, 1967.

Subpart 190.15—Ventilation

190.15-1	Application.
190.15-5	Vessels using fuel having a flash-point of 110° F. or lower.
190.15-10	Ventilation for closed spaces.
190.15-15	Ventilation for living spaces and quarters.
190.15-90	Vessels contracted for prior to March 1, 1967.

Subpart 190.20—Accommodations for Officers, Crew, and Scientific Personnel

190.20-1	Application.
190.20-5	Intent.
190.20-10	Location of crew spaces.
190.20-15	Construction.
190.20-20	Sleeping accommodations.
190.20-25	Washrooms and toilet rooms.
190.20-30	Messrooms.
190.20-35	Hospital space.
190.20-40	Other spaces.
190.20-45	Lighting.
190.20-50	Heating.
190.20-55	Insect screens.
190.20-90	Vessels contracted for prior to March 1, 1967.

Subpart 190.25—Rails and Guards

190.25-1	Application.
190.25-5	Where rails required.
190.25-10	Storm rails.
190.25-15	Guards in dangerous places.
190.25-90	Vessels contracted for prior to March 1, 1967.

AUTHORITY: The provisions of this Part 190 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 481, 395, 363, 367. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-66, Sept. 8, 1965, 30 F.R. 11735; unless otherwise noted.

Subpart 190.01—Hull Structure

§ 190.01-1 Application.

(a) The provisions of this subpart, with the exception of § 190.01-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.01-90.

§ 190.01-5 Vessels subject to load line.

(a) For vessels assigned a load line, see Subchapter E (Load Lines) of this chapter for special requirements as to strength, closure of openings, etc.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Dept. Order 167-48, Oct. 19, 1962, 27 F.R. 10504)

§ 190.01-10 Structural standards.

(a) In general, compliance with the standards established by the American

Bureau of Shipping, see Subpart 188.35 of this subchapter, will be considered as satisfactory evidence of the structural efficiency of the vessel. However, in special cases, a detailed analysis of the entire structure or some integral part may be made by the Coast Guard to determine the structural requirements.

§ 190.01-13 Sliding watertight doors.

(a) Sliding watertight doors, where fitted, shall be designed, tested, and installed in accordance with Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

§ 190.01-15 Special consideration.

(a) Special consideration will be given to the structural requirements for small vessels or vessels of an unusual design not contemplated by the rules of the American Bureau of Shipping.

§ 190.01-90 Vessels contracted for prior to March 1, 1967.

(a) Existing structure previously approved will be considered satisfactory so long as it is maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(b) Conversions, major alterations, new installations, and replacements, shall meet the applicable specifications in this subpart for new vessels.

Subpart 190.05—General Fire Protection

§ 190.05-1 Application.

(a) The provisions of this subpart shall apply to all vessels, except as noted otherwise in this subpart.

§ 190.05-3 Fire hazards to be minimized.

(a) The general construction of the vessel shall be such as to minimize fire hazards.

§ 190.05-5 Woodwork insulated from heated surfaces.

(a) Internal combustion engine exhausts, boiler, and galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

§ 190.05-10 Chemical storeroom and lamp room construction.

(a) Chemical storerooms, lamp, paint, and oil lockers and similar compartments shall be constructed of steel or shall be wholly lined with metal.

§ 190.05-15 Segregation of spaces containing the emergency source of electric power.

(a) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such

as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least 1 hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A-60 requirements, as defined by § 72.05-10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

§ 190.05-20 Segregation of chemical laboratories, scientific laboratories, and chemical storerooms.

(a) The provisions of this section shall apply to all vessels contracted for on or after March 1, 1967.

(b) The chemical laboratories, scientific laboratories, and chemical storerooms shall not be located in horizontal proximity to nor below accommodation or safety areas.

(c) The chemical laboratories and chemical storerooms shall not be located adjacent to the collision bulkhead, nor boundary divisions of the boilerroom, engine room, galley or other high fire hazard area.

Subpart 190.07—Structural Fire Protection

§ 190.07-1 Application.

(a) The provisions of this subpart, with the exception of § 190.07-90, shall apply to all vessels which carry not more than 150 persons and are contracted for on or after March 1, 1967. Such vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.07-90.

(b) Those vessels which carry more than 150 persons shall meet the requirements in §§ 72.05-5 through 72.05-60 of Subchapter H (Passenger Vessels) of this chapter.

§ 190.07-5 Definitions.

(a) *Standard fire tests.* A "standard fire test" is one which develops in the test furnace a series of time temperature relationships as follows:

5 minutes—	1,000° F.
10 minutes—	1,300° F.
30 minutes—	1,550° F.
60 minutes—	1,700° F.

(b) *"A" Class divisions.* Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel; such as shell, structural bulkheads, and decks. They shall be so constructed, that if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for 1 hour.

(c) *"B" Class bulkheads.* Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one-half hour.

(d) *"C" Class divisions.* Bulkheads or decks of the "C" Class shall be constructed of approved incombustible ma-

terials, but need meet no requirements relative to the passage of flame.

(e) *Steel or other equivalent metal.* Where the term "steel or other equivalent metal" is used in this subpart, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(f) *Approved material.* Where in this subpart approved materials are required, they refer to materials approved under the applicable subparts of Subchapter Q (Specifications) of this chapter, as follows:

Deck coverings.....	164.006
Structural insulation.....	164.007
Bulkhead panels.....	164.008
Incombustible materials.....	164.009
Interior finish.....	164.012

§ 190.07-10 Construction.

(a) The hull, superstructure, structural bulkheads, decks, and deckhouses shall be constructed of steel. Alternately, the Commandant may permit the use of other suitable material in special cases, having in mind the risk of fire.

(b) Bulkheads of chemistry laboratories, chemical storerooms, galleys, paint and lamp lockers, and emergency generator rooms shall be of "A" Class construction.

(c) The boundary bulkheads and decks separating the accommodations and control stations from hold and machinery spaces, galleys, main pantries, laboratories, and storerooms, other than small service lockers, shall be of "A" Class construction.

(d) Within the accommodation and service areas the following conditions shall apply:

(1) Corridor bulkheads in accommodation spaces shall be of the "A" or "B" Class intact from deck to deck. State-room doors in such bulkheads may have a louver in the lower half.

(2) Elevator, dumbwaiter, stairtower, and other trunks shall be of "A" Class construction.

(3) Bulkheads not already specified to be of "A" or "B" Class construction may be of "A", "B", or "C" Class construction.

(4) The integrity of any deck in way of a stairway opening shall be maintained by means of "A" or "B" Class bulkheads and doors at one level. The doors shall be of self-closing type. Hold-back hooks will not be permitted. However, magnetic holdbacks operated from the bridge or from other suitable remote control positions are acceptable.

(5) Interior stairs, including stringers and treads, shall be of steel.

(6) Except for washrooms and toilet spaces, deck coverings within accommodation spaces shall be of an approved type. However, overlays for leveling or finishing purposes which do not meet the requirements for an approved deck covering may be used in thicknesses not exceeding three-eighths of an inch.

(7) Ceilings, linings, and insulation, including pipe and duct laggings, shall be approved incombustible materials.

(8) Any sheathing, furring, or holding pieces incidental to the securing of

any bulkhead, ceiling, lining, or insulation shall be of approved incombustible materials.

(9) Bulkheads, linings, and ceiling may have a combustible veneer within a room not to exceed two twenty-eighths of an inch in thickness. However, combustible veneers, trim, decorations, etc., shall not be used in corridors or hidden spaces. This is not intended to preclude the use of an approved interior finish or a reasonable number of coats of paint.

(e) Nitrocellulose or other highly flammable or noxious fume-producing paints or lacquers shall not be used.

§ 190.07-90 Vessels contracted for prior to March 1, 1967.

(a) Existing structure arrangements and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(b) Conversions, major alterations, new installations, and replacements shall comply with the applicable specifications and requirements in this subpart for new vessels.

Subpart 190.10—Means of Escape

§ 190.10-1 Application.

(a) The provisions of this subpart, with the exception of § 190.10-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.10-90.

§ 190.10-5 Two means required.

(a) There shall be at least two means of escape from all general areas where the crew or scientific personnel may be quartered or normally employed. At least one of these two means of escape shall be independent of watertight doors and hatches, except for quick acting watertight doors giving final access to weather decks.

§ 190.10-10 Location.

(a) The two means of escape shall be as remote as practicable so as to minimize the possibility of one incident blocking both escapes.

§ 190.10-15 Vertical ladders not accepted.

(a) Vertical ladders and deck scuttles shall not in general be considered satisfactory as one of the required means of escape. However, where it is demonstrated that the installation of a stairway would be impracticable, a vertical ladder may be used as the second means of escape.

§ 190.10-20 No means for locking doors.

(a) No means shall be provided for locking doors giving access to either of the two required means of escape except that crash doors or locking devices, capable of being easily forced in an emergency, may be employed provided a per-

manent and conspicuous notice to this effect is attached to both sides of the door. This paragraph shall not apply to outside doors to deckhouses where such doors are locked by key only and such key is under the control of one of the vessel's officers.

§ 190.10-25 Stairway size.

(a) Stairways shall be of sufficient width having in mind the number of persons having access to such stairs for escape purposes.

(b) All interior stairways, other than those within the machinery spaces, shall have minimum width of 28 inches. The angle of inclination with the horizontal of such stairways shall not exceed 50°.

(c) Special consideration for relief may be given if it is shown to be unreasonable or impracticable to meet the requirements in this section.

§ 190.10-30 Dead end corridors.

(a) Dead end corridors, or the equivalent, more than 40 feet in length shall not be permitted.

§ 190.10-35 Public spaces.

(a) In all cases, public spaces having a deck area of over 300 square feet shall have at least two exits. Where practicable, these exits shall give egress to different corridors, rooms, or spaces to minimize the possibility of one incident blocking both exits.

§ 190.10-40 Access to lifeboats.

(a) The stairways, corridors, and doors shall be so arranged as to permit a ready and direct access to the various lifeboat and liferaft embarkation areas.

§ 190.10-45 Weather deck communications.

(a) Vertical communication shall be provided between the various weather decks by means of permanent inclined ladders.

§ 190.10-90 Vessels contracted for prior to March 1, 1967.

(a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design: *Provided*, That in no case will a greater departure from the standards of §§ 190.10-5 through 190.10-45 be permitted than presently exists. Nothing in this paragraph shall be construed as exempting any vessel from having two means of escape from all main compartments where persons on board may be quartered or normally employed.

Subpart 190.15—Ventilation

§ 190.15-1 Application.

(a) The provisions of this subpart, with the exception of § 190.15-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.15-90.

§ 190.15-5 Vessels using fuel having a flashpoint of 110° F. or lower.

(a) Spaces containing machinery which uses, or tanks which contain, fuel having a flashpoint of 110° F. or lower shall have natural supply and mechanical exhaust ventilation as required by this section.

(b) The mechanical exhaust system shall be such as to assure the air changes as noted in Table 190.15-5(b) depending on the size of the space.

TABLE 190.15-5(b)

Size of space, cubic feet		Minute per air change
Over	Not over	
.....	500	2
500.....	1000	3
1000.....	1500	4
1500.....	.....	5

(c) Exhaust blower motors, unless of a totally enclosed, explosion-proof type, shall be located outside of the ducts and outside of the compartment required to be ventilated. Exhaust blower motors if mounted in any compartment shall be located as high above the bilge as practicable. Blower blades shall be non-sparking with reference to their housings.

(d) Exhaust blower switches shall be located outside of any space required to be ventilated by this section, and shall be of the type interlocked with the ignition switch so that the blowers are started before the engine ignition is switched on. A red warning sign at the switch shall state that the blowers shall be operated prior to starting the engines for a sufficient time to insure at least one complete change of air in the compartments.

(e) The area of the ducts shall be such as to limit the air velocity to a maximum of 2,000 feet per minute. Ducts may be of any shape: *Provided*, That in no case shall one cross section dimension exceed twice the other.

(f) At least two inlet ducts shall be located at one end of the compartment and they shall extend to the lowest part of the compartment or bilge on each side. Similar exhaust ducts shall be led to the mechanical exhaust system from the lowest part of the compartment or bilge on each side of the compartment at the end opposite from that at which the inlet ducts are fitted. These ducts shall be so installed that ordinary collection of water in the bilge will not close off the ducts.

(g) All ducts shall be of rigid permanent construction of fireproof material and reasonably gastight from end to end. The ducts shall lead as direct as possible and be properly fastened and supported.

(h) All supply ducts shall be provided with cowls or scoops having a free area not less than twice the required duct area. When the cowls or scoops are screened, the mouth area shall be increased to compensate for the area of the screen wire. Dampers shall not be fitted in the supply ducts. Cowls or

scoops shall be kept open at all times except when the stress of weather is such as to endanger the vessel if the openings are not temporarily closed. Supply and exhaust openings shall not be located where the natural flow of air is unduly obstructed, or adjacent to possible sources of vapor ignition, nor shall they be so located that exhaust air may be taken into the supply vents.

(i) Provision shall be made for closing all cowls or scoops when the fixed carbon dioxide system is operated.

§ 190.15-10 Ventilation for closed spaces.

(a) All enclosed spaces within the vessel shall be properly vented or ventilated. Means shall be provided to close off all vents and ventilators.

(b) Means shall be provided for stopping all fans in ventilation systems serving the chemical laboratories, scientific laboratories, chemical storerooms, and machinery spaces and for closing all doorways, ventilators, and annular spaces around funnels and other openings to such spaces, from outside these spaces, in case of fire.

(c) See §§ 194.15-5 and 194.20-5 of this subchapter for ventilation of chemical laboratories, scientific laboratories, and storerooms.

§ 190.15-15 Ventilation for living spaces and quarters.

(a) All living spaces shall be adequately ventilated in a manner suitable to the purpose of the space.

(b) All spaces used as quarters for crewmembers and scientific personnel shall be ventilated by a mechanical system unless it can be shown that a natural system will provide adequate ventilation. By a natural system is meant those spaces so located that the windows, ports, skylights, etc., and doors to passageways can be kept open and thereby provide adequate ventilation under all ordinary conditions of weather.

§ 190.15-90 Vessels contracted for prior to March 1, 1967.

(a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design: *Provided*, That in no case will a greater departure from the standards of §§ 190.15-5 through 190.15-15 be permitted than presently exists.

Subpart 190.20—Accommodations for Officers, Crew, and Scientific Personnel

§ 190.20-1 Application.

(a) The provisions of this subpart, with the exception of § 190.20-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.20-90.

§ 190.20-5 Intent.

(a) It is the intent of this subpart that the accommodations provided for officers, crew, and scientific personnel on all vessels shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, arranged, and, where practicable, shall be insulated from undue noise and free from effluvia.

(b) Provided the intent of this subpart is met, consideration may be given by the Officer in Charge, Marine Inspection, to relax the requirements relating to the size and separation of accommodations for scientific personnel.

(c) The crew referred to in this subpart includes all persons, except the licensed officers, regularly employed on board any vessel. Where the requirements for the accommodations of licensed officers and/or scientific personnel are not otherwise specified, they shall be at least equivalent to that indicated in this subpart for the crew.

§ 190.20-10 Location of crew spaces.

(a) Crew spaces shall be located, where practicable, so that the maximum amount of fresh air and light are obtainable, having due regard to the service of the vessel and the requirements of other space users.

(b) Crew quarters shall not be located farther forward in the vessel than a vertical plane located at 5 percent of the vessel's length abaft the forward side of the stem at the designed summer load water line. However, for vessels in other than ocean or coastwise service, this distance need not exceed 28 feet. For purpose of this paragraph the length shall be as defined in § 43.15-1 of Subchapter E (Load Lines) of this chapter. No section of the deck of the crew spaces shall be below the deepest load line, except that in special cases, the Commandant may approve such an arrangement: *Provided*, That in no case shall be deck head of crew spaces other than gymnasiums, exercise rooms, and libraries be below the deepest load line.

(c) Hawse pipes or chain pipes shall not pass through crew spaces.

(d) There shall be no direct communication, except through solid, close fitted doors or hatches between crew spaces and chain lockers, or machinery spaces.

(e) There shall be no access, vents, or sounding tubes from fuel oil tanks opening into crew spaces, except that sounding tubes and access openings may be located in corridors.

(f) Where practicable, crew spaces shall be located entirely separate and independent of spaces allotted to licensed officers.

§ 190.20-15 Construction.

(a) All crew spaces are to be constructed in a manner suitable to the purpose for which they are intended. The bulkheads separating the crew spaces from machinery spaces, lamp and paint rooms, storerooms, drying rooms, washrooms, and toilet spaces shall be made odor-proof where deemed necessary by the Commandant.

(b) Toilet spaces, except when provided as private or semiprivate facilities, shall be so built, fitted, and situated, that no odor from them will readily enter other crew spaces.

(c) Where shell or unsheathed weather decks form boundaries of crew spaces, suitable protective coverings shall be applied to prevent formation or accumulation of moisture.

(d) Where crew spaces adjoin or are immediately above spaces such as galleys, machinery spaces or casings, donkey boilerrooms, etc., they shall be suitably protected from the heat.

(e) The interior sides and deck heads of crew spaces shall be covered with enamel, paint, or other material light in color.

(f) Crew spaces shall be properly drained where considered necessary.

(g) All washrooms and toilet rooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable, and sanitary condition. The scuppers shall be located in the lowest part of the space, due consideration being given to the average trim of the vessel.

§ 190.20-20 Sleeping accommodations.

(a) *Arrangements.* (1) Where practicable, separate sleeping accommodations are to be provided for the deck, engine, and steward groups of the crew.

(2) Where practicable, each licensed officer shall be provided with a separate stateroom.

(b) *Size.* (1) Sleeping accommodations for the crew shall be divided into rooms, no one of which shall berth more than four persons.

(2) Each room shall be of such size that there are at least 30 square feet of deck area and a volume of at least 210 cubic feet for each person accommodated. The clear head room shall be not less than 6 feet 3 inches. In measuring sleeping quarters allocated to crews of vessels, any equipment contained therein for the use of the occupants is not to be deducted from the total volume or from the deck area.

(3) Sleeping accommodations for scientific personnel shall be divided into rooms, no one of which shall berth more than six persons.

(4) Each room for scientific personnel shall be of such size that there are at least 20 square feet of deck area and a volume of at least 150 cubic feet for each person accommodated. The clear head room shall be not less than 6 feet 3 inches. In measuring sleeping accommodations any equipment contained therein for the use of the occupants is not to be deducted from the total volume or from the deck area.

(c) *Equipment.* (1) Each person shall have a separate berth and not more than one berth shall be placed above another. The berths shall have a framework of metal or other hard, smooth material not likely to corrode or harbor vermin, and shall be so arranged that they provide ample room for easy occupancy. The overall size of a berth shall not be less than 30 inches wide by

76 inches long, except by special permission of the Commandant. Where berths adjoin, they shall be divided by a partition not less than 18 inches in height. Where two tiers of berths are fitted, the bottom of the lower must not be less than 12 inches above the deck, and the bottom of the upper must not be less than 2 feet 6 inches both from the bottom of the lower and from the deck overhead. The berths shall not be obstructed by pipes, ventilating ducts, or other installations.

(2) A locker of metal or other hard, smooth material shall be provided for each person accommodated in a room. Each locker shall be not less than 300 square inches in cross section area and 60 inches high. It shall be so placed as to be readily accessible. The interior of the locker shall be so arranged as to facilitate the proper stowage of clothes.

§ 190.20-25 Washrooms and toilet rooms.

(a) There shall be provided at least one toilet, one washbasin, and one shower or bathtub for each eight members or portion thereof in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private or semiprivate facilities are attached.

(b) Under the following conditions, the toilet and washing facilities for the specific groups of the crew indicated shall be located in spaces separate from the facilities for other crewmembers; and shall be provided for that group in the ratios required by paragraph (a) of this section.

(1) The members of the engine department, where their number, exclusive of licensed officers and others separately provided for, exceeds eight.

(2) The members of the steward's department, exclusive of those separately provided for, where their number exceeds eight.

(3) All female members of the crew.

(c) The toilet rooms and washrooms shall be located convenient to the sleeping quarters of the crew to which they are allotted but shall not open directly into such quarters except when they are provided as private or semiprivate facilities.

(d) All washbasins, showers, and bathtubs shall be equipped with proper plumbing, including hot and cold running water. Washbasins may be located in the crew sleeping quarters.

(e) The toilet rooms shall be separate from the washrooms and at least one washbasin shall be fitted in each toilet room, except where private or semiprivate facilities are provided and washbasins are installed in the sleeping rooms.

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

(2) Where more than one toilet is located in a space or compartment, each toilet shall be separated by partitions, which shall be open at the top and

bottom for ventilation and cleaning purposes.

§ 190.20-30 Messrooms.

(a) Messrooms shall be located as near to the galley or suitably equipped serving pantry, as is practicable except where messroom is equipped with a steam table. The messrooms shall be of such size as to seat the number of persons normally scheduled to be eating at one time.

(b) Messrooms shall be properly equipped with tables, seats, and other necessary equipment and shall be so arranged as to permit access to each seat.

§ 190.20-35 Hospital space.

(a) Each vessel, which in the ordinary course of its employment makes voyages of more than 3 days' duration between ports and which carries a crew of 12 or more, shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(b) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purpose.

(c) The entrance shall be of such width and in such a position as to admit a stretcher case readily. Berths shall be of metal and may be in double tier, provided the upper berth is hinged and arranged to be secured clear of the lower berth when not in use. At least one berth shall be so arranged that it can be made accessible from both sides when necessary.

(d) The hospital shall be fitted with berths in the ratio of 1 berth to every 12 members of the crew or portion thereof who are not berthed in single occupancy rooms, but the number of berths need not exceed six. Where all single occupancy rooms are provided the requirement for a separate hospital room may be withdrawn: *Provided*, That one state-room is fitted with a bunk accessible from both sides.

(e) The hospital shall have a toilet, washbasin, and bathtub or shower conveniently situated. Other necessary suitable equipment of such character as clothes locker, table, seat, etc., shall be provided.

§ 190.20-40 Other spaces.

(a) Sufficient facilities, depending upon the number of the crew, shall be provided where the crew may wash their own clothes. There shall be at least one tub or sink, fitted with the necessary plumbing, including hot and cold running water.

(b) Clothes drying facilities or space shall be provided for the needs of the crew.

(c) Recreation accommodations shall be provided. Where messrooms are used for this purpose, they shall be suitably planned.

§ 190.20-45 Lighting.

(a) All crew spaces shall be adequately lighted in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter.

(b) Berth lights shall be provided for each member of the crew.

§ 190.20-50 Heating.

(a) All crew spaces shall be adequately heated in a manner suitable to the purpose of the space.

(b) The heating system will be considered satisfactory if it is capable of maintaining a minimum temperature of 70° F. under normal operating conditions without undue curtailment of the ventilation.

(c) Radiators and other heating apparatus shall be so placed, and where necessary shielded, as to avoid risk of fire, danger, or discomfort to the occupants. Pipes leading to radiators or heating apparatus shall be lagged where those pipes create a hazard to persons occupying the space.

§ 190.20-55 Insect screens.

(a) Except in such areas as are considered to be insect free, provision shall be made to protect the quarters for crew and scientific personnel against the admission of insects. This may be accomplished by the fitting of suitable screens to ventilating skylights, airports, ventilators, and doors to unscreened spaces and the open deck or by other methods. Insect screens are not required in air conditioned quarters nor for windows, airports, and doors that are normally kept closed.

§ 190.20-90 Vessels contracted for prior to March 1, 1967.

(a) Existing structures, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction: *Provided*, That in no case will a greater departure from the standards of §§ 190.20-5 through 190.20-55 be permitted than presently exists.

Subpart 190.25—Rails and Guards

§ 190.25-1 Application.

(a) The provisions of this subpart, with the exception of § 190.25-90, apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.25-90.

§ 190.25-5 Where rails required.

(a) Rails at least 36 inches high or equivalent protection shall be installed near the periphery of all weather decks accessible to persons on board. Such rails on decks which extend outboard to the side of the vessel shall be in at least three courses approximately evenly spaced. Such rails on decks which do not extend outboard to the side of the vessel, such as tops of deckhouses and winch houses, shall be in at least two courses approximately evenly spaced. If it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the installation of rails of such height will be unreasonable and impracticable,

having regard to the business of the vessel, rails of a lesser height or in some cases grab rails may be accepted and in-board rails may be eliminated if the deck is not generally accessible.

§ 190.25-10 Storm rails.

(a) On vessels in ocean and coastwise service, suitable storm rails shall be installed in all passageways and at the deckhouse sides where persons on board might have normal access. Storm rails shall be installed on both sides of passageways which are 6 feet or more in width.

§ 190.25-15 Guards in dangerous places.

(a) Suitable hand covers, guards, or rails shall be installed in way of all exposed and dangerous places such as gears, machinery, etc.

§ 190.25-90 Vessels contracted for prior to March 1, 1967.

(a) Existing structures, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction: *Provided*, That in no case will a greater departure from the standards of §§ 190.25-5 through 190.25-15 be permitted than presently exists.

PART 191—SUBDIVISION AND STABILITY

Subpart 191.01—Application

Sec.

191.01-1 General.

Subpart 191.05—Definitions

191.05-1 Subdivision loadline.
191.05-2 Deepest subdivision loadline.
191.05-3 Length of the vessel.
191.05-4 Breadth of the vessel.
191.05-5 Bulkhead deck.
191.05-6 Margin line.
191.05-7 Draft.
191.05-8 Permeability.

Subpart 191.10—Rules for Subdivision

191.10-1 Permeability.
191.10-5 Compartmentation.
191.10-10 Minimum spacing of bulkheads.
191.10-13 Stepped and recessed bulkheads.
191.10-15 Collision bulkhead required.
191.10-16 Extent of double bottoms.
191.10-17 Wells in double bottoms.
191.10-18 Manholes in double bottoms.
191.10-19 Watertight floors in double bottoms.
191.10-20 Penetrations and openings in watertight bulkheads.
191.10-25 Watertight bulkhead doors.
191.10-30 Openings in vessel's sides below the bulkhead deck.
191.10-35 Watertight integrity above the margin line.

Subpart 191.15—Stability Test

191.15-1 When required.
191.15-5 Procedure.

Subpart 191.20—Stability Standards

191.20-1 General.
191.20-5 Weather criteria.
191.20-10 Special cases.
191.20-15 Damaged stability standards.
191.20-20 Special operating conditions.

Subpart 191.25—Ballast

Sec.
191.25-1 When required.
191.25-5 Fixed ballast.
191.25-10 Liquid ballast.

Subpart 191.30—Stability Instructions for Operating Personnel

191.30-1 Data supplied master.
191.30-5 Conditions under which calculations made.
191.30-10 Cross-flooding.
191.30-15 Type of instructions.

Subpart 191.35—Stability Letter

191.35-1 Posting.
191.35-5 Information contained in stability letter.

Subpart 191.90—Vessels Contracted for Prior to March 1, 1967

191.90-1 Requirements.
191.90-5 Stability information.
191.90-10 Stability letter.

AUTHORITY: The provisions of this Part 191 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 481, 395, 363, 85a, 88a, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857; 167-48, Oct. 19, 1962, 24 F.R. 10504; 167-66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 191.01—Application

§ 191.01-1 General.

(a) The provisions of this part, with the exception of Subpart 191.90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of Subpart 191.90.

Subpart 191.05—Definitions

§ 191.05-1 Subdivision load line.

(a) A subdivision load line is a waterline used in determining the subdivision of the ship.

§ 191.05-2 Deepest subdivision load line.

(a) The deepest subdivision load line is the waterline which corresponds to the greatest draft permitted by the subdivision requirements which are applicable.

§ 191.05-3 Length of the vessel.

(a) The length of the vessel is the length measured between perpendiculars taken at the extremities of the deepest subdivision load line.

§ 191.05-4 Breadth of the vessel.

(a) The breadth of the vessel is the extreme width from outside of frame to outside of frame at or below the deepest subdivision load line. On wood vessels, measurements should be taken to outside of planking.

§ 191.05-5 Bulkhead deck.

(a) The bulkhead deck is the uppermost deck up to which the transverse watertight bulkheads are carried.

§ 191.05-6 Margin line.

(a) The margin line is a line drawn at least 3 inches below the upper surface of the bulkhead deck at side where the bulkhead deck is continuous; where the bulkhead deck is not continuous, an assumed continuous margin line shall be used which at no point is less than 3 inches below the top of the deck at side to which the bulkheads concerned and the shell are carried watertight.

(b) In the case of vessels with continuous bulkhead decks, where the average value of the sheer at bow and stern is less than 12 inches, a modified margin line 3 inches below the top of deck at the ends but lowered amidships to the position indicated in Table 191.05-6(b) is to be used.

TABLE 191.05-6(b)

Average value of sheer at bow and stern (inches)	Required position of margin line below top of deck, at side amidships (inches)
12	3
6	6
0	9

(1) Interpolation is required for intermediate values not shown in Table 191.05-6(b).

(2) The modified margin line shall be parabolic through the midship and end points indicated in this paragraph. Margin lines so determined are based upon the assumption that the bulkhead deck is continuous and has existing parabolic sheer. Where this is not the case, the margin line shall be such as to give at least a standard of safety equivalent to the standard described in this paragraph.

§ 191.05-7 Draft.

(a) The draft is the vertical distance from the molded base line amidships to the subdivision load line in question.

§ 191.05-8 Permeability.

(a) The permeability of a space is the percentage of that space which can be occupied by water.

Subpart 191.10—Rules for Subdivision

§ 191.10-1 Permeability.

(a) In making subdivision calculations, volumes shall be calculated to the margin line, and the permeability of spaces shall be taken as follows:

(1) Machinery spaces at 85 percent.

(2) Tanks, chain lockers, and spaces normally filled with cargo, stores, mail, or baggage in the full load condition at 60 percent.

(3) All other spaces at 95 percent.

§ 191.10-5 Compartmentation.

(a) All vessels shall be subdivided so as not to submerge the margin line with any one main compartment flooded.

§ 191.10-10 Minimum spacing of bulkheads.

(a) To be considered effective, watertight bulkheads abaft the collision bulkhead shall be spaced not less than 10 feet plus 3 percent of the load waterline length.

§ 191.10-13 Stepped and recessed bulkheads.

(a) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision, and the same measure of safety shall be provided as would be provided by a plane bulkhead.

(b) In recessed bulkheads, the recess shall be inboard from the vessel's side by at least one-fifth the beam amidship measured at right angles to the centerline at the level of the load waterline.

§ 191.10-15 Collision bulkhead required.

(a) Every vessel shall have a collision bulkhead located not less than 5 percent, and not more than 10 feet plus 5 percent, of the length of the vessel from the forward perpendicular.

§ 191.10-16 Extent of double bottoms.

(a) A double bottom should be fitted extending from the forepeak bulkhead to the afterpeak bulkhead as far as is practicable and compatible with the design and proper working of the vessel.

(b) In vessels 165 feet and under 200 feet in length, a double bottom shall be fitted at least from the machinery space to the forepeak bulkhead, or as near thereto as practicable.

(c) In vessels 200 feet and under 249 feet in length, a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and afterpeak bulkheads, or as near thereto as practicable.

(d) In vessels 249 feet in length and upwards, a double bottom shall be fitted amidships and shall extend to the fore and afterpeak bulkheads, or as near thereto as practicable.

(e) Where a double bottom is required to be fitted, its depth shall be sufficient to provide acceptable protection against grounding. A depth in inches at the

centerline of $18 + \frac{L}{20}$, where L is the vessel's length in feet will ordinarily be considered acceptable. The inner bottom shall be continued out to the ship's side in such a manner as to protect the bottom to the turn of the bilge. Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the bilge plating is not lower at any part than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one-half the ship's molded breadth from the middle line.

(f) A double bottom need not be fitted in way of watertight compartments of moderate size used exclusively for the carriage of liquids, provided the safety of the ship, in the event of bottom or side

damage, is not, in the opinion of the Commandant, thereby impaired.

§ 191.10-17 Wells in double bottoms.

(a) Small wells constructed in the double bottom in connection with drainage arrangements of holds, etc., shall not extend downward more than necessary. The depth of the well shall in no case be more than the depth less 18 inches of the double bottom at the centerline, nor shall the well extend below the horizontal plane referred to in § 191.10-16(e).

(b) A well extending to the outer bottom is, however, permitted at the after end of the shaft tunnel of screw vessels. Other wells, such as for lubricating oil under main engines, may be permitted by the Commandant, if satisfied that the arrangements give protection equivalent to that afforded by a double bottom complying with this section.

§ 191.10-18 Manholes in double bottoms.

(a) The number of manholes in the inner bottom shall be reduced to the minimum compatible with the design and necessity for access to the double bottom.

(b) Efficient covers, capable of being made thoroughly watertight and effectively protected from damage by stores, shall be fitted to the manholes.

§ 191.10-19 Watertight floors in double bottoms.

(a) Watertight transverse divisions should be fitted in the double bottom under each main watertight subdivision bulkhead or as near thereto as practicable. Where duct keels are fitted, the transverse divisions need not extend across the duct keel.

§ 191.10-20 Penetrations and openings in watertight bulkheads.

(a) *General.* The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the vessel; satisfactory means shall be provided for closing these openings. Lead or other heat sensitive materials shall not be used in systems which penetrate watertight subdivision bulkheads, where deterioration of such systems in the event of fire would impair the watertight integrity of the bulkheads.

(b) *Pipes, cables, etc.* (1) Where pipes, scuppers, electric light cables, etc., are carried through watertight subdivision bulkheads, arrangements shall be made to insure the integrity of the watertightness of the bulkheads.

(2) The collision bulkhead below the margin line shall not be pierced by more than one pipe conveying liquids to and from the forepeak tank. Such pipe shall be fitted with a screwdown valve operable from above the bulkhead deck and the valve shall be secured to the bulkhead fitted inside the forepeak tank.

(c) *Valves and cocks.* Valves and cocks not forming part of a piping system shall not be permitted in watertight subdivision bulkheads.

(d) *Ventilation ducts.* (1) Ventilation or forced draft ducts which pene-

trate watertight bulkheads shall be held to a minimum.

(2) Watertight penetrations may be allowed if the bottom of the duct is not more than 18 inches below the bulkhead deck, and the duct is as near the centerline as possible; and then only if the bottom of the duct is at least 4 feet above the deepest level of flooding water shown by the damaged condition waterlines.

(e) *Prohibited locations for access openings.* No doors, manholes, or access openings are permitted in the collision bulkhead below the margin line.

(f) *Openings above the margin line.*

(1) Where a portion of an assumed margin line is appreciably below the deck to which bulkheads are carried, and it can be shown that the maintenance of complete watertightness will result in undue hardship in the arrangement of the vessel, a limited amount of nontight bulkhead penetrations may be permitted as high as possible immediately under the bulkhead deck. Such penetrations shall be subject to specific approval in each instance and will generally be limited as follows:

(i) Not more than 2 feet below the molded line of the bulkhead deck.

(ii) Not less than 9 inches above the margin line.

(iii) Not outboard of vertical lines located off the centerline at a distance of one-fourth of the full breadth of the ship measured on the bulkhead deck at the point in question.

(2) Approved nontight bulkhead penetrations shall be indicated on a suitable plan carried aboard the vessel.

(g) *Trunkways or tunnels.* (1) Where trunkways or tunnels are carried through main transverse watertight bulkheads, they shall be watertight and in accordance with structural requirements for watertight bulkheads. The access to at least one end of each such tunnel or trunkway, if used as a passage at sea, shall be through a trunk extending watertight to a height sufficient to permit access above the margin line. The access to the other end of the trunkway or tunnel may be through a watertight door of the type required by its location in the ship. Such trunkways or tunnels shall not extend through the first subdivision bulkhead abaft the collision bulkhead.

(2) A short tunnel extending through not more than one main subdivision compartment and which is closed at one end need not be fitted with a door at the other end, provided its sides are not nearer the shell than is permitted for the sides of a recess in a bulkhead as stated in 191.10-13(b), and for damaged stability the volume of the tunnel is included in the volume of the compartment into which it opens.

§ 191.10-25 Watertight bulkhead doors.

(a) *General.* Watertight door openings shall be located as high in the bulkhead and as far inboard as practicable. The number of watertight doors shall be reduced to the minimum consistent with the design and proper working of the vessel.

(b) *Types and classes.* (1) The only types of watertight doors permissible are hinged doors, sliding doors, and doors of other equivalent patterns, excluding plate doors secured only by bolts and doors required to be closed by dropping or by the action of a dropping weight. Sliding doors may have horizontal or vertical motion. The permissible classes of doors are:

Class 1—Hinged doors.

Class 2—Sliding doors, operated by hand gear only.

Class 3—Sliding doors, operated by power and by hand gear.

(2) Hinged doors shall be quick acting, dog on frame type, with dogs spaced and designed to insure that the opening may be closed thoroughly watertight from either side of the bulkhead.

(c) *Class 1 doors, permissible locations.* Class 1 doors are only permitted above a deck the molded line of which, at its lowest point at side, is at least 7 feet above the deepest subdivision load line.

(d) *Class 2 doors, permissible locations.* (1) Watertight doors, the sills of which are above the deepest subdivision load line and below the line specified in paragraph (c) of this section shall be Class 2.

(2) When the number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision load line (excluding doors at entrance to shaft tunnels) does not exceed five, these watertight doors and the shaft tunnel doors shall be Class 2.

(e) *Class 3 doors required locations.* When the number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision load line (excluding doors at entrance to shaft tunnels) exceed five, all of these doors and those at the entrance to shaft tunnels shall be Class 3, and shall be capable of being simultaneously closed from a central station situated on the bridge.

(f) *Design, installation, and tests.* (1) The design of all watertight doors shall be subject to approval by the Commandant.

(2) Each Class 1 door installed on a vessel in ocean or coastwise service shall be tested by water pressure to a head up to the margin line, but in no case less than 10 feet. Such doors on vessels in other services shall be tested in the same manner as the bulkhead in which they are fitted.

(3) Each Class 2 and Class 3 door shall be designed, tested, and installed in accordance with Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

(g) *Relaxation of requirements.* The Commandant may allow a relaxation of the requirements of this section in exceptional cases where it is shown to be unreasonable or impracticable to meet the requirements.

§ 191.10-30 Openings in vessel's sides below the bulkhead deck.

(a) *General.* (1) The number of openings in vessel's sides below the bulk-

head deck shall be reduced to the minimum compatible with the proper design and working of the vessel.

(2) The arrangement and efficiency of the means for closing each opening shall be consistent with its intended purpose and the position in which it is fitted, and shall be to the satisfaction of the Commandant.

(b) *Port lights.* (1) If, a 'tween deck, the sills of any port lights are below a line drawn parallel to the molded line of the bulkhead deck at side and having its lowest point $2\frac{1}{2}$ percent of the breadth of the vessel above the deepest subdivision load line, all port lights in that 'tween deck shall be of a nonopening type.

(2) All port lights, the sills of which are below the bulkhead deck, other than those required to be of a nonopening type shall be of such construction as will effectively prevent any person opening them without the consent of the master of the vessel.

(3) No port lights shall be fitted in spaces which are appropriated exclusively to the carriage of stores.

(4) Design of port lights below the bulkhead deck as follows:

(i) All port lights are to be of substantial construction subject to approval of the Commandant.

(ii) Nonopening port lights are to be thoroughly watertight and port lights which are capable of being opened shall be so constructed that they can be easily and effectively closed and secured watertight. Port lights capable of being opened shall have fitted to one or more of the bolts a special round slotted or recessed nut requiring a special wrench. The special nuts are to be protected by sleeves or guards so as to render them incapable of being released by the use of ordinary tools, such as pipe wrenches, etc.

(c) *Deadlights.* (1) Port lights to space below the freeboard deck, as defined in Subchapter E (Load Lines) of this chapter, or to spaces within enclosed superstructure shall be fitted with hinged deadlight covers.

(2) Dead covers shall be of efficient design and arranged so that they can be easily and effectively secured watertight. Where fitted to opening-type port lights, they shall be of such design that it will not be necessary to release the special or locked nut in order to secure the dead cover.

(d) *Side ports.* Gangway, stowing, and coaling ports, and similar openings in the vessel's sides shall be designed and constructed to the approval of the Commandant. Such ports or openings shall be in no case fitted so as to have their lowest point below the deepest subdivision load line.

(e) *Piping openings in vessel's sides.* Requirements for inlets and discharges of scuppers, sanitary piping, main and auxiliary machinery piping, and ash and rubbish-chutes, etc., are in § 55.10-70 of Subchapter F (Marine Engineering) of this chapter.

§ 191.10-35 Watertight integrity above the margin line.

(a) *General.* (1) All reasonable and practicable measures shall be taken to limit the entry and spread of water above the bulkhead deck. Such measures may include partial bulkheads or webs.

(2) When partial watertight bulkheads and webs are fitted on the bulkhead deck, above or in the immediate vicinity of main subdivision bulkheads, they shall have watertight shell and bulkhead deck connections so as to restrict the flow of water along the deck when the vessel is in a heeled-damaged condition. Where the partial watertight bulkhead does not line up with the bulkhead below, the bulkhead deck between shall be made effectively watertight.

(b) *Decks.* (1) The bulkhead deck or a deck above it shall be watertight in the sense that in ordinary sea conditions water will not penetrate in a downward direction.

(2) All openings in the exposed weather deck shall have coamings of ample height and strength and shall be provided with efficient means for expeditiously closing them weathertight.

(3) Freeing ports, open rails, and/or scuppers shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions.

(c) *Side openings.* (1) All side openings in the vessel's shell above the bulkhead deck and all deck openings in or above the bulkhead deck shall comply with the applicable requirements of Subchapters E (Load Lines) and F (Marine Engineering) of this chapter for type closures and fittings. Port lights, gangway, and stowing ports and other means for closing openings in the shell plating above the margin line shall be of efficient design and construction and of sufficient strength having regard to the spaces in which they are fitted and their positions relative to the deepest subdivision load line.

(2) Efficient inside dead covers, arranged so that they can be easily and effectively closed and secured watertight, shall be provided for all port lights to spaces below the first deck above the bulkhead deck.

Subpart 191.15—Stability Test

§ 191.15-1 When required.

(a) Except as otherwise provided in this section, each vessel to which this part pertains shall be subjected to a stability test conducted under the supervision of the Coast Guard and the results of the test shall be approved before the vessel is placed in service.

(b) The Commandant may allow the stability test of a vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

(c) Except for vessels on an international voyage, the Commandant may

allow the stability test of a vessel to be dispensed with in exceptional cases where it can be shown to his satisfaction that due to the form, construction, and arrangement of the vessel stability calculations can be safely made without a stability test being performed.

§ 191.15-5 Procedure.

(a) *Plans required.* The following plans are essential for use in conducting the stability test and determining the results, and if these plans have not been previously submitted, they shall be made available at the time of the test:

Lines plan.

Curves of form, or hydrostatic curves.

General arrangement plan of decks, holds, inner bottoms, etc.

Inboard and outboard profile.

Midship section.

Capacity plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc.

Tank sounding tables.

Draft mark locations.

(b) *Stability test preparations.* (1) Preparations as noted in this paragraph shall be made to place a vessel in suitable condition for a stability test. The Coast Guard representative supervising the stability test may relax from these standards in a particular instance if, in his opinion, such relaxation is warranted and will not materially affect the reliability of the results of the test.

(2) To obtain dependable stability results, all tanks on the vessel, as far as practicable, shall be either completely empty and dry or fully pressed up and without air pockets. Where this is impracticable, slack tanks may be accepted provided their free surface can be readily and accurately determined for the angles of heel to be obtained during the stability test.

(3) The vessel shall be as nearly complete as practicable when the test is conducted. If additional material or equipment is to be installed after the test, a complete list of such items by weight and location shall be prepared.

(4) All dunnage, tools, and other items extraneous to the completed vessel shall be removed before the test.

(5) The vessel shall be moored in a location reasonably protected from broadside wind, waves, and tide. The depth of water shall be sufficient to provide ample clearance under the vessel against grounding. Mooring lines shall be arranged so that they will not interfere with the free rolling or listing of the vessel.

Subpart 191.20—Stability Standards

§ 191.20-1 General.

(a) With the vessel in the intact condition, the net metacentric height at any operating draft, including allowance for normally slack tanks, shall not be less than the standards outlined in this subpart, taken singly, and the most severe requirement shall govern at any particular draft.

§ 191.20-5 Weather criteria.

(a) The required minimum metacentric height (GM) in feet at any particu-

lar draft is obtained from the following formula:

$$GM = \frac{PAh}{\Delta \tan \theta} \quad (1)$$

where:

$$P = 0.005 + \left(\frac{L}{14,200} \right)^2 \text{ tons/ft}^2 \text{ for ocean and coastwise service.}$$

$$P = 0.0033 + \left(\frac{L}{14,200} \right)^2 \text{ tons/ft}^2 \text{ for partially protected waters such as lakes, bays and sounds, and Great Lakes (summer service).}$$

$$P = 0.0025 + \left(\frac{L}{14,200} \right)^2 \text{ tons/ft}^2 \text{ for protected waters such as rivers, harbors, etc.}$$

L = Length between perpendiculars in feet.

A = Projected lateral area in square feet of portion of vessel above waterline.

h = Vertical distance in feet from center of A to center of underwater lateral area or approximately one-half draft point.

Δ = Displacement in long tons.

θ = Angle of heel to one-half the freeboard to the deck edge or 14 degrees whichever is less. (For vessels having a discontinuous weather deck or abnormal sheer, the angle to one-half the freeboard may be suitably modified).

§ 191.20-10 Special cases.

(a) The criteria in § 191.20-5 is generally limited in application to flush deck powered vessels of ordinary form and proportions. In the case of vessels not considered to come in this category, the Commandant may require or accept a modification of these criteria or such additional calculations as may be necessary to demonstrate the limits of safe operation.

§ 191.20-15 Damaged stability standards.

(a) *General requirements.* Sufficient intact stability shall be provided in all service conditions so as to enable the vessel to withstand flooding in any one main compartment. Assumed damage shall extend transversely one-fifth the beam, longitudinally 10 feet plus 3 percent of the load waterline length, or 35 feet, whichever is less, with no main bulkhead involved, and vertically from base line upward without limit.

(b) Damaged stability calculations.

(1) The requirement of paragraph (a) of this section shall be determined by calculations which take into consideration the proportions and design characteristics of the vessel and the arrangement and configuration of the damaged compartments. Where decks, inner skins, or longitudinal bulkheads are to be fitted of sufficient tightness to seriously restrict the flow of water, the Commandant shall be satisfied that proper consideration is given to such restrictions in the calculations. Where it is considered that the range of stability in the damaged condition is doubtful, the Commandant will require the investigation thereof.

(2) In making these calculations the vessel is to be assumed in the worst anticipated service condition as regards stability.

(3) For damaged stability calculations the volume and surface permeabilities shall be in general as indicated in Table 191.20-15(b) (3). Higher surface permeabilities are to be assumed in respect to spaces which, in the vicinity of the damage waterplane, contain no substantial quantity of accommodation or machinery and spaces which are not generally occupied by any substantial quantity of cargo or stores. The maximum

surface permeability which must be assumed need not exceed 95.

TABLE 191.20-15(b) (3)

Spaces	Permeability
Appropriated to cargo or stores.....	60.
Appropriated to accommodations....	95.
Appropriated to machinery.....	85.
Intended for liquids (use value resulting in more severe requirement).	0 or 95.

(4) Unsymmetrical flooding is to be kept to a minimum consistent with efficient arrangements. Where it is necessary to correct large angles of heel, the means adopted shall, where practicable, be self-acting, but in any case where controls to cross-flooding fittings are provided they shall be operable from above the bulkhead deck. The construction and arrangement of such fittings and of their controls, together with the estimated maximum heel before equalization is subject to approval by the Commandant. The time for equalization to acceptable heel limits, as provided in subparagraphs (6) and (7) of this paragraph, shall in no case be more than 15 minutes.

(5) For symmetrical flooding or in the case of unsymmetrical flooding, after equalization measures have been taken, there shall be a positive residual metacentric height of at least 2 inches (calculated on the basis of the initial undamaged displacement).

(6) For unsymmetrical flooding the remaining heel after equalization by use of manually operated cross connections shall not exceed 7 degrees. Where equalization is either self-acting through open cross connections of large area or where no equalization is involved, a greater heel up to, but not in excess of, 15 degrees may be allowed. Where final heel in excess of 7 degrees is allowed, it must be shown to the satisfaction of the Commandant that the range and dynamic reserve of stability in the damaged condition is satisfactory.

(7) In no case shall the margin line be submerged in the final stage of flooding. If it is considered that the margin line may become submerged during an intermediate stage of flooding, the Commandant may require such investigations and arrangements as shall be considered necessary for the safety of the vessel.

(8) Righting arm curves for the vessel in the flooded condition shall be submitted in those cases where:

(i) The final equilibrium heel angle is greater than 7 degrees; or,

(ii) An intermediate heel angle prior to equalization is in excess of 15 degrees; or,

(iii) The margin line is immersed during intermediate flooding.

(c) *Relaxation of requirements.* (1) No relaxation from the requirements for damaged stability may be considered by the Commandant unless it is shown that the intact metacentric height in any service condition necessary to meet these requirements is excessive for the service intended.

(2) Relaxations from the requirements for damaged stability shall be permitted only in exceptional cases and subject to

the condition that the Commandant is to be satisfied that the proportions, arrangements and other characteristics of the vessel are the most favorable to stability after damage which can practically and reasonably be adopted in the particular circumstances.

§ 191.20-20 Special operating conditions.

(a) Where a vessel may be operated under conditions where its stability will be affected by factors not covered by §§ 191.20-5 and 191.20-15 such factors shall be investigated to determine if the vessel has sufficient stability to meet such conditions.

Subpart 191.25—Ballast

§ 191.25-1 When required.

(a) Where it is determined that a vessel does not have sufficient stability to meet the requirements of the stability standard and the characteristics of the vessel cannot be altered to provide the required stability, ballast may be required. This ballast may be solid fixed ballast, liquid ballast, or both.

§ 191.25-5 Fixed ballast.

(a) When fixed ballast is installed, its amount and location shall be included in the stability information provided the vessel.

(b) Fixed ballast shall not be removed from the vessel or relocated unless first approved by the Commandant, except that such ballast may be temporarily moved for examination or repair of the vessel and then only under the supervision of a marine inspector.

§ 191.25-10 Liquid ballast.

(a) Liquid ballast may be used when necessary to provide satisfactory draft, trim, weight distribution, or stability.

(b) If it is necessary to put liquid ballast in oil tanks, the oily ballast shall not be discharged overboard within any of the prohibited zones as defined in the Oil Pollution Act, 1961 (33 U.S.C. 1011), except through oily water separators which meet the requirements of § 55.10-25(n) of Subchapter F (Marine Engineering), or directly into sludge barges, shore facilities, or other approved means.

Subpart 191.30—Stability Instructions for Operating Personnel

§ 191.30-1 Data supplied master.

(a) The master shall be supplied with such reliable information as is necessary to enable him by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service, so as to permit compliance with stability requirements.

(b) This information and necessary related plans and data shall be submitted to the Commandant for approval.

§ 191.30-5 Conditions under which calculations made.

(a) The master of the vessel shall be informed of the conditions under which the damaged stability calculations have been made and advised to what extent

the vessel can safely withstand damage under these assumed conditions.

§ 191.30-10 Cross-flooding.

(a) In the case of a vessel requiring cross-flooding, the master shall be provided with the conditions of stability on which the calculations of heel are based and be warned that excessive heel might result should the vessel sustain damage when in a less favorable condition. Suitable information shall be supplied concerning the use of any special cross-flooding fittings.

§ 191.30-15 Type of instructions.

(a) In all ships on international voyages the information called for by this subpart shall be provided in booklet form; at least two copies, one for the master and one for the chief engineer, being supplied each ship. Included as part of these booklets, at suitably reduced scale, shall be plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding.

(b) Depending upon the extent of necessary information, such booklets may also be required for vessels not on international voyages. In any case, it will be required that any information necessary to compliance with stability and watertight integrity requirements be supplied.

(c) Whenever alterations are made to the vessel so as to materially affect the stability information, amended stability information shall be provided. If necessary, the vessel shall have a new stability test.

Subpart 191.35—Stability Letter

§ 191.35-1 Posting.

(a) Each vessel subject to the requirements of this part shall have posted under glass or other transparent material in the pilothouse a stability letter issued by the Coast Guard before the vessel is placed in service.

§ 191.35-5 Information contained in stability letter.

(a) Stability letters will record approval of the information required by Subpart 191.30 and will set forth the master's responsibility for maintaining satisfactory stability conditions at all times.

(b) Stability letters issued to vessels which are exempted from a stability test in accordance with § 191.15-1 will record this fact.

Subpart 191.90—Vessels Contracted for Prior to March 1, 1967

§ 191.90-1 Requirements.

(a) Except for vessels covered by paragraph (b) of this section, vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this

paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation: *Provided*, That in no case will a greater departure from the standards of Subparts 191.05 through 191.35 be permitted than presently exists.

(2) The details and arrangements shall be in general agreement with the applicable provisions of Subparts 191.05 through 191.35 insofar as is reasonable and practicable.

(b) For those vessels contracted for prior to March 1, 1967, which were allowed to substitute subdivision for lifeboatage, i.e., which carry 125 percent primary lifesaving equipment in lieu of 250 percent, shall meet the standards of Subparts 191.05 through 191.35 applicable to vessels contracted for on or after March 1, 1967.

§ 191.90-5 Stability information.

(a) For vessels contracted for prior to March 1, 1967, the owners shall furnish for maintenance on the vessels and use by the master and chief engineer two copies of any information necessary to maintain compliance with stability and watertight integrity applicable to such vessels.

(b) Whenever alterations are made to the vessel so as to materially affect the stability information, amended stability information shall be provided to the vessel for use by the master and chief engineer.

(c) This stability information shall be made available to marine inspectors upon request.

§ 191.90-10 Stability letter.

(a) Each vessel subject to this subpart shall have posted under glass or other transparent material in the pilothouse a stability letter issued by the Coast Guard.

(b) The stability letter will record approval of the information required by this part and will set forth the master's responsibility for maintaining satisfactory stability conditions at all times. If the vessel was exempted from a stability test, the stability letter will record this fact whenever issued on or after March 1, 1967.

PART 192—LIFESAVING EQUIPMENT

Subpart 192.01—Application

Sec.

192.01-1 Details of application.

Subpart 192.05—General Provisions Pertaining to Lifesaving Equipment

192.05-1 Equipment of an approved type.
192.05-5 Equipment installed but not required.
192.05-10 Primary lifesaving equipment.

Subpart 192.10—Lifeboats, Liferafts, Lifefloats, Buoyant Apparatus, and Rescue Boats

192.10-1 Application.
192.10-5 Type of lifeboats, liferafts, lifefloats, buoyant apparatus, and rescue boats required.
192.10-10 Requirements for vessels in ocean or coastwise service.
192.10-15 Requirements for seagoing barges.

- Sec.
192.10-40 Requirements for vessels in Great Lakes; lakes, bays, and sounds; or river service.
192.10-55 Inflatable liferafts as an alternate for lifeboats, other liferafts, lifeboats, and buoyant apparatus on certain vessels not on an international voyage.
192.10-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.15—Stowage and Marking of Lifeboats, Liferafts, Lifeboats, and Buoyant Apparatus

- 192.15-1 Application.
192.15-5 General.
192.15-10 Stowage.
192.15-15 Marking.
192.15-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.20—Equipment for Lifeboats, Liferafts, Lifeboats, and Buoyant Apparatus

- 192.20-1 Application.
192.20-5 General.
192.20-10 Required equipment for lifeboats.
192.20-15 Description of equipment for lifeboats.
192.20-20 Required equipment for liferafts.
192.20-25 Description of equipment for liferafts.
192.20-30 Required equipment for lifeboats and buoyant apparatus.
192.20-35 Description of equipment for lifeboats and buoyant apparatus.
192.20-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.25—Davits for Lifeboats

- 192.25-1 Application.
192.25-5 General.
192.25-10 Approved davits and lifelines for davit spans.
192.25-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.30—Lifeboat Winches

- 192.30-1 Application.
192.30-5 General.
192.30-10 Number and type required.
192.30-15 Installation.
192.30-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.33—Blocks and Falls for Lifeboats

- 192.33-1 Application.
192.33-5 General.
192.33-10 Installations where lifeboat winches are used.
192.33-15 Installations where lifeboat winches are not used.
192.33-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.35—Installation of Lifeboats, Davits, and Winches

- 192.35-1 Application.
192.35-5 Tests and examinations.

Subpart 192.40—Life Preservers

- 192.40-1 Application.
192.40-5 General.
192.40-10 Number required.
192.40-15 Distribution and stowage.
192.40-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.43—Ring Life Buoys and Water Lights

- 192.43-1 Application.
192.43-5 General.
192.43-10 Number required.
192.43-15 Distribution and securing.
192.43-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.45—Line-Throwing Appliances

- Sec.
192.45-1 Application.
192.45-5 General.
192.45-10 Type required.
192.45-15 Equipment for line-throwing appliances.
192.45-20 Accessibility.
192.45-25 Service recommendations.
192.45-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.50—Embarkation Aids

- 192.50-1 Application.
192.50-5 Ladders.
192.50-7 Embarkation aids into inflatable lifeboats.
192.50-10 Illumination of lifeboat launching operations.
192.50-15 Illumination for liferaft stowage areas.
192.50-90 Vessels contracted for prior to March 1, 1967.

Subpart 192.55—Portable Radio Apparatus

- 192.55-1 Required on international voyage.

Subpart 192.60—Ship's Distress Signals

- 192.60-1 Application.
192.60-5 Vessels in ocean or coastwise service.
192.60-10 Vessels in Great Lakes service.

AUTHORITY: The provisions of this Part 192 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 17, 49 Stat. 166, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 481, 395, 363, 526p, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857; 167-66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 192.01—Application

§ 192.01-1 Details of application.

(a) Except as specifically noted, the provisions of this part shall apply to all vessels.

Subpart 192.05—General Provisions Pertaining to Lifesaving Equipment

§ 192.05-1 Equipment of an approved type.

(a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER, and in addition, are contained in Coast Guard publication CG-190, "Equipment Lists."

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

§ 192.05-5 Equipment installed but not required.

(a) Where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of this part.

§ 192.05-10 Primary lifesaving equipment.

(a) The term "primary lifesaving equipment" means a lifeboat or an ac-

ceptable substitute. The acceptable substitutes may include liferafts, lifeboats, rescue boats, and buoyant apparatus under certain conditions. Life preservers and ring life buoys are not included in the definition of "primary lifesaving equipment."

Subpart 192.10—Lifeboats, Liferafts, Lifeboats, Buoyant Apparatus, and Rescue Boats

§ 192.10-1 Application.

(a) Except as otherwise provided in this section, the provisions of this subpart shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.10-90.

(c) In the case of special types of vessels subject to the International Convention for Safety of Life at Sea, 1960, which are not specifically treated in this subpart, the Commandant may give special consideration as to lifesaving equipment requirements to the extent permitted by the International Convention for Safety of Life at Sea, 1960.

§ 192.10-5 Type of lifeboats, liferafts, lifeboats, buoyant apparatus, and rescue boats required.

(a) *Lifeboats.* (1) All lifeboats shall be of an approved type, constructed in accordance with Subpart 160.035 of Subchapter Q (Specifications) of this chapter except as specifically noted in this part.

(2) All lifeboats certified to carry 60 or more but not over 100 persons shall be either motor lifeboats or shall be fitted with an approved type of hand-propelling gear. Lifeboats carrying more than 100 persons shall be motor lifeboats.

(3) A Class 1 motor lifeboat is one that is fitted with a compression-ignition engine, is capable of being readily started in all conditions, and has sufficient fuel for 24 hours continuous operation. The speed ahead in smooth water when loaded with its full complement of persons and equipment shall be at least 6 knots.

(4) Except as further modified in this subparagraph, all lifeboats, except those installed on vessels in river service, shall be fitted with suitable disengaging apparatus consisting of fixed hooks in the lifeboat or mechanical disengaging apparatus. Mechanical disengaging apparatus, if fitted, shall be of an approved type, constructed in accordance with Subpart 160.033 of Subchapter Q (Specifications) of this chapter.

(i) All lifeboats installed on ocean, coastwise, or Great Lakes vessels of over 3,000 gross tons shall be fitted with mechanical disengaging apparatus so arranged as to make it possible for the lifeboats to be launched with their full complement of persons and equipment while such vessels are underway or stopped, and for both ends of the lifeboats to be launched with their full under tension or not by one person. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extended from points of contact with the hooks.

(ii) All lifeboats installed on any particular vessel shall be fitted with the same type of disengaging apparatus.

(iii) On small vessels, the Commandant may approve means other than those previously mentioned to agree with the needs of a particular vessel.

(b) *Liferafts.* (1) All rigid type liferafts shall be of an approved type, constructed in accordance with Subpart 160.018 of Subchapter Q (Specifications) of this chapter. Type A liferafts shall be stowed on the standard liferaft skids required by § 192.15-10(c) (1) unless specifically noted otherwise. Rigid type liferafts shall not be used as required equipment on vessels on an international voyage.

(2) All inflatable liferafts shall be of an approved type, constructed in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

(3) On vessels on an international voyage, each inflatable liferaft shall have a carrying capacity of not less than 6 nor more than 25 persons.

(c) *Lifefloats.* All lifefloats shall be of an approved type, constructed in accordance with Subpart 160.027 of Subchapter Q (Specifications) of this chapter.

(d) *Buoyant apparatus.* All buoyant apparatus shall be of an approved type, constructed in accordance with Subpart 160.010 of Subchapter Q (Specifications) of this chapter.

(e) *Rescue boats.* In general, a suitable rescue boat shall be a small lightweight boat of rigid construction, with built-in buoyancy and capable of being readily launched and easily maneuvered. Also it shall be of adequate proportion to permit taking an unconscious person on board without capsizing. A rescue boat and its installation shall be acceptable to the Officer in Charge, Marine Inspection, as suitable for the rescue of persons accidentally falling over the side, or for similar emergency purposes. The size, shape, installation, and other factors of suitability will be determined with due consideration of the size, arrangement, intended service, and crew requirements of the vessel on which it is to be installed.

§ 192.10-10 Requirements for vessels in ocean or coastwise service.

(a) All vessels shall be provided with sufficient lifeboats on each side of the vessel to accommodate all persons on board.

(b) Lifeboats shall be not less than 24 feet in length, except where owing to the size of the vessel, or for other reasons, the Commandant considers the carriage of such lifeboats to be unreasonable or impracticable. However, in no case shall lifeboats of less than 16 feet in length be used.

(c) All vessels of 1,600 gross tons and over on an international voyage shall carry at least one motor propelled lifeboat of Class 1.

(d) In addition to the lifeboats required by paragraph (a) of this section, all vessels on an international voyage and all vessels in ocean service shall be provided with liferafts of such aggregate

capacity to accommodate at least one-half the total number of persons on board. Those vessels having widely spaced accommodations and/or working spaces shall have at least one liferaft in each such location.

(e) Inflatable liferafts may be substituted for lifeboats on certain vessels not on an international voyage in accordance with § 192.10-55.

(f) Except for vessels on an international voyage, vessels which meet one compartment subdivision and damage stability requirements and whose structural fire protection is in accordance with the requirements for new vessels contained in Subpart 190.07 of this subchapter may carry primary lifesaving equipment of 100 percent in boats and 25 percent in inflatable liferafts in lieu of that primary lifesaving equipment required by paragraphs (a) and (d) of this section.

§ 192.10-15 Requirements for seagoing barges.

(a) All manned seagoing barges shall be provided with approved lifeboats with sufficient capacity for all persons on board.

(b) Inflatable liferafts may be substituted for lifeboats on certain barges in accordance with § 192.10-55.

§ 192.10-40 Requirements for vessels in Great Lakes; lakes, bays, and sounds; or river service.

(a) All vessels, except those on an international voyage, shall be provided with lifeboats and liferafts as required by Table 192.10-40(a).

Table 192.10-40(a)—Lifeboats and liferafts required on vessels in Great Lakes and lakes, bays, and sounds, and river service.

	Percent
Percentage of persons to be accommodated	100
Percentage of required equipment in lifeboats	50
Percentage of required equipment which may be in Type A or Type B liferafts	50

(b) Inflatable liferafts may be substituted for lifeboats and liferafts on certain vessels in accordance with § 192.10-55.

(c) All vessels on an international voyage shall meet the applicable requirements of § 192.10-10.

§ 192.10-55 Inflatable liferafts as an alternate for lifeboats, other liferafts, lifefloats, and buoyant apparatus on certain vessels not on an international voyage.

(a) (1) On all vessels inflatable liferafts may be permitted as substitutes for other types of liferafts, lifefloats, and buoyant apparatus wherever they may be required.

(2) The capacity of inflatable liferafts carried in place of other liferafts, lifefloats, and buoyant apparatus shall be at least equivalent to that required of the equipment for which substitution is made.

(3) The substitution of inflatable liferafts shall not be made without prior approval of the Officer in Charge, Marine Inspection.

(b) On all vessels less than 3,000 gross tons the substitution of liferafts for lifeboats may be permitted as follows:

(1) (i) On all vessels under 500 gross tons, inflatable liferafts may be substituted for all required lifeboats.

(ii) The total capacity of the inflatable liferafts shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate. Partial substitution is permissible provided the aggregate lifeboat and inflatable liferaft capacity is sufficient to accommodate the required number of persons, as indicated above.

(iii) Vessels certificated for ocean, coastwise, or Great Lakes service, where substitution of inflatable liferafts is made, at least a 16-foot approved lifeboat shall be provided for rescue purposes. Vessels certificated for other than ocean, coastwise or Great Lakes service where substitution of inflatable liferafts is made, an approved lifeboat or a rescue boat as described in § 192.10-5(e) shall be provided. In the case of partial substitution, an approved lifeboat may serve as the rescue boat.

(2) (i) On all vessels of 500 gross tons and upward to 1,600 gross tons, inflatable liferafts may be substituted for all required lifeboats provided one approved lifeboat of a size acceptable to the Officer in Charge, Marine Inspection, suitable for rescue purposes, is installed.

(ii) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate.

(iii) The launching arrangement and location of the lifeboat to be used as rescue boat shall be such that it can be readily launched and shall be to the satisfaction of the Officer in Charge, Marine Inspection.

(3) (i) On all vessels of 1,600 gross tons and upward to 3,000 gross tons, inflatable liferafts may be substituted for all except two of the required lifeboats. These lifeboats shall be of a size acceptable to the Officer in Charge, Marine Inspection, and shall be suitable for rescue purposes. In all cases, two approved lifeboats, one on each side, shall be provided.

(ii) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats, for which substitutions are made plus those remaining on board, would have been required to accommodate.

(4) The substitution of inflatable liferafts for lifeboats shall not be made without prior approval of the Officer in Charge, Marine Inspection. However, for new construction this approval may be granted by the Commandant.

(c) On all seagoing barges of 100 gross tons and over an inflatable liferaft may be substituted for the required lifeboat, the total capacity of which shall be sufficient to accommodate all persons on board. Where substitution of inflatable liferafts is made, a suitable rescue boat shall be provided.

(d) The Commandant may give special consideration to the substitution of approved inflatable liferafts for required lifeboats on vessels of 3,000 gross tons and over.

§ 192.10-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.10-5 through 192.10-55 shall be complied with insofar as the number and general type of lifesaving equipment is concerned.

(2) Existing items of lifesaving equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.10-5 through 192.10-55 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 192.15—Stowage and Marking of Lifeboats, Liferafts, Lifeboats and Buoyant Apparatus

§ 192.15-1 Application.

(a) The provisions of this subpart, with the exception of § 192.15-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.15-90.

§ 192.15-5 General.

(a) The lifeboats, liferafts, lifeboats, and buoyant apparatus shall be readily available in the case of emergency, and shall be kept in good working order and available for immediate use at all times when the vessel is being navigated and, insofar as reasonable and practicable, while the vessel is not being navigated.

(b) The decks on which lifeboats, liferafts, lifeboats, and buoyant apparatus are carried shall be kept clear of any obstructions which would interfere with the immediate launching of the lifesaving appliances.

§ 192.15-10 Stowage.

(a) *General.* Lifeboats, liferafts, lifeboats, and buoyant apparatus shall be stowed in such a manner that:

(1) They are capable of being launched in the shortest possible time.

(2) They shall not impede the launching or handling of other lifesaving appliances.

(3) They shall not impede the marshalling of persons at the embarkation stations, or their embarkation.

(4) They shall be capable of being put in the water safely and rapidly even under unfavorable conditions of list and trim.

(b) *Lifeboat stowage.* (1) Every lifeboat shall be attached to a separate set of davits.

(2) Suitable access to the lifeboats shall be provided to enable the crew to prepare the lifeboats for launching.

(3) Lifeboats shall be so stowed that embarkation into them may be made rapidly and in good order.

(4) Lifeboats shall not be stowed in the bows of the vessel nor as far aft as to be endangered by the propellers or overhang of the stern. The clear horizontal distance between the after lifeboat davit and the propeller shall be not less than 1.5 times the length of the lifeboat without special acceptance by the Commandant. Where the vessel has extreme shape or where other factors are present affecting the clear launching of the lifeboat, the Commandant may require this distance to be increased.

(5) Lifeboats shall be so stowed that it shall not be necessary to lift them in order to swing out the davits, except on small vessels where such requirement is unreasonable and impracticable in the opinion of the Officer in Charge, Marine Inspection.

(6) Means shall be provided for bringing the lifeboats against the ship's side and holding them there so that persons may be safely embarked.

(7) On vessels certificated for ocean or coastwise service, lifeboats shall be fitted with skates or other suitable means to facilitate launching against an adverse list of up to 15 degrees. However, skates may be dispensed with if, in the opinion of the Commandant, the arrangements are such as to insure that the lifeboats can be satisfactorily launched without such skates.

(8) On vessels in ocean and coastwise service, where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, or reach rods, or other means to close the discharge openings.

(c) *Liferaft stowage.* (1) Type A liferafts shall be stowed on standard skids, constructed in accordance with Subpart 160.042 of Subchapter Q (Specifications) of this chapter.

(2) Type B liferafts shall be stowed in such a manner that they may be readily launched.

(3) Inflatable liferafts shall be stowed in such a manner that they will float free in the event of the vessel sinking. Stowage and launching arrangements will be to the satisfaction of the Officer in Charge, Marine Inspection.

(d) *Lifeboat and buoyant apparatus stowage.* (1) Lifeboats and buoyant apparatus shall be stowed in such a manner as to be readily launched. Lifeboats exceeding 400 pounds in weight shall be stowed in such a manner as not to require lifting before launching.

(2) Lifeboats and buoyant apparatus shall not be secured to the vessel except by lashings which can be easily slipped. They may be stowed in tiers one above the other, but not more than four high. When stowed in tiers, the separate units

shall be kept apart by suitable distance pieces.

(3) Means shall be provided to prevent shifting.

§ 192.15-15 Marking.

(a) Lifeboats, liferafts, lifeboats, and buoyant apparatus shall be marked as required by §§ 196.37-37 and 196.37-40 of this subchapter.

§ 192.15-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) The provisions of §§ 192.15-5 through 192.15-15 shall be met except as further set forth in this paragraph.

(2) The requirements of § 192.15-10 (b) (7) shall apply unless in the opinion of the Officer in Charge, Marine Inspection, it is unreasonable or impracticable, or the arrangement or construction of the vessel make the use of skates or similar appliances unnecessary.

(b) Existing arrangements or construction previously approved will be considered satisfactory so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 192.15-5 through 192.15-15 be permitted than presently exists.

Subpart 192.20—Equipment for Lifeboats, Liferafts, Lifeboats, and Buoyant Apparatus

§ 192.20-1 Application.

(a) The provisions of this subpart, with the exception of § 192.20-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.20-90.

§ 192.20-5 General.

(a) Equipment for lifeboats, liferafts, lifeboats, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(b) Lifeboats, liferafts, lifeboats, and buoyant apparatus shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage, except as provided in § 196.15-45 (e) of this subchapter.

(c) It shall be unlawful to stow in any lifeboat, liferaft, lifeboat, or buoyant apparatus any article not required by this subpart unless such article can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(d) Loose equipment, except boat-hooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

§ 192.20-10 Required equipment for lifeboats.

(a) The lifeboats for all vessels shall be equipped in accordance with Table 192.20-10(a). For a description of the

items contained in this table, and the units comprising the items, see the applicable paragraphs of § 192.20-15. The letter identification prefixing the item in the table corresponds to the paragraph designations in § 192.20-15.

TABLE 192.20-10(a)

Letter identification	Item	Ocean and coastwise		Great Lakes	Lakes, bays, and sounds; and rivers
		Other than seagoing barges	Seagoing barges		
a	Bailer	1	None	1	None
b	Bilge pump	1 ¹	None	None	None
c	Boathooks	2	2	1	1
d	Bucket	2	1	1	1
e	Compass and mounting	1	None	None	None
f	Ditty bag	1	None	None	None
g	Drinking cups	1	1	None	None
h	Fire extinguishers (motor-propelled lifeboats only)	2	2	2	2
i	First-aid kit	1	None	None	None
j	Flashlight	1	None	1	None
k	Hatchets	2	None	2	1
l	Heaving line	2	None	None	None
m	Jackknife	1	1	None	None
n	Ladder, lifeboat gunwale	1	None	None	None
o	Lantern	1	1	1	1
p	Lifeline	1	1	1	1
q	Life preservers	2	2	2	2
r	Locker	1	None	1	None
s	Mast and sail (oar-propelled lifeboats only)	1	None	None	None
t	Matches (boxes)	2	2	1	1
u	Milk, condensed (pounds per person)	1	None	None	None
v	Mirrors, signaling	2	None	None	None
w	Oars	1 unit ²	1 unit ²	1 unit ²	1 unit ²
x	Oil, illuminating (quarts)	1	None	1	None
y	Oil, storm (gallons)	1	None	1	None
z	Painter	2	1	2	1
aa	Plugs	1	1	1	1
bb	Provisions (pounds per person)	2	None	None	None
cc	Rowlocks	1 unit ²	1 unit ²	1 unit ²	1 unit ²
dd	Rudder and tiller	1	1	1	None
ee	Sea anchor	1	None	1	None
ff	Signals, distress, floating orange smoke	2	None	None	None
gg	Signals, distress, red hand flare	1 unit ²	None	1/2 unit ²	None
hh	Signals, distress, red parachute flare	1 unit ²	None	1/2 unit ²	None
ii	Tool kit (motor-propelled lifeboat only)	1 unit ²	1 unit ²	1 unit ²	1 unit ²
jj	Water (quarts per person)	3	1	None	None
kk	Whistle, signaling	1	None	None	None
ll	Fishing kit	1	None	None	None
mm	Cover, protecting	1	None	None	None
nn	Signals, lifesaving	1	None	None	None
oo	Desalting kit	1 ⁴	None	None	None

¹ Motor-propelled lifeboats, certified for 100 or more persons, shall be fitted with an additional hand bilge pump of an approved type or a power bilge pump.

² For description of units, see § 192.20-15.

³ Vessels in coastwise service need only carry 1 unit for each 5 lifeboats or fraction thereof.

⁴ Optional equipment. See § 192.20-15 (j) water.

§ 192.20-15 Description of equipment for lifeboats.

(a) *Bailer*. The bailer shall have a lanyard attached and shall be of sufficient size and suitable for bailing.

(b) *Bilge pump*. Bilge pumps shall be of an approved type, constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this chapter. They shall be of the size given in Table 192.20-15(b) depending upon the capacity of the lifeboat as determined by the six-tenths rule as described in § 160.035-8(b) of Subchapter Q (Specifications) of this chapter.

TABLE 192.20-15(b)

Capacity of lifeboat, cubic feet		Bilge pump size
Over	Not over	
330	700	1
700		2
		8

(c) *Boathooks*. Boathooks shall be of the single hook ballpoint type. Boat-hook handles shall be of clear grained white ash, or equivalent, and of a length and diameter as given in Table 192.20-15(c).

TABLE 192.20-15(c)

Length of lifeboat, feet		Boathook handles	
Over	Not over	Diameter, inches	Length, feet
23	23	1 1/2	8
23	29	1 3/4	10
29		2	12

(d) *Bucket*. The bucket shall be of heavy gage galvanized iron, or other suitable corrosion-resistant metal, of not less than 2-gallon capacity, and shall have a 6-foot lanyard of 12-thread manila attached.

(e) *Compass and mounting*. The compass and mounting shall be of an approved type, constructed in accordance with U.S. Coast Guard specifications dated December 14, 1944.

(f) *Ditty bag*. The ditty bag shall consist of a canvas bag and shall contain a sailmaker's palm, needles, sail twine, marline, and marline spike.

(g) *Drinking cups*. Drinking cups shall be enamel coated or plastic, graduated in ounces, and be provided with lanyards 3 feet in length.

(h) *Fire extinguisher*. Fire extinguishers shall be of an approved Type B-C, Size I (see § 193.50-5 of this subchapter). One shall be attached to each end of the lifeboat.

(i) *First-aid kit*. The first-aid kit in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(j) *Flashlight*. The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs stowed in a watertight container, shall be provided with each flashlight. Batteries shall be replaced yearly during the annual stripping, cleaning, and overhaul of the lifeboats.

(k) *Hatchet*. Hatchets shall be of an approved type, constructed in accordance with Subpart 160.013 of Subchapter Q (Specifications) of this chapter. They shall be attached to the lifeboat by individual lanyards and be readily available for use, one at each end of the lifeboat.

(l) *Heaving Line*. The heaving line shall be of adequate strength, 10 fathoms in length and 1 inch in circumference. It shall be of such quality as to be buoyant after 24 hours submergence.

(m) *Jackknife*. The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(n) *Ladder, lifeboat gunwale*. The lifeboat gunwale ladder shall consist of 3 flat wood steps cut out for handholds. The steps shall be spaced 12 inches apart and fastened with 5/8-inch diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use. Other suitable devices may be specifically approved.

(o) *Lantern*. The lantern shall contain sufficient oil to burn for at least 9 hours, and shall be ready for immediate use.

(p) *Lifeline*. The lifeline shall be properly secured to the sides of the lifeboat, along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than 3/8-inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

(q) *Life preservers*. Life preservers shall be of an approved type, constructed in accordance with the applicable subparts of Subchapter Q (Specifications) of this chapter.

(r) *Locker.* The locker shall be suitable for the storage and preservation of the small items of equipment.

(s) *Mast and sail.* A unit, consisting of a standing lug sail together with the necessary spars and rigging, shall be provided in general agreement with Table 192.20-15(s). The sails shall be

of good quality canvas, or other material acceptable to the Commandant, colored Indian Orange (Cable No. 70072, Standard Color Card of America). Rope rigging shall consist of galvanized wire not less than three-sixteenths of an inch in diameter. The mast and sail shall be protected by a suitable canvas cover.

TABLE 192.20-15(s)

Length of life-boat, feet		Standing lug sail								Mast ¹		Yard ¹	
Over	Not over	Area, square feet	Luff and head lengths		Leach length	Foot length	Clew to throat	Ounces per square yard	Commer- cial des- igation No.	Length	Diam- eter, ins.	Length	Diam- eter, ins.
			<i>Ft.</i>	<i>In.</i>	<i>Ft.</i>	<i>In.</i>	<i>Ft.</i>	<i>In.</i>		<i>Ft.</i>	<i>In.</i>	<i>Ft.</i>	<i>In.</i>
17	17	58	5	11	12	1	8	10	10 10	14.35	10	11	2
19	19	74	7	8	13	8	10	0	12 2	14.35	10	12	6
19	21	93	7	5	15	1	11	2	13 8	14.35	10	13	10
21	23	113	8	3	16	11	12	4	15 1	14.35	10	15	2
23	25	135	9	0	18	6	13	6	16 6	14.35	10	16	6
25	27	158	9	9	20	0	14	7	17 10	17.50	8	17	10
27	29	181	10	5	21	5	15	7	19 1	17.50	8	19	2
29	31	203	11	0	22	8	16	6	20 3	20.74	6	20	6
31	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)

¹ Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear-grained spruce, fir, or equivalent.

² Subject to special consideration.

(t) *Matches.* A box of friction matches in a watertight container stowed in an equipment locker or secured to the underside of the stern thwart if no locker is fitted.

(u) *Milk, condensed.* One pound of condensed milk shall be provided for each person the lifeboat is certified to carry, to be stowed in lockers or other compartments providing suitable protection.

(v) *Mirrors, signaling.* Signaling mirrors shall be of an approved type (see listing under 160.020 in CG-190, Equipment Lists).

(w) *Oars.* A unit, consisting of a complement of rowing oars and steering oar, shall be provided for each lifeboat in accordance with Table 192.20-15(w), except that motor-propelled and hand-propelled lifeboats need only be equipped with four rowing oars and one steering oar. In any case, the emergency lifeboats shall be provided with the full complement of oars prescribed by the table. All oars shall be buoyant.

TABLE 192.20-15(w)

Length of lifeboat, feet		Number of oars		Length of oars, feet	
Over	Not over	Rowing	Steering	Rowing	Steering
15	15	4	1	8	9
15	19	6	1	10	11
19	21	6	1	11	12
21	23	6	1	12	13
23	25	8	1	13	14
25	27	8	1	14	15
27	27	8	1	15	16

(x) *Oil, illuminating.* One quart of illuminating oil shall be provided in a metal container.

(y) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(z) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference, or equivalent, and of a length not less than three times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats in vessels on ocean, coastwise, or Great Lakes service one of the painters shall have a long eye splice and be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(aa) *Plug.* The automatic drain required in the lifeboat shall be provided with a cap or plug attached to the lifeboat by a suitable chain.

(bb) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the lifeboat is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in lockers or other compartments providing suitable protection.

(cc) *Rowlocks.* A unit, consisting of sufficient rowlocks and rowlock sockets for each oar required by Table 192.20-15(w) plus two additional rowlocks. The rowlocks shall be attached to the lifeboat by separate chains so as to be available for immediate use, except that the two additional spare rowlocks shall be carried in the equipment locker or stowed near the stern if no locker is fitted. The rowlocks and rowlock sockets shall be distributed so as to provide the maximum amount of single banked oars practicable.

(dd) *Rudder and tiller.* The rudder and tiller shall be constructed in accordance with § 160.035-3(t) in Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(ee) *Sea anchor.* The sea anchor shall be of an approved type (see listing under 160.019 in CG-190, Equipment Lists).

(ff) *Signals, distress, floating orange smoke.* Two approved floating orange smoke distress signals, constructed in accordance with Subpart 160.022 of Sub-

chapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(gg) *Signals, distress, red hand flare.* A unit, consisting of 12 approved hand red flare distress signals in a watertight container, constructed in accordance with Subpart 160.021 or Subpart 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(hh) *Signals, distress, red parachute flare.* A unit, consisting of 12 parachute red flare distress signals with an approved means of projecting them, all contained in a portable watertight container; or 12 approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 and 160.028 or Subpart 160.036 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(ii) *Tool kit.* The tool kit shall consist of at least the following tools contained in a suitable container:

- (1) One 12-ounce ball peen hammer.
- (2) One screwdriver with 6-inch blade.
- (3) One pair 8-inch slip joint pliers.
- (4) One 8-inch adjustable end wrench.

(jj) *Water.* (1) For each person the lifeboat is certified to carry, there shall be provided 3 quarts of drinking water consisting of nine approved hermetically sealed containers per person, constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration. Approved desalting kits capable of producing an equal amount of drinking water may be substituted for not more than one-third of the drinking water required to be carried.

(2) The drinking water containers shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

(kk) *Whistle, signaling.* The whistle shall be of the ball type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order.

(ll) *Fishing kit.* The fishing kit shall be of an approved type constructed in accordance with Subpart 160.061 of Subchapter Q (Specifications) of this chapter.

(mm) *Cover, protecting.* The protecting cover shall be of a highly visible

color, and capable of protecting the occupants against injury by exposure.

(nn) *Table of lifesaving signals.* The table shall be in accordance with the provisions of Chapter V, Regulation 16, of the International Convention for Safety of Life at Sea, 1960, and shall be printed on water resistant paper.

(oo) *Desalting kit.* One or more approved desalting kits may be used as a substitute for one-third of the required amount of drinking water per person, and shall be constructed in accordance

with Subpart 160.058 of Subchapter Q (Specifications) of this chapter.

§ 192.20-20 Required equipment for liferafts.

(a) The liferafts for all vessels shall be equipped in accordance with Table 192.20-20(a). For a description of the items contained in this table and the units comprising the items see applicable paragraphs of § 192.20-25. The letter identification prefixing the item in the table corresponds to the paragraph of designations in § 192.20-25.

TABLE 192.20-20(a)

Letter identification	Item identification	Ocean and coastwise	Great Lakes	Lakes, bays, and sounds; and rivers
a.	Boathook	1	1	1.
b.	Drinking cups	1	None	None.
c.	Jackknife	1	None	None.
d.	Lifeline	1 ¹	1 ¹	1.
e.	Matches (boxes)	1	1	None.
f.	Mirrors, signaling	2	None	None.
g.	Oars	1 unit ²	1 unit ²	1 unit. ³
h.	Oil, storm (gallons)	1	1	None.
i.	Painter	1	1	1.
j.	Provisions (pounds per person)	2	None	None.
k.	Rowlocks	1 unit ²	1 unit ²	1 unit. ²
l.	Sea anchor	1	1	None.
m.	Signals, distress	1 unit ³	1 unit ³	None.
n.	Water (quarts per person)	1	None	None.
o.	Water light	1	1	None.

¹ Not required on Type A liferafts.

² For description of units see section 192.20-25.

³ 1 unit here means 6 hand red flare distress signals and 6 parachute red flare distress signals with an approved means of projecting them.

(b) Inflatable liferafts shall be equipped with ocean service equipment for vessels on ocean and coastwise routes and with limited service equipment for vessels on Great Lakes, lakes, bays, sounds, and river routes in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

NOTE: Subpart 160.051 of Subchapter Q (Specifications) of this chapter requires the servicing of inflatable liferafts at approved servicing facilities. Included in the servicing at an approved servicing facility is a complete inspection of the required equipment by a marine inspector.

§ 192.20-25 Description of equipment for liferafts.

(a) *Boathooks.* Boathooks shall be of the single hook ballpoint type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 8 feet long and 1½ inches in diameter.

(b) *Drinking cups.* Drinking cups shall be enameled and provided with ½-inch cotton lanyards 3 feet in length.

(c) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(d) *Lifeline.* The lifeline shall be properly secured around the sides and ends of the liferaft, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size

and strength not less than ¾-inch diameter manila.

(e) *Matches.* A box of friction matches in a watertight container.

(f) *Mirrors, signaling.* Signaling mirrors shall be of an approved type (see listings under 160.020 in CG-190, Equipment Lists).

(g) *Oars.* A unit, consisting of four rowing oars and one steering oar not less than 8 feet in length shall be provided for liferafts for seven persons or more. For liferafts for six persons or less, a unit shall consist of two paddles not less than 5 feet in length.

(h) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(i) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference and of a length not less than three times the distance between the deck on which the liferafts are stowed and the light draft of the vessel.

(j) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the liferaft is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in compartments providing suitable protection.

(k) *Rowlocks.* A unit consisting of five rowlocks attached to the liferaft by separate chains and ready for immediate

use, together with proper rowlock sockets so arranged as to provide four rowing positions and one steering position with the liferaft floating either side up. Rowlocks and rowlock sockets are not required on liferafts for six persons or less.

(l) *Sea anchor.* The sea anchor shall be constructed of good quality canvas or other satisfactory material, and shall not be less than 2 feet in diameter.

(m) *Signals, distress.* A unit consisting of equipment as specified in subparagraphs (1) to (3) of this paragraph. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(1) Twelve (12) approved hand red flare distress signals in a watertight container and two approved floating orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.022 of Subchapter Q (Specifications) of this chapter; or,

(2) Twelve (12) approved hand red flare distress signals in a watertight container and 12 approved hand orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter; or,

(3) Twelve (12) approved hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(n) *Water.* (1) For each person the liferaft is certified to carry, there shall be provided 1 quart of drinking water consisting of three approved hermetically sealed containers per person, constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the liferaft after the date of expiration.

(2) The drinking water containers shall be stowed in compartments providing suitable protection.

(o) *Water light.* The water light shall be of an approved type, constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the liferaft by a 12-thread manila lanyard 3 fathoms in length.

§ 192.20-30 Required equipment for lifeboats and buoyant apparatus.

(a) The lifeboats and buoyant apparatus for all vessels shall be equipped in accordance with Table 192.20-30(a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 192.20-35. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 192.20-35.

TABLE 192.20-30(a)

Letter identification	Item	Number required for each lifeboat and buoyant apparatus		
		Ocean and coastwise	Great Lakes	Lakes, bay sounds, ans, rivers
a.....	Boathook ¹	1	1	1
b.....	Lifeline.....	1	1	1
c.....	Paddles ¹	4	4	4
d.....	Painter.....	1	1	1
e.....	Water light.....	1	1	None

¹ Buoyant apparatus need not be equipped with boathook or paddles.

§ 192.20-35 Description of equipment for lifeboats and buoyant apparatus.

(a) *Boathook*. Boathooks shall be of the single hook ballpoint type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 6 feet long and 1½ inches in diameter.

(b) *Lifeline*. The lifeline shall be properly secured around the sides and ends of the lifeboat or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila.

(c) *Paddles*. Paddles shall not be less than 5 feet long.

(d) *Painter*. (1) The painter for buoyant apparatus shall be of manila rope not less than 2 inches in circumference and of a length not less than 6 feet plus the distance between the deck on which the buoyant apparatus is stowed and the light draft of the vessel.

(2) The painter for lifeboats shall be of manila rope not less than 2¾ inches in circumference and of a length not less than three times the distance between the deck on which the lifeboats are stowed and the light draft of the vessel.

(e) *Water light*. The water light shall be of an approved type, constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the lifeboat or buoyant apparatus by a 12-thread manila lanyard 3 fathoms in length.

§ 192.20-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.20-5 through 192.20-35 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.20-5 through 192.20-35 may be continued in service so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this part for new vessels.

Subpart 192.25—Davits for Lifeboats

§ 192.25-1 Application.

(a) The provisions of this subpart, with the exception of § 192.25-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.25-90.

§ 192.25-5 General.

(a) All gravity and mechanical type davits shall be of an approved type, constructed in accordance with Subpart 160.032 of Subchapter Q (Specifications) of this chapter.

(b) Davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

(c) All davits shall be so arranged that the lifeboats do not require lifting prior to being swung out, except on small vessels where such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

(d) All davits and necessary gear shall be such as to meet the requirements for the installation test set forth in Subpart 192.35. The design, arrangements, and installation shall be such as to preclude undue delay in getting lifeboats into the water, and shall be of such strength that the lifeboats can be turned out manned by a launching crew and then safely lowered with the full complement of persons and equipment, with the ship listed to 15 degrees either way and with a 10-degree trim.

(e) Radial davits, where permitted, shall comply with the following requirements:

(1) They shall be fitted with means to prevent them from being jerked from their sockets.

(2) They shall maintain a factor of safety of six based on the weight of the fully equipped and loaded lifeboat, except that the weight of the fully equipped lifeboat alone may be used where the lifeboat is launched before being loaded with people.

(3) They shall be fitted with hand gear of sufficient power to insure that the boat can be turned out against a maximum list of 15 degrees.

(4) They shall be shop tested and show no permanent set or undue stress when subjected to a load equal to 2.2 times the working load. In addition, they shall be shop tested with a load equal to 1.1 times

the weight of the fully equipped lifeboat with the davit set up to simulate a 15-degree list inboard, and it shall be determined that the hand gear can adequately handle the load in this condition.

(f) Davits shall be so disposed on one or more decks as to permit the lifeboats placed under them to be safely lowered without interference from the operation of any other davits.

(g) On a vessel on which inflatable liferafts have been substituted for lifeboats, a launching device for each lifeboat to be used for rescue purposes shall be installed. Radial type davits or other means may be used in sheltered waters if acceptable to the Officer in Charge, Marine Inspection.

§ 192.25-10 Approved davits and lifelines for davit spans.

(a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried, except that on small vessels radial type davits or other means may be used if specifically approved by the Commandant.

(b) For all vessels in ocean, coastwise, or Great Lakes service, all davit installations shall have two lifelines fitted to a davit span. The lifelines shall be of such length as to reach the water at the lightest seagoing draft with the vessel listed 15 degrees either way.

§ 192.25-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.25-5 and 192.25-10 shall be complied with insofar as the number and general type of equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.25-5 and 192.25-10 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

(3) All davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

Subpart 192.30—Lifeboat Winches

§ 192.30-1 Application.

(a) The provisions of this subpart, with the exception of § 192.30-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.30-90.

§ 192.30-5 General.

(a) All lifeboat winches shall be of an approved type, constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(b) Where ice conditions are likely to be encountered, suitable covers shall be provided for all lifeboat winches, so fitted over exposed mechanism, that ice formation may be readily broken adrift when necessary to operate the winch.

(c) Where lifeboat winches are used, wire falls shall be employed.

§ 192.30-10 Number and type required.

(a) Lifeboat winches shall be fitted for each set of davits on all vessels in ocean or coastwise service where the height of the deck on which lifeboats are carried exceeds 20 feet from the lightest seagoing draft.

(b) Lifeboat winches shall be used in all cases where gravity type davits are employed.

(c) Lifeboat winches for use with gravity davits shall have grooved drums of such size that there will be only one layer of wire on the drums. Lifeboat winches for use with mechanical davits need not have grooved drums, and may be designed to take more than one layer of wire.

§ 192.30-15 Installation.

(a) Lifeboat winch controls shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. In addition, any electrical controls provided shall meet the requirements of Subpart 111.65 of Subchapter J (Electrical Engineering) of this chapter.

(b) The lead of the falls to the lifeboat winches and length and size of wire shall be in accordance with Subpart 192.33.

§ 192.30-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.30-5 through 192.30-15 shall be complied with insofar as the number and general type of equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.30-5 through 192.30-15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. However, all new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 192.33—Blocks and Falls for Lifeboats

§ 192.33-1 Application.

(a) The provisions of this subpart, with the exception of § 192.33-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.33-90.

§ 192.33-5 General.

(a) All blocks, falls, fairleads, padeyes, shackles, links, fastenings, etc., used in connection with lifeboat gear, shall be

designed with a minimum factor of safety of six, based on the maximum working load.

(b) Falls shall be of such length that the lifeboat may be lowered to the water with the vessel at its lightest draft, listed 15 degrees either way.

(c) Falls, where exposed and subject to damage or fouling, shall be suitably protected.

(d) Such blocks or other fittings shall be fitted as are necessary to permit the falls to lead fair in all positions of the davits.

(e) Means for lubrication shall be provided for all moving parts of blocks, sheaves, fairleads, etc.

§ 192.33-10 Installations where lifeboat winches are used.

(a) All falls shall be of wire rope.

(b) Wire rope falls of 6 x 19 regular lay filler wire constructed, prelubricated at the factory with suitable neutral wire rope lubricant, shall be accepted as standard. Any other wire rope, superior or equal to this minimum standard may be used if specifically approved.

(c) Not more than two-part falls may be used, except in special cases where three-part falls may be permitted by the Commandant.

(d) The lead sheaves to the drums shall be located so as to provide fleet angles of not more than 8 degrees for grooved drums and not more than 4 degrees for nongrooved drums. By fleet angle is meant the angle included between an imaginary line from the lead sheave perpendicular to the axis of the drum and the line formed by the wire rope when led from the lead sheave to either extremity of the drum.

(e) Sheaves shall have a diameter at the base of the groove at least equal to 12 times the diameter of the wire rope.

§ 192.33-15 Installations where lifeboat winches are not used.

(a) All falls shall be of manila rope or equivalent. Wire rope shall not be used.

(b) All vessels shall be provided with covered tubs, boxes, or reels for the stowage and protection of the falls, and cruciform bitts shall be provided for properly lowering the lifeboats.

(c) There shall be ample clearance between the cheeks of all blocks. The width between the cheeks shall be $\frac{1}{2}$ -inch greater than the diameter of new rope if $3\frac{3}{4}$ inches circumference or greater is used. Blocks for smaller rope shall be designed with proportional clearances.

§ 192.33-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.33-5 through 192.33-15 as applicable, shall be complied with insofar as the general type of equipment is concerned.

(2) Existing equipment previously approved but not meeting the detailed requirements may be continued in service

so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable requirements for new vessels.

Subpart 192.35—Installation of Lifeboats, Davits, and Winches

§ 192.35-1 Application.

(a) The provisions of this subpart apply to all installations, except as set forth in § 196.15-45(c) of this subchapter.

§ 192.35-5 Tests and examinations.

(a) Upon completion of installation of lifeboats, davits, or winches, tests, and examinations as required by this section shall be made to the satisfaction of the inspector before the vessel may be navigated.

(b) The lifeboat shall be swung out from the chocks and lowered to the embarkation deck. At this point the lifeboat shall be loaded with deadweight equivalent to the number of persons allowed (165 pounds per person) together including the weight of the lifeboat. No person shall be permitted in the lifeboat while it is being loaded or lowered. The lifeboat shall then be lowered to the water and disengaged from the falls.

(1) None of the equipment or parts thereof nor deck connections shall show signs of permanent set or excessive deflection.

(2) Mechanical and radial type davits shall be capable of being swung out without lifting the lifeboat, except on small vessels where such requirements are unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

(3) The falls shall be of sufficient length to lower the lifeboat as required by § 192.33-5(b).

(4) Where lifeboat winches are used, the following additional determinations shall be made:

(i) During lowering, the lifeboat shall be stopped at intervals of approximately 6 feet by the action of the counterweight alone. The counterweight shall be capable of stopping and holding the lifeboat. The brake action shall be smooth, but positive.

(ii) Brakes exposed to the weather shall be tested under the load conditions with the braking surfaces both wet and dry.

(iii) The governor brake shall be capable of controlling the speed of lowering the fully equipped lifeboat with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped lifeboat without its complement of persons shall not be less than 40 feet per minute.

Subpart 192.40—Life Preservers

§ 192.40-1 Application.

(a) The provisions of this subpart, with the exception of § 192.40-90, apply

to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.40-90.

§ 192.40-5 General.

(a) All life preservers shall be of an approved type, constructed in accordance with Subparts 160.002, 160.005, or 160.055 of Subchapter Q (Specifications) of this chapter.

(b) All life preservers on vessels on an international voyage shall be provided with a whistle of the ball type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order. It shall be attached to the life preserver by the lanyard alone without hooks, snaps, clips, etc., and shall extend not less than 15 inches from the life preserver body. While stowed on the life preserver, the whistle lanyard shall be coiled and stopped off.

§ 192.40-10 Number required.

(a) All vessels shall be provided with a life preserver for each person on board. An additional number of life preservers shall be provided for the personnel on watch in the engine room and pilothouse, and at the bow lookout.

(b) In addition to the life preservers required by paragraph (a) of this section, all vessels on an international voyage shall be provided with approved type life preservers for 5 percent of the persons carried.

(c) When children are carried, a suitable number of children's life preservers shall be provided.

§ 192.40-15 Distribution and stowage.

(a) *Distribution.* (1) Life preservers shall be distributed throughout the quarters for the crew and scientific personnel and other places readily accessible for each person on board. The stowage of the additional number of life preservers required by § 192.40-10 shall be such that they are readily accessible to personnel on watch in the engine room and pilothouse, and at the bow lookout.

(2) Life preservers stowed overhead shall be so supported that they can be quickly released and distributed. Where life preservers are stowed at a height greater than 7 feet from the deck below, efficient means shall be provided for their immediate release and distribution to be operated by persons standing on the deck.

(3) For vessels on an international voyage and carrying additional life preservers required by § 192.40-10(b), such life preservers shall be stowed in boxes near the lifeboats.

§ 192.40-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.40-5 through 192.40-15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.40-5 through 192.40-15 may be continued in service so long as they are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection, except that:

(i) Kapok and fibrous glass life preservers which do not have plastic-covered pad inserts, as required by Subparts 160.002 and 160.005 of Subchapter Q (Specifications) of this chapter shall not be permitted.

(3) All new installations or replacements shall meet the applicable specifications or requirements for new equipment, except that:

(i) Cork and balsa wood life preservers, constructed in accordance with the applicable provisions of Subpart 160.003 or 160.004 and manufactured as approved life preservers prior to July 1, 1965, may be accepted as new or replacement equipment required by this subchapter if such life preservers are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection, except for vessels on an international voyage.

Subpart 192.43—Ring Life Buoys and Water Lights

§ 192.43-1 Application.

(a) The provisions of this subpart, with the exception of § 192.43-90, shall

apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.43-90.

§ 192.43-5 General.

(a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter.

(c) All self-activating smoke signals shall be of an approved type, constructed in accordance with the requirements of Subpart 160.057 of Subchapter Q (Specifications) of this chapter which shall be capable of producing smoke of a highly visible color for at least 15 minutes.

§ 192.43-10 Number required.

(a) The minimum number of approved 30-inch ring life buoys and the minimum number of which shall have water lights attached, shall be in accordance with Table 192.43-10(a): *Provided*, That unmanned barges are exempt from this section.

TABLE 192.43-10(a)

Length of vessel in feet	Ocean ¹		All services other than ocean ¹	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Column 1	Column 2	Column 3	Column 4	Column 5
Under 100	6	6	2	0
100 and under 200	8	6	4	2
200 and under 300	8	6	6	2
300 and under 400	12	6	12	4
400 and under 600	18	9	18	9
600 and under 800	24	12	24	12
800 and over	30	15	30	15

¹ Manned barges shall be equipped with 1 ring life buoy at each end of the vessel with water light attached and 15 fathoms of line.

(b) One of the ring life buoys on each side of the vessel shall have secured to it a line at least 15 fathoms in length. On vessels on an international voyage, the line shall be of a buoyant type.

(c) On vessels on an international voyage, at least two of the ring life buoys with water lights attached as required by Table 192.43-10(a) shall also be provided with an approved self-activated smoke signal and shall be capable of quick release from the bridge.

(d) On vessels on an international voyage, the ring life buoys required by this section shall be orange in color.

§ 192.43-15 Distribution and securing.

(a) All ring life buoys shall be placed so as to be readily accessible to the per-

sons on board, and their positions plainly indicated so as to be known to the persons concerned.

(b) The ring life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

§ 192.43-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.43-5 through 192.43-15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.43-5 through 192.43-15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart for new vessels.

Subpart 192.45—Line-Throwing Appliances

§ 192.45-1 Application.

(a) The provisions of this subpart with the exception of § 192.45-90, shall apply to all mechanically propelled vessels in ocean and coastwise service, contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.45-90.

§ 192.45-5 General.

(a) Line-throwing appliances of the impulse-projected rocket type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.040 of Subchapter Q (Specifications) of this chapter. The service use of rockets shall be limited to a period of 4 years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such rockets are available, except that replacement shall be made in all cases within 12 months after the date of expiration.

(b) Line-throwing appliances of the shoulder-gun type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.031 of Subchapter Q (Specifications) of this chapter.

§ 192.45-10 Type required.

(a) All vessels shall be fitted with an approved line-throwing appliance of the impulse-projected rocket type. However, vessels of less than 500 gross tons may substitute a line-throwing appliance of the shoulder-gun type.

§ 192.45-15 Equipment for line-throwing appliances.

(a) The equipment enumerated in this paragraph shall be carried for impulse-projected rocket type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box:

(1) Four rockets, two of which shall be of the buoyant type.

(2) Four primer-ejector cartridges.

(3) Four service lines, each of a length not less than that specified in the approval of the appliance carried, of $\frac{3}{32}$ -inch to $\frac{1}{2}$ -inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment, or be stowed in an accessible location nearby.

(4) One cleaning brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 1,500 feet of 3-inch circumference manila. This line may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(b) The equipment enumerated in this paragraph shall be carried for shoulder-gun type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box.

(1) Ten service projectiles.

(2) Twenty-five cartridges.

(3) Four service lines, each not less than 400 feet in length, of $\frac{3}{8}$ -inch circumference flax or cotton and having a breaking strength of at least 250 pounds, or each not less than 600 feet in length of $\frac{1}{4}$ -inch or more diameter woven or braided nylon, very flexible, having a breaking strength not less than 140 pounds, or equivalent, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(4) One cleaning rod with brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 500 feet of 3-inch circumference manila.

§ 192.45-20 Accessibility.

(a) The line-throwing appliance and its equipment shall be kept easily and readily accessible and ready for use. No part of this equipment shall be used for any other purpose.

§ 192.45-25 Service recommendations.

(a) In firing the line-throwing appliances, the operating instructions and safety precautions furnished by the manufacturer should be followed.

§ 192.45-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels in ocean or coastwise service contracted for prior to March 1, 1967, shall meet the requirements set forth in §§ 192.45-5 through 192.45-25. However, if a Lyle gun type line-throwing appliance is already in service on such vessel, it may be continued in use so long as it is in good and serviceable condition, but may not be replaced by a similar installation. Where Lyle guns are used, the following requirements shall be met:

(1) The equipment enumerated in this subparagraph shall be carried for Lyle gun type line-throwing appliances. The equipment and the gun shall be stowed together in a suitable case or box. If the case or box does not meet the requirements of Subpart 160.038 of Subchapter Q (Specifications) of this chapter for portable magazine chest, the powder and primers shall be separately stowed in a chest meeting such requirement.

(i) Six service projectiles.

(ii) Eighteen bags (2½ ounces each) of black powder marked "One-half normal charge of Lyle gun, 2½ ounces black

powder" in a nonferrous metal screw-top container.

(iii) One approved firing attachment with accessories consisting of lanyard, wrench, washer to fit between barrel and shoulder of firing attachment, blank plug for screwing into gun when firing attachment is not in place, cartridge extractor, and 25 primers in a watertight metal box.

(iv) Twenty-five paper wads.

(v) Four service lines, each 1,700 feet in length, of $\frac{3}{32}$ -inch to $\frac{1}{2}$ -inch diameter flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels.

(vi) One ram rod, one wire brush, one can of light petrolatum, and twelve wiping patches.

(vii) One tapered wooden plug for muzzle of gun when not in use.

(viii) One set of instructions furnished by the manufacturer of the gun.

(ix) One auxiliary line, 1,500 feet of 3-inch circumference manila.

(2) Accessibility. Same as § 192.45-20.

Subpart 192.50—Embarkation Aids

§ 192.50-1 Application.

(a) The provisions of this subpart, with the exception of § 192.50-90, shall apply to all vessels, contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.50-90.

§ 192.50-5 Ladders.

(a) *General.* (1) All ladders required by this section shall be of an approved type constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(b) *Vessels in ocean, coastwise, or Great Lake service.* (1) All vessels in ocean, coastwise, or Great Lakes service shall have an approved Type II (chain suspension) ladder for each set of lifeboat davits, but existing ladders previously approved by the Coast Guard may be continued in service so long as they are maintained in good condition. Such ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light waterline, no heel assumed.

(2) All ocean and coastwise vessels which normally employ a pilot shall have a ladder for the use of the pilot in addition to the ladders required by subparagraph (1) of this paragraph. Suitable spreaders, a man rope, and a safety line shall be kept readily available for use in conjunction with the pilot ladder whenever circumstances may so require. When used, the ladder shall be secured in a position so that each step rests firmly against the ship's side, and so the pilot can gain safe and convenient access to the ship after climbing not more than 30 feet. Whenever the distance from sea level is more than 30 feet, access from the pilot ladder to the ship shall be by means of an accommodation ladder or other equally safe and convenient means. Arrangements shall be such that the rigging of the ladder and the embarkation and debarkation of the pilot is supervised by a responsible

officer of the ship, and handholds are provided to assist the pilot to pass safely and conveniently from the head of the ladder into the ship and onto the ship's deck. At night a light shining over the side shall be available for use, and the deck at the position where the pilot boards the ship shall be adequately lighted.

§ 192.50-7 Embarkation aids into inflatable liferafts.

(a) Where inflatable liferafts are substituted for lifeboats, unless freeboard at embarkation point is such that embarkation devices are not necessary, suitable arrangements shall be made for embarkation which shall include sufficient ladders or other suitable devices to facilitate embarkation into the inflatable liferafts when waterborne.

§ 192.50-10 Illumination of lifeboat launching operations.

(a) Provisions shall be made on all vessels on an international voyage and all other vessels where the lifeboat deck is more than 30 feet above the light waterline, for readily and continuously available illumination from the vessel of lifeboats when alongside and in process of or immediately after being launched. Details of the illuminating system shall be in accordance with Subchapter J (Electrical Engineering) of this chapter.

§ 192.50-15 Illumination for liferaft stowage areas.

(a) For all vessels on an international voyage, suitable illumination shall be provided for the liferaft stowage areas.

§ 192.50-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.50-5 through 192.50-15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements of §§ 192.50-5 through 192.50-15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements for new vessels.

(3) The illumination for lifeboat launching operations need not meet the detailed requirements of Subchapter J (Electrical Engineering) of this chapter.

Subpart 192.55—Portable Radio Apparatus

§ 192.55-1 Required on international voyage.

(a) Vessels on an international voyage shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. Such portable

radio shall be kept in the radioroom, chartroom, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency.

Subpart 192.60—Ship's Distress Signals

§ 192.60-1 Application.

(a) The provisions of this subpart shall apply to all manned vessels of 300 gross tons and over as specifically noted.

§ 192.60-5 Vessels in ocean or coastwise service.

(a) All vessels in ocean and coastwise service shall carry within the pilothouse or on the navigator's bridge 12 approved hand-held rocket-propelled parachute red flare distress signals, contained in a portable watertight container, constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter.

(b) The service use of the distress signals shall be limited to a period of 3 years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such distress signals are available, except that replacement shall be made in all cases within 12 months after the date of expiration.

§ 192.60-10 Vessels in Great Lakes service.

(a) All vessels in Great Lakes service shall carry within the pilothouse or on the navigator's bridge, 12 approved hand-held red flare distress signals, contained in a portable watertight container, constructed in accordance with Subpart 160.021 or Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(b) The service use of distress signals shall be limited to a period of 3 years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such distress signals are available, except that replacement shall be made in all cases with 12 months after the date of expiration.

PART 193—FIRE PROTECTION EQUIPMENT

Subpart 193.01—Application

Sec.	
193.01-1	General.
193.01-5	Equipment installed but not required.

Subpart 193.05—Fire Detecting and Extinguishing Equipment, Where Required

193.05-1	Fire detecting, manual alarm, and supervised patrol systems.
193.05-5	Fire main system.
193.05-10	Fixed fire extinguishing systems.
193.05-15	Hand portable fire extinguishers and semiportable fire extinguishing systems.
193.05-20	Sand.

Subpart 193.10—Fire Main System, Details

193.10-1	Application.
193.10-5	Fire pumps.
193.10-10	Fire hydrants and hose.
193.10-15	Piping.
193.10-90	Installations contracted for prior to March 1, 1967.

Subpart 193.15—Carbon Dioxide Extinguishing Systems, Details

Sec.	
193.15-1	Application.
193.15-5	Quantity, pipe sizes, and discharge rates.
193.15-10	Controls.
193.15-15	Piping.
193.15-20	Carbon dioxide storage.
193.15-25	Discharge outlets.
193.15-30	Alarms.
193.15-35	Enclosure openings.
193.15-40	Pressure relief.
193.15-90	Installations contracted for prior to March 1, 1967.

Subpart 193.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems, Arrangements and Details

193.50-1	Application.
193.50-5	Classification.
193.50-10	Location.
193.50-15	Spare charges.
193.50-90	Vessels contracted for prior to March 1, 1967.

Subpart 193.60—Fire Axes

193.60-1	Application.
193.60-5	Number required.
193.60-10	Location.

AUTHORITY: The provisions of this Part 193 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 17, 49 Stat. 166, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 481, 395, 363, 526p, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857; 167-66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 193.01—Application

§ 193.01-1 General.

(a) Except as specifically noted, the provisions of this part shall apply to all vessels.

§ 193.01-5 Equipment installed but not required.

(a) Where fire detecting or extinguishing systems on equipment are not required, but are installed, the system or equipment and its installation shall meet the requirements of this part.

Subpart 193.05—Fire Detecting and Extinguishing Equipment, Where Required

§ 193.05-1 Fire detecting, manual alarm, and supervised patrol systems.

(a) Fire detecting, manual alarm, and supervised patrol systems are not required, but if installed, the systems shall meet the applicable requirements of Part 76 of Subchapter H (Passenger Vessels) of this chapter.

(b) In each compartment containing explosives, and in adjacent compartments if containing stores, there shall be provided a smoke detecting or other suitable type fire detecting system.

§ 193.05-5 Fire main system.

(a) Fire pumps, hydrants, hose, and nozzles shall be installed on all manned vessels.

(b) The arrangements and details of the fire main system shall be as set forth in Subpart 193.10.

§ 193.05-10 Fixed fire extinguishing systems.

(a) Approved fire extinguishing systems shall be installed in those locations delineated in this section.

(b) A fixed carbon dioxide or other approved system shall be installed in all lamp and paint lockers, oil rooms, and similar spaces.

(c) Fire extinguishing systems shall be provided for internal combustion engine installations in accordance with the following:

(1) Enclosed spaces containing gasoline engines shall have fixed carbon dioxide systems.

(2) If a fire extinguishing system is installed to protect an internal combustion or gas turbine installation, the system shall be of the carbon dioxide type.

(3) On vessels of 1,000 gross tons and over, a fixed carbon dioxide system shall be installed in all spaces containing internal combustion or gas turbine main propulsion machinery, auxiliaries with an aggregate power of 1,000 b. hp. or greater, or their fuel oil units, including purifiers, valves, and manifolds.

(d) A fixed carbon dioxide system shall be installed in all chemical storerooms.

(e) On vessels of 1,000 gross tons and over, a fixed carbon dioxide, foam, or water spray system shall be installed in all spaces containing oil fired boilers, either main or auxiliary, or their fuel oil units, valves, or manifolds in the line between the settling tanks and the boilers.

(f) Where an enclosed ventilating system is installed for electric propulsion motors or generators, a fixed carbon dioxide extinguishing system shall be installed in such system.

(g) The arrangements and details of the fixed carbon dioxide extinguishing systems shall be as set forth in Subpart 193.15.

(h) Additional specific requirements for fire extinguishing systems for spaces containing explosives and other dangerous articles or substances are in Part 194 of this subchapter.

§ 193.05-15 Hand portable fire extinguishers and semiportable fire extinguishing systems.

(a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed on all manned vessels as set forth in Subpart 193.50.

§ 193.05-20 Sand.

(a) There shall be in each space containing oil fired boilers a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials together with a scoop or shaker for distributing the same.

(b) In lieu of the requirements in paragraph (a) of this section, one B-II fire extinguisher may be substituted.

Subpart 193.10—Fire Main System, Details

§ 193.10-1 Application.

(a) The provisions of this subpart, with the exception of § 193.10-90; shall

apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 193.10-1(b).

§ 193.10-5 Fire pumps.

(a) Vessels shall be equipped with independently driven fire pumps in accordance with Table 193.10-5(a).

TABLE 193.10-5(a)

Gross tons		Minimum number of pumps	Hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over				
-----	100	1	1 1/2	1 1/2	150
100	1,000	1	1 1/2	3/8	50
1,000	1,500	2	1 1/2	5/8	50
1,500	-----	2	2 1/2	2 1/2	250

¹ On vessels of 65 feet in length or less, 3/4-inch hose of good commercial grade together with a commercial garden hose nozzle may be used. The pump may be hand operated and the length of hose shall be sufficient to assure coverage of all parts of the vessel.

² 75 feet of 1 1/2-inch hose and 3/4-inch nozzle may be used where specified by § 193.10-10(b) for interior locations and 50 feet 1 1/2-inch hose may be used in exterior locations on vessels in other than ocean or coastwise services.

(b) On vessels of 1,000 gross tons and over on an international voyage, each required fire pump, while delivering water through the fire main system at a pressure corresponding to that required by paragraph (c) of this section, shall have a minimum capacity of at least two-thirds of that required for an independent bilge pump. However, in no case shall the capacity of each fire pump be less than that otherwise required by this section.

(c) Each pump shall be capable of delivering water simultaneously from the outlets having the greatest pressure drop from the fire pumps to the nozzles which may not always be the two highest outlets, at a Pitot tube pressure of approximately 50 p.s.i. Where 1 1/2-inch hose is permitted in lieu of 2 1/2-inch hose by footnote 2 of Table 193.10-5(a), the pump capacity shall be determined on the same basis as if 2 1/2-inch hose had been permitted. Where 3/4-inch hose is permitted by Table 193.10-5(a), the Pitot tube pressure need be only 35 p.s.i.

(d) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 p.s.i. in excess of the pressure necessary to maintain the requirements of paragraph (c) of this section or 125 p.s.i., whichever is greater. Relief valves may be omitted if the pumps, operating under shutoff conditions, are not capable of developing a pressure exceeding this amount.

(e) Fire pumps shall be fitted with a pressure gage on the discharge side of the pumps.

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. Unless specifically approved by the Commandant, no branch lines shall be connected to the fire mains for other than fire and deck wash purposes. Other discharge lines shall lead from a discharge manifold near the fire pumps. In no case shall a pump having connection to an oil line be used as fire pump.

(g) The total area of the pipes leading from a pump shall not be less than the discharge area of the pump.

(h) On vessels with oil fired boilers, either main or auxiliary, or with internal combustion propulsion machinery, where 2 fire pumps are required, they shall be located in separate spaces, and the arrangement, pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of the fire pumps out of operation. However, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to meet this requirement due to the size or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing any fire which would affect the powering and operation for the required fire pumps.

§ 193.10-10 Fire hydrants and hose.

(a) The size of fire hydrants, hose, and nozzles and the length of hose required shall be as noted in Table 193.10-5(a).

(b) In lieu of the 2 1/2-inch hose and hydrants specified in Table 193.10-5(a), on vessels over 1,500 gross tons, the hydrants in interior locations may have siamese connections for 1 1/2-inch hose. In these cases the hose shall be 75 feet in length, and only one hose will be required at each fire station; however, if all such stations can be satisfactorily served with 50-foot lengths, 50-foot hose may be used.

(c) On vessels of 1,000 gross tons and over there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cutout valves and check valves shall be provided. Suitable adapters also shall be provided for furnishing the vessel's shore connections with couplings mating those on the shore fire lines. Such vessels on an international voyage, shall be provided with at least one international shore connection. Facilities shall be available enabling such a connection to be used on either side of the vessel. The international shore connection shall be in accordance with specification Subpart 162.034 of Subchapter Q (Specifications) of this chapter.

(d) Fire hydrants shall be of sufficient number and so located that any part of the vessel, other than main machinery spaces, may be reached with at least 2 streams of water from separate outlets, at least one of which shall be from a single length of hose. In main machinery spaces, all portions of such spaces shall be capable of being reached by at least 2 streams of water, each of which shall be from a single length of hose from separate outlets; however, this requirement need not apply to shaft alleys containing no assigned space for the stowage of combustibles. Fire hydrants shall be numbered as required by § 196.37-15 of this subchapter.

(e) All parts of the fire main located on exposed decks shall either be protected against freezing or be fitted with cutout valves and drain valves so that the

entire exposed parts of such piping may be shut off and drained in freezing weather. Except when closed to prevent freezing, such valves shall be sealed open.

(f) The outlet at the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead horizontally or downward to minimize the possibility of kinking.

(g) Each fire hydrant shall be provided with a single length of hose with nozzle attached and a spanner. A suitable hose rack or other device shall be provided for the proper stowage of the hose. If the hose is not stowed in the open or behind glass so as to be readily seen, the enclosures shall be marked in accordance with § 196.37-15 of this subchapter.

(h) Fire hose shall be connected to the outlets at all times. However, as open decks where no protection is afforded to the hose in heavy weather, the hose may be temporarily removed from the hydrant and stowed in an accessible nearby location.

(i) Hose nozzles shall be as follows:

(1) All nozzles shall be of good grade bronze or equivalent metal.

(2) Where smooth bore type nozzles are used, they shall have an orifice of the size indicated in Table 193.10-5(a).

(3) Where combination solid stream and water spray fire hose nozzles are used, they shall be approved type and shall be constructed in accordance with Subpart 162.027 of Subchapter Q (Specification) of this chapter. The detachable applicator shall be stowed adjacent to the fire hydrant, except where combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master.

(4) Except as noted in subparagraphs (5) and (6) of this paragraph, all hose nozzles shall be of either the smooth bore type or the approved type combination nozzle.

(5) On all vessels of 1,000 gross tons and over, the hose attached to the hydrants in propulsion machinery spaces containing oil fired boilers, internal combustion machinery, or oil fuel units shall be fitted with an approved combination nozzle. The applicator shall be not more than 6 feet in length.

(6) Where $\frac{3}{4}$ -inch hose is permitted by Table 193.10-5(a), a good commercial grade garden hose nozzle or equivalent will be accepted.

(7) Where approved combination nozzles are used, but are not required, the applicators with low velocity fog spray heads and the self-cleaning strainers may be fitted, but will not be required.

(j) Firehose shall not be used for any other purpose than fire extinguishing, drills, and testing.

(k) Fire hydrants, nozzles, and other fittings shall have threads to accommodate the hose connections noted in this paragraph. Firehose and couplings shall be as follows:

(1) Couplings shall be of brass, bronze, or other equivalent metal. National Standard firehose coupling threads shall be used for the $\frac{1}{2}$ -inch and $\frac{3}{4}$ -inch

sizes, i.e., 9 threads per inch for $\frac{1}{2}$ -inch hose and $\frac{7}{8}$ threads per inch for $\frac{3}{4}$ -inch hose.

(2) Unlined hose shall not be used in the machinery spaces.

(3) Where $\frac{3}{4}$ -inch hose is permitted by Table 193.10-5(a), the hose and couplings shall be of good commercial grade.

(4) All lined and unlined hoses shall be of firehose quality in conformance with Underwriters' Laboratories, Inc., Standard 18 or 19, or Federal Specification JJ-H-571 or ZZ-H-451a. Hose which bears the label of Underwriters' Laboratories, Inc., as inspected lined or unlined firehose will be accepted as conforming to this requirement.

§ 193.10-15 Piping.

(a) All piping, valves, and fittings, shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All distribution cut-off valves shall be marked as required by § 196.37-10 of this subchapter.

(c) For vessels on an international voyage, the diameter of the fire main shall be sufficient for the effective distribution of the maximum required discharge from two fire pumps operating simultaneously. This requirement is in addition to § 193.10-5(c). The discharge of this quantity of water through hoses and nozzles at a sufficient number of adjacent hydrants shall be at a minimum Pitot tube pressure of approximately 50 pounds per square inch.

§ 193.10-90 Installations contracted for prior to March 1, 1967.

(a) Installations contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 193.10-5 through 193.10-15 shall be complied with insofar as the number and general type of equipment is concerned.

(2) Existing equipment previously approved, but not meeting the applicable requirements of §§ 193.10-5 through 193.10-15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alteration, and replacements may be permitted to the same standards as the original installations. However, all new installations or major replacements shall meet the applicable requirements in this subpart for new installations.

(3) The general requirements of § 193.10-5 (c) through (g), § 193.10-10 (d) through (i), and § 95.10-15 shall be complied with insofar as is reasonable and practicable.

Subpart 193.15—Carbon Dioxide Extinguishing Systems, Details

§ 193.15-1 Application.

(a) The provisions of this subpart shall apply to all new installations contracted for on or after March 1, 1967.

(b) Installations contracted for prior to March 1, 1967, shall meet the requirements of § 193.15-90.

(c) The requirements of this subpart are based on a "high pressure system," i.e., one in which the carbon dioxide is stored in liquid form at atmospheric temperature. Details for "low pressure systems," i.e., those in which the carbon dioxide is stored in liquid form at a continuously controlled low temperature, may be specifically approved by the Commandant where it is demonstrated that a comparable degree of safety and fire extinguishing ability is achieved.

§ 193.15-5 Quantity, pipe sizes, and discharge rates.

(a) *General.* The amount of carbon dioxide required for each space shall be as determined by paragraphs (b) through (e) of this section.

(b) *Total available supply.* A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(c) *Enclosed ventilation systems for rotating electrical propulsion equipment.*

(1) The number of pounds of carbon dioxide required for the initial charge shall be equal to the gross volume of the system divided by 10 for systems having a volume of less than 2,000 cubic feet, and divided by 12 for systems having a volume of 2,000 cubic feet or more.

(2) In addition to the amount required by subparagraph (1) of this paragraph there shall be sufficient carbon dioxide available to permit delayed discharges of such quantity as to maintain at least a 25-percent concentration until the equipment can be stopped. If the initial discharge is such as to achieve this concentration until the equipment is stopped, no delayed discharge need be provided.

(3) The piping for the delayed discharge shall not be less than $\frac{1}{2}$ -inch standard pipe, and no specific discharge rate need be applied to such systems. On small systems, this pipe may be incorporated with the initial discharge piping.

(4) The piping for the initial charge shall be in accordance with Table 193.15-5(d)(4), and the discharge of the required amount shall be completed within 2 minutes.

(d) *Machinery spaces, paint lockers, tanks, chemical storerooms, and similar spaces.* (1) Except as provided in subparagraph (3) of this paragraph, the number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 193.15-5(d)(1). If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of carbon dioxide to be provided. The carbon dioxide shall be arranged to discharge into both such compartments simultaneously.

TABLE 193.15-5(d)(1)

Gross volume of compartment, cubic feet		Factor
Over	Not over	
500	500	15
1,600	1,600	16
4,500	4,500	18
50,000	50,000	20
		22

(2) For the purpose of the requirements of this paragraph, the volume of the machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion machinery, or fuel oil installations extend into such space, in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower. "Normal machinery casing" and "material reduction in casing area" shall be defined as follows:

(i) By "normal machinery casing" shall be meant a casing the area of which is not more than 40 percent of the maximum area of the machinery space.

(ii) By "material reduction in casing area" shall be meant a reduction to at least 40 percent of the casing area.

(3) For vessels on an international voyage contracted for on or after May 26, 1965, the amount of carbon dioxide required for a space containing propulsion boilers or internal combustion propulsion machinery shall be as given by subparagraphs (1) and (2) of this paragraph or by dividing the entire volume, including the casing, by a factor of 25, whichever is the larger.

(4) Branch lines to the various spaces shall be as noted in Table 193.15-5(d)(4).

TABLE 193.15-5(d)(4)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	1½	2,500	2½
225	1½	4,450	3
300	1	7,100	3½
600	1½	10,450	4
1,000	1½	15,000	4½
2,450	2		

(5) Distribution piping within the space shall be proportioned from the supply line to give proper distribution to the outlets without throttling.

(6) The number, type, and location of discharge outlets shall be such as to give a uniform distribution throughout the space.

(7) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the normal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inch.

(8) The discharge of at least 85 percent of the required amount of carbon

dioxide shall be complete within 2 minutes.

§ 193.15-10 Controls.

(a) Except as noted in § 193.15-20(b), all controls and valves for the operation of the system shall be outside the space protected and shall not be located in any space that might be cut off or made inaccessible in the event of fire in any of the spaces protected.

(b) If the same cylinders are used to protect more than one hazard, a manifold with normally closed stop valves shall be used to direct the carbon dioxide into the proper space. If cylinders are used to protect only one hazard, a normally closed stop valve shall be installed between the cylinders and the hazard except for systems of the type indicated in § 193.15-5(d) which contain not more than 300 pounds of carbon dioxide.

(c) One of the stations controlling the system for the main machinery space and the chemical storerooms shall be located as convenient as practicable to one of the main escapes from these spaces. All control stations and the individual valves and controls shall be marked as required by §§ 196.37-10 and 196.37-13 of this subchapter.

(d) Systems of the type indicated in § 193.15-5(d) shall be actuated by one control operating the valve to the space and a separate control releasing at least the required amount of carbon dioxide. These two controls shall be located in a box or other enclosure clearly identified for the particular space. Those systems installed without a stop valve shall be operated by one control releasing at least the required amount of carbon dioxide.

(e) Where provisions are made for the simultaneous release of a given amount of carbon dioxide by operation of a remote control, provisions shall also be made for manual control at the cylinders. Where gas pressure from pilot cylinders is used as a means for releasing the remaining cylinders, not less than two pilot cylinders shall be used for systems consisting of more than two cylinders. Each of the pilot cylinders shall be capable of manual control at the cylinder, but the remaining cylinders need not be capable of individual manual control.

(f) Systems of the type indicated in § 193.15-5(d), other than systems for tanks, which are of more than 300 pounds of carbon dioxide, shall be fitted with an approved delayed discharge so arranged that the alarm will be sounded for at least 20 seconds before the carbon dioxide is released into the space. Such systems of not more than 300 pounds of carbon dioxide shall also have a similar delayed discharge, except for those systems for tanks and for spaces which have a suitable horizontal escape.

(g) All distribution valves and controls shall be of an approved type. All controls shall be suitably protected.

(h) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device.

(i) If the space or enclosure containing the carbon dioxide supply for con-

trols is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening.

§ 193.15-15 Piping.

(a) The piping, valves, and fittings shall have a bursting pressure of not less than 6,000 pounds per square inch.

(b) All piping, in nominal sizes not over ¾ inch shall be at least Schedule 40 (standard weight) and in nominal sizes over ¾ inch, shall be at least Schedule 80 (extra heavy).

(c) All piping valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(d) A pressure relief valve or equivalent set to relieve between 2,400 and 2,800 pounds per square inch shall be installed in the distribution manifold or such other location as to protect the piping in the event that all branch line shutoff valves are closed.

(e) All dead-end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(f) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(g) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations where possible.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire-detecting system.

(i) Piping passing through living quarters shall not be fitted with drains or other openings within such spaces.

(j) Installation test requirements are:

(1) Upon completion of the piping installation, and before the cylinders are connected, a pressure test shall be applied as set forth in this paragraph. Only carbon dioxide or other inert gas shall be used for this test.

(2) The piping from the cylinders to the stop valves in the manifold shall be subjected to a pressure of 1,000 pounds per square inch. With no additional gas being introduced to the system, it shall be demonstrated that the leakage of the system is such as not to permit a pressure drop of more than 150 pounds per square inch per minute for a 2-minute period.

(3) The individual branch lines to the various spaces protected shall be subjected to a test similar to that described in the preceding subparagraph with the exception that the pressure used shall be 600 pounds per square inch in lieu of 1,000 pounds per square inch. For the purpose of this test, the distribution piping shall be capped within the space protected at the first joint ahead of the nozzles.

(4) In lieu of the tests prescribed in the preceding subparagraphs in this paragraph, small independent systems protecting spaces such as emergency generator rooms, lamp lockers, chemical storerooms, etc., may be tested by blowing out the piping with air at a pressure of at least 100 pounds per square inch.

§ 193.15-20 Carbon dioxide storage.

(a) Except as provided in paragraph (b) of this section, the cylinders shall be located outside the spaces protected, and shall not be located in any space that might be cut off or made inaccessible in the event of a fire in any of the spaces protected.

(b) Systems of the type indicated in paragraph 193.15-5(d), consisting of not more than 300 pounds of carbon dioxide, may have cylinders located within the space protected. If the cylinder stowage is within the space protected, the system shall be arranged in an approved manner to be automatically operated by a heat actuator within the space in addition to the regular remote and local controls.

(c) The space containing the cylinders shall be properly ventilated and designed to preclude an anticipated ambient temperature in excess of 130° F.

(d) Cylinders shall be securely fastened and supported, and where necessary, protected against injury.

(e) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection. Provisions shall be available for weighing the cylinders.

(f) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

(g) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent siphon tubes may be inclined not more than 80 degrees from the vertical.

(h) Where check valves are not fitted on each independent cylinder discharge, plugs or caps shall be provided for closing outlets when cylinders are removed for inspection or refilling.

(i) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission as noted in § 147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 193.15-25 Discharge outlets.

(a) Discharge outlets shall be of an approved type.

§ 193.15-30 Alarms.

(a) Space normally accessible to persons on board while the vessel is being navigated which are protected by a carbon dioxide extinguishing system and are required to be fitted with a delayed discharge system other than paint and lamp lockers and similar small spaces, shall be fitted with an approved audible alarm which will be automatically sounded when the carbon dioxide is admitted to the space. The alarm shall be conspicuously and centrally located and shall be marked as required by § 196.37-9 of this subchapter. Such alarms shall be so arranged as to sound during the 20-second delay period prior to the discharge of carbon dioxide into the space, and the alarm shall depend on no source of power other than the carbon dioxide.

§ 193.15-35 Enclosure openings.

(a) Where mechanical ventilation as provided for spaces which are protected by carbon dioxide extinguishing systems provisions shall be made so that the ventilation system is automatically shut down with the operation of the system to that space.

(b) Where natural ventilation is provided for spaces protected by a carbon dioxide extinguishing system, provisions shall be made for easily and effectively closing off the ventilation.

(c) Means shall be provided for closing all other openings to the space protected from outside such space. In this respect, relatively tight doors, shutters, or dampers shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed off either by permanently installed means or by the use of canvas or other material which is normally carried by the vessel.

§ 193.15-40 Pressure relief.

(a) Where necessary, relatively tight compartments such as refrigeration spaces, paint lockers, etc., shall be provided with suitable means for relieving excessive pressure accumulating within the compartment when the carbon dioxide is injected.

§ 193.15-90 Installations contracted for prior to March 1, 1967.

(a) Installations contracted for prior to March 1, 1967 shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installations. However, all new installations or major replacements shall meet the applicable requirements in this subpart for new installations.

(2) The details of the systems shall be in general agreement with §§ 193.15-5 through 193.15-40 insofar as is reasonable and practicable, with the exception of § 193.15-5(d) (1), (2), and (4), covering machinery spaces, etc., which systems may be installed in accordance with subparagraphs (3) through (6) of this paragraph.

(3) In boilerrooms, the bilges shall be protected by a system discharging principally below the floorplates. Perforated pipe may be used in lieu of discharge nozzles for such systems. The number of pounds of carbon dioxide shall be equal to the gross volume of the boilerroom taken to the top of the boilers divided by 36. In the event of an elevated boilerroom which drains to the machinery space, the system shall be installed in the engine room bilge and the gross volume shall be taken to the flat on which the boilers are installed.

(4) In machinery spaces where main propulsion internal combustion ma-

chinery is installed, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space taken to the under side of the deck forming the hatch opening divided by 22.

(5) In miscellaneous spaces other than cargo or main machinery spaces the number of pounds of carbon dioxide required shall be equal to the gross volume of the space divided by 22.

(6) Branch lines to the various spaces other than cargo and similar spaces shall be as noted in Table 193.15-90 (a) (6). This table is based on cylinders having discharge outlets and siphon tubes of 3/8-inch diameter.

TABLE 193.15-90(a) (6)

Number of cylinders		Nominal pipe size, inches
Over	Not over	
2	2	1 1/2—standard.
2	4	3/4—standard.
4	4	1—extra heavy.
6	12	1 1/4—extra heavy.
12	16	1 1/2—extra heavy.
16	27	2—extra heavy.
27	39	2 1/2—extra heavy.
39	60	3—extra heavy.
60	80	3 1/2—extra heavy.
80	104	4—extra heavy.
104	165	5—extra heavy.

Subpart 193.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems, Arrangements and Details

§ 193.50-1 Application.

(a) The provisions of this subpart, with the exception of § 193.50-90, shall apply to all vessels other than unmanned barges, contracted for on or after March 1, 1967.

(b) All vessels other than unmanned barges contracted for prior to March 1, 1967, shall meet the requirements of § 193.50-90.

(c) All unmanned barges are exempted from the requirements in this subpart. However, if such barges carry on board hand portable fire extinguishers and semiportable fire extinguishing systems, then such equipment shall be in accordance with this subpart for manned barges.

§ 193.50-5 Classification.

(a) Hand portable fire extinguishers and semiportable fire extinguishing systems shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of nonconducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable and semiportable fire extinguishing systems are set forth in Table 193.50-5(c).

TABLE 193.50-5(c)

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A.....	II	2½	2½	4	2
B.....	I	1½	1½	15	10
B.....	II	2½	2½	35	20
B.....	III	12	12	50	30
B.....	IV	20	20	100	50
B.....	V	40	40	4	2
C.....	I	1½	1½	15	10
C.....	II	2½	2½		

TABLE 193.50-10(a)—HAND PORTABLE FIRE EXTINGUISHER AND SEMI-PORTABLE FIRE EXTINGUISHING SYSTEMS

Space	Classification (see § 193.50-5)	Quantity and location
<i>Safety Areas</i> ¹		
Wheelhouse or fire control room.....		None required.
Stairway and elevator enclosures.....		Do.
Communicating corridors.....	A-II.....	1 in each main corridor not more than 150 feet apart. (May be located in stairways.)
Lifeboat embarkation and lowering stations.....		None required.
Radio room.....	C-I ²	2 in vicinity of exit. ³
<i>Accommodations</i> ¹		
Staterooms, toilet spaces, public spaces, offices, lockers, isolated storerooms, and pantries, open decks, etc.		None required.
<i>Service spaces</i> ¹		
Galleys.....	B-II or C-II.....	1 for each 2,500 square feet or fraction thereof suitable for hazards involved.
Paint and lamp rooms.....	B-II.....	1 outside space in vicinity of exit.
Accessible baggage, mail, and specie rooms, and storerooms.....	A-II.....	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside the spaces.
Carpenter shop and similar spaces.....	A-II.....	1 outside the space in vicinity of exit.
<i>Machinery spaces</i>		
Coal-fired boilers: Bunker and boiler space.....		None required.
Oil-fired boilers: Spaces containing oil-fired boilers, either main or auxiliary, or their fuel-oil units.....	B-II.....	2 required. ³
Internal combustion or gas turbine propelling machinery spaces.....	B-II.....	1 for each 1,000 brake horsepower, but not less than 2 nor more than 6. ⁵
Electric propulsive motors or generators of open type.....	B-III.....	1 required. ^{4,7}
Enclosed ventilating systems for motors and generators of electric propelling machinery.....	C-II.....	1 for each propulsion motor or generator unit.
Auxiliary spaces:		None required.
Internal combustion gas turbine.....	B-II.....	1 outside the space in vicinity of exit. ⁷
Electric emergency motors or generators.....	C-II.....	1 outside the space in vicinity of exit. ⁴
Steam.....		None required.
Trunks to machinery spaces.....		Do.
Fuel tanks.....		Do.
<i>Scientific spaces</i>		
Chemistry laboratory.....	C-II.....	1 dry chemical and 1 carbon dioxide for each 300 square feet or fraction thereof, with one (1) of each kind located in the vicinity of the exit.
Scientific laboratory.....		
Chemical storeroom.....	C-II.....	Same as for the chemistry laboratory.

(d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic nameplate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

(e) Vaporizing liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall not be permitted.

§ 193.50-10 Location.

(a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed in accordance with Table 193.50-10(a). The location of the equipment shall be to the satisfaction of the Officer in Charge, Marine Inspection. Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional equipment as he deems necessary for the proper protection of the vessel.

(b) Semiportable fire extinguishing systems shall be located in the open so as to be readily seen.

(c) If hand portable fire extinguishers are not located in the open or behind glass so that they may be readily seen, they may be placed in enclosures together with the firehose, provided such enclosures are marked as required by § 196.37-15 of this subchapter.

(d) Hand portable fire extinguishers and their stations shall be numbered in accordance with § 196.37-15 of this subchapter.

(e) Hand portable or semiportable extinguishers, which are required on their nameplates to be protected from freezing, shall not be located where freezing temperatures may be expected.

§ 193.50-15 Spare charges.

(a) For all vessels spare charges shall be carried for at least 50 percent of each size and each variety, i.e., foam, soda-acid, carbon dioxide, etc., of hand portable fire extinguishers required by § 193.50-10(a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units. Acid shall be contained in a Crown stopper type of bottle.

§ 193.50-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 193.50-5 through 193.50-15 shall be complied with insofar as the number and general type of equipment is concerned.

(2) Existing installations previously approved, but not meeting the applicable requirements of §§ 193.50-5 through 193.50-15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, and they are in general agreement with the degree of safety prescribed by Table 193.50-15(a). Minor modifications may be made to the same standard as the original installation: *Provided*, That in no case will a greater departure from the standards of Table 193.50-15(a) be permitted than presently exists.

(3) All new equipment and installations shall meet the applicable requirements in this subpart for new vessels.

Subpart 193.60—Fire Axes

§ 193.60-1 Application.

(a) The provisions of this subpart shall apply to all vessels other than unmanned barges.

(b) Unmanned barges are exempted from the requirements in this subpart. However, if such barges carry on board fire axes, then such equipment shall be in accordance with this subpart for manned barges.

¹ Two B-I hand portable fire extinguishers may be substituted for 1 B-II.

² For vessels on an international voyage, substitute 1 C-II in vicinity of exit.

³ Vessels of less than 1,000 gross tons require 1.

⁴ Vessels of less than 1,000 gross tons may substitute 1 B-IV.

⁵ Only 1 required for motorboats.

⁶ If oil burning donkey boiler fitted in space, the B-V previously required for the protection of the boiler may be substituted. Not required where a fixed carbon dioxide system is installed.

⁷ Not required on vessels of less than 300 gross tons if fuel has a flash-point higher than 110° F.

⁸ Not required on vessels of less than 300 gross tons.

§ 193.60-5 Number required.

(a) All vessels shall carry at least the minimum number of fire axes as set forth in Table 193.60-5(a). Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional fire axes as he deems necessary for the proper protection of the vessel.

TABLE 193.60-5(a)

Gross tons		Number of axes
Over	Not over	
.....	30	1
50	200	2
200	500	4
500	1000	6
1000	.....	8

§ 193.60-10 Location.

(a) Fire axes shall be distributed throughout the spaces available to persons on board so as to be most readily available in the event of emergency.

(b) If fire axes are not located in the open, or behind glass, so that they may be readily seen, they may be placed in enclosures together with the firehose, provided such enclosures are marked as required by § 196.37-15 of this subchapter.

PART 194—HANDLING, USE AND CONTROL OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Subpart 194.01—Application

Sec.

194.01-1 General.

Subpart 194.05—Stowage and Marking

- 194.05-1 General.
- 194.05-3 Chemical stores.
- 194.05-5 Chemicals in the chemistry laboratory.
- 194.05-7 Explosives—Detail requirements.
- 194.05-9 Flammable liquid chemical stores—Detail requirements.
- 194.05-11 Flammable solids and oxidizing materials—Detail requirements.
- 194.05-13 Corrosive liquids as chemical stores—Detail requirements.
- 194.05-15 Compressed gases as chemical stores—Detail requirements.
- 194.05-17 Poisonous articles as chemical stores—Detail requirements.
- 194.05-19 Combustible liquids as chemical stores—Detail requirements.
- 194.05-21 Hazardous articles as chemical stores—Detail requirements.

Subpart 194.10—Magazines

- 194.10-1 Application.
- 194.10-5 Type and location.
- 194.10-10 Integral magazine construction.
- 194.10-15 Magazine van construction.
- 194.10-20 Magazine chest construction.
- 194.10-25 Ventilation.
- 194.10-30 Magazine sprinklers.
- 194.10-35 Labeling.

Subpart 194.15—Chemistry Laboratory and Scientific Laboratory

- 194.15-1 General.
- 194.15-3 Responsibility.
- 194.15-5 Ventilation.
- 194.15-7 Fire protection.
- 194.15-9 Storage.
- 194.15-11 Flushing systems.
- 194.15-15 Chemicals other than compressed gases.
- 194.15-17 Compressed gases.
- 194.15-19 Electrical.

Subpart 194.20—Chemical Stores and/or Storerooms

Sec.

- 194.20-1 General.
- 194.20-3 Responsibility.
- 194.20-5 Ventilation.
- 194.20-7 Fire protection.
- 194.20-9 Storage.
- 194.20-11 Flushing systems.
- 194.20-15 Chemical stores other than compressed gases.
- 194.20-17 Compressed gases.
- 194.20-19 Piping and electrical requirements.

Subpart 194.90—Vessels Contracted for Prior to March 1, 1967**194.90-1 Requirements.**

AUTHORITY: The provisions of this Part 194 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4472, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 170, 481, 395, 363, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857; 167-66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 194.01—Application**§ 194.01-1 General.**

(a) The provisions of this part, with the exception of Subpart 194.90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of Subpart 194.90.

Subpart 194.05—Stowage and Marking**§ 194.05-1 General.**

(a) The master shall be held responsible for and shall require the proper handling, stowage, and marking of all chemical stores and reagents.

(b) Chemical stores shall be stowed in a chemical storeroom in approved drums, barrels, or other packages, properly marked and labeled, as prescribed by Part 146 of Subchapter N (Dangerous Cargoes) of this chapter for the specific commodities, except that those chemical stores excluded from the storeroom by §§ 194.20-15 and 194.20-17, and those chemical stores not desired to be located in a chemical storeroom, shall be stored in accordance with the appropriate provisions of Part 146 insofar as such regulations apply to cargo vessels.

(c) Ships' stores shall be regulated in accordance with the appropriate provisions of Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05-3 Chemical stores.

(a) Chemical stores which possess one or more of the following properties shall be classed, marked, and labeled in accordance with Subchapter N (Dangerous Cargoes) of this chapter as follows:

- (1) Explosives, in accordance with Subpart 146.20.
- (2) Flammable liquids, in accordance with Subpart 146.21.
- (3) Flammable solids, in accordance with Subpart 146.22.

(4) Oxidizing materials, in accordance with Subpart 146.22.

(5) Corrosive liquids, in accordance with Subpart 146.23.

(6) Compressed gasses, in accordance with Subpart 146.24.

(7) Poisonous articles, in accordance with Subpart 146.25.

(8) Combustible liquids, in accordance with Subpart 146.26.

(9) Hazardous articles, in accordance with Subpart 146.27.

(b) Substances for use in the chemistry laboratory, or to be stored in the chemical storeroom and generally covered under paragraph (a) of this section but not specifically listed by name in § 146.04-5 must be approved by the Commandant prior to being carried on board a vessel.

§ 194.05-5 Chemicals in the chemistry laboratory.

(a) Chemical stores once removed from the approved shipping container and in small working quantities in the chemistry laboratory as reagents need not be marked or labeled as required by Part 146 of Subchapter N (Dangerous Cargoes) of this chapter. Reagent containers in the laboratory shall be marked to show at least the following:

- (1) Common chemical name.
- (2) Hazards, if any; e.g., flammable, poison, etc.

(b) In the interest of facilitating scientific activities, no restrictions are intended which will limit the variety of chemicals which may be used in the chemistry laboratory. With the knowledge and approval of the master, the laboratory supervisor may be responsible for stowage and use of materials within the laboratory and chemical storeroom.

(c) Reagent containers shall be properly secured against shifting and spillage. Insofar as practical all reagents shall be stowed in suitable, unbreakable containers.

§ 194.05-7 Explosives—Detail requirements.

(a) Class A explosives and blasting caps, except as otherwise provided by this subpart, shall be carried in magazines specifically fitted for that purpose as described in Subpart 194.10. The Class A explosives magazine requirements of § 146.09-1 through 146.09-6 of Subchapter N (Dangerous Cargoes) of this chapter, shall apply only to those vessels already so fitted under the provisions of Subpart 146.90.

(b) Military explosives shall be identified by their appropriate Interstate Commerce Commission classification.

(c) (1) Compatibility of magazine stowage shall be in accordance with § 146.20-90 of Subchapter N (Dangerous Cargoes) of this chapter.

(2) Magazine chests, magazine vans, and deck stowage areas shall be separated by a distance of at least 25 feet if their contents are incompatible with each other.

(d) On deck stowage of unfused depth charges or other unfused case type military explosives is authorized as follows:

(1) Stowage shall be in a location protected from boarding seas.

(2) Stowage shall be protected from direct exposure to the sun by overhead decks, awnings, or tarpaulins. Decks shall be constructed of incombustible materials; awnings and tarpaulins shall be fire-resistant and/or flame proof fabric.

(3) Items shall be properly secured by using existing vessel structures such as bulwarks, hatch coamings, shelter deck and poop bulkheads as part boundaries and effectively closing in the items by fitting angle bar closing means secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage is permitted provided eye pads or other suitable means are fitted to secure such lashings and provided the individual items are of such a configuration as to prevent slippage of the lashings. Shoring and dunnage may be used as necessary to further facilitate the security of the stowage.

(4) Stowage area shall be selected so as to provide for safe access to all internal spaces and to all parts of the deck required to be used in navigation and working of the vessel. Stowage shall not be on or under the bridge, or navigating deck, or within a distance, in a horizontal plane, of 25 feet of an operating or embarkation point of any lifeboat or raft.

§ 194.05-9 Flammable liquid chemical stores—Detail requirements.

(a) Flammable liquids as chemical stores and reagents are governed by Subparts 194.15 and 194.20.

(b) Other flammable liquids are regulated by the appropriate portions of Subpart 146.21 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05-11 Flammable solids and oxidizing materials—Detail requirements.

(a) Flammable solids and oxidizing materials used as chemical stores and reagents are governed by Subparts 194.15 and 194.20.

(b) Oxidizing materials used as blasting agents are regulated by the appropriate portions of Subpart 146.22 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05-13 Corrosive liquids as chemical stores—Detail requirements.

(a) Corrosive liquids as chemical stores and reagents are governed by Subparts 194.15 and 194.20.

(b) Other corrosive liquids are regulated by the appropriate portions of Subpart 146.23 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05-15 Compressed gases as chemical stores—Detail requirements.

(a) Compressed gases as chemical stores and reagents are governed by Subparts 194.15 and 194.20.

(b) Other compressed gases are regulated in accordance with the appropriate portions of Subpart 146.24 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05-17 Poisonous articles as chemical stores—Detail requirements.

(a) Poisonous articles as chemical stores and reagents shall be governed by Subparts 194.15 and 194.20.

(b) Other poisonous articles shall be regulated by the appropriate portions of Subpart 146.25 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05-19 Combustible liquids as chemical stores—Detail requirements.

(a) Combustible liquid chemical stores and reagents shall be governed by Subparts 194.15 and 194.20.

(b) Other combustible liquids shall be regulated by the appropriate portions of Subpart 146.26 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05-21 Hazardous articles as chemical stores—Detail requirements.

(a) Hazardous articles as chemical stores and reagents shall be governed by appropriate portions of Subparts 194.15 and 194.20.

(b) Other hazardous articles shall be regulated by the appropriate portions of Subpart 146.27 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

Subpart 194.10—Magazines

§ 194.10-1 Application.

(a) The provisions of this subpart apply to the construction of integral magazines, magazine vans, and magazine chests.

(b) Loading, loading procedures, shipper's requirements, and other features not related to the construction of magazines shall be in accordance with the applicable provisions of Part 146 of Subchapter N (Dangerous Cargoes) of this chapter and 33 CFR Part 6 and Parts 121 to 126, inclusive.

§ 194.10-5 Type and location.

(a) *Integral magazines.* (1) Magazines shall be of permanent construction located below the freeboard deck and where practicable below the waterline.

(2) Magazines shall not be located in horizontal proximity to or below accommodation spaces.

(3) Magazines shall not be located adjacent to the collision bulkhead, nor in bearing with a bulkhead forming the boilerroom, engine room, galley, or other high fire hazard area boundary. If it is necessary to construct the magazine in proximity to these areas, a cofferdam space of at least 2 feet shall be provided between the bulkhead or deck involved and the magazine. Such a cofferdam shall be provided with suitable ventilation and shall not be used for storage purposes.

(b) *Magazine vans.* (1) Magazine vans may be installed on deck in a location protected from boarding seas. The location selected shall not impair access to accommodations or other spaces necessary to the safe working and navigation of the vessel and shall not be within 15 feet of ventilation terminals emitting warm air or hazardous vapors,

such as from galleys and pumprooms, or within 10 feet of any radio apparatus or antenna lead.

(2) Magazine vans may be installed below decks in holds provided the hold location meets the location requirements for integral magazines. The cofferdam requirement of paragraph (a) (3) of this section is considered as fulfilled if the van is of steel construction. Holds so utilized shall not be used for stowage of other dangerous or hazardous materials covered by Part 146 of Subchapter N (Dangerous Cargoes) of this chapter. The stowage of other explosives or oxidizing materials in the same hold is permitted in accordance with the requirements of Part 146 of this chapter.

(c) *Magazine chests.* (1) Magazine chests shall be located on the weather decks in a position suitable for jettisoning the contents.

(2) Magazine chests shall be set off at least 4 inches from decks and deckhouse.

(3) Magazine chests shall not be located within 15 feet of ventilation terminals emitting warm air or hazardous vapors, such as from galleys and pumprooms.

(4) Magazine chests intended for the stowage of blasting caps, detonators, or boosters, in addition to the requirements in this paragraph, shall not be stowed within 10 feet of any radio apparatus or antenna leads.

§ 194.10-10 Integral magazine construction.

(a) Magazines shall be of permanent watertight construction. Bulkheads and decks, including the deck overhead, which are common with storerooms or workshops shall be of A-15 construction as defined by § 72.05-10 of Subchapter H (Passenger Vessels) of this chapter. Flush construction shall be employed where practicable.

(b) Where the shell or unsheathed weather decks form boundaries of the magazine spaces suitable approved incombustible thermal insulation shall be provided to prevent condensation of moisture.

(c) Where a tank top forms the magazine deck it shall be insulated with an approved deck covering to prevent condensation of moisture. Tank top manholes shall not be installed in magazines.

(d) Light fixtures shall be of an approved type equipped with globes and guards. Control of the lighting system shall be from a location external to the magazine. An indicator light shall be provided at the switch location to indicate when the lighting circuits are energized. Other electrical equipment and wiring shall not be installed within or pass through the magazine. Electrical cables enclosed in a watertight trunk are permitted.

(e) Piping, other than fresh or salt water service and drainage system, shall not be routed through magazines except as required for the magazines themselves. Other piping systems enclosed in a watertight trunk are permitted.

(f) Access doors for the magazine, or magazine groups, shall be of substantial

watertight construction and be provided with means whereby they may be securely locked.

(g) Racks, stanchions, battens, and other devices shall be installed to provide rigid and safe stowage of explosives in their approved shipping containers with a minimum of dunnage.

(h) Decks shall be covered with a permanent nonslip nonspark covering.

§ 194.10-15 Magazine van construction.

(a) Vans shall be of substantial metal construction. Their interior shall be insulated with an approved incombustible insulation to the standards required for A-15 divisional bulkheads as prescribed in Part 72 of Subchapter H (Passenger Vessels) of this chapter. The interior shall be lined flush with incombustible materials.

(b) Lighting fixtures, if installed, shall be of an approved type equipped with globes and guards. All electrical installations shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter. The electrical terminals for connections to the ship's electrical system shall be of watertight construction and bear a label plate denoting the power requirement of the van.

(c) Access doors and ventilation closures shall be of watertight construction. Doors shall be provided with means whereby they may be securely locked.

(d) Vans shall be provided with suitable pads and clips for securing to the deck and for installation of wire rope sway braces.

(e) Vans shall bear a label plate stating light weight, gross weight and weight of explosives. Gross weight shall not exceed 250 pounds per square foot of deck area.

§ 194.10-20 Magazine chest construction.

(a) Magazine chests shall be of watertight metal construction with flush interior. The body and lid shall have a minimum thickness of $\frac{1}{8}$ inch.

(b) Permanent sun shields shall be provided for sides and top including the lid. These shall have a minimum thickness of $\frac{1}{8}$ -inch aluminum or 16-gage steel. Side shields shall be offset from the body a distance of 1 inch. The top shield shall be offset a distance of $1\frac{1}{2}$ inches. Sun shields may be omitted when chests are installed "on deck protected," shielded from direct exposure to the sun.

(c) Chests shall be limited to a gross capacity of 100 cubic feet.

(d) Chests shall be secured to the vessel's structure by means of permanently installed foundation clips or bolts or a combination thereof. Lashings will not be acceptable.

(e) Chests shall be provided with substantial hasps and staples for locking purposes.

§ 194.10-25 Ventilation.

(a) *Integral magazines.* (1) All integral magazines shall be provided with natural or mechanical ventilation. Design calculations shall be submitted demonstrating that the system has sufficient

capacity to maintain the magazine temperature below 100° F. with 88° F. weather air.¹ Mechanical cooling may be used where ventilation requirements exceed 1,500 cubic feet per minute.

(2) Ventilation systems shall be of watertight construction and shall serve no other space. Weather cowls shall be provided with a double layer of wire screen of not less than $\frac{1}{8}$ -inch mesh. Metal watertight closures shall be provided for use when the ventilation system is not in operation. A 2-inch IPS bypass with check valve shall be provided in parallel with at least one of the ventilation closures to prevent pressure buildup.

(b) *Magazine vans.* (1) All magazine vans shall be provided with natural ventilation sufficient to maintain the inside air temperature below 130° F. with an assumed outside temperature of 115° F.

(2) Ventilation supply weather openings shall be located at least 6 feet above the deck. Exhaust terminals shall be located in the van overhead. Louvers or vanned cowls with a double layer of wire screen of not less than $\frac{1}{8}$ -inch mesh shall be provided for protection of weather openings.

§ 194.10-30 Magazine sprinklers.

(a) *Sprinkler system required.* (1) A manual control, hydraulic control, or automatic sprinkler system shall be installed in each magazine or magazine group. The control valve shall generally be in accordance with Specification MIL-F-17501² insofar as materials and test fittings are concerned. All systems shall be remotely operable from a control station on the freeboard deck and manually operable at the control valve location.

(2) Where automatic systems are installed sprinkler heads shall be of the open head design so as to permit either manual or automatic operation.

(3) Sprinkler systems shall be designed in accordance with the requirements of Part 76 of Subchapter H (Passenger Vessels) of this chapter. Minimum total system capacity shall be based on 0.8 gallon per minute per square foot of overhead area.

(4) The normally required fire pumps may be used for magazine sprinkling purposes. However, the use of the magazine sprinkling system shall not interfere with the simultaneous use of the fire main system.

(b) *Magazine vans.* (1) A manual control sprinkler system shall be installed in each magazine van. The system shall be connected to the nearest fire main outlet by jumper hose. The hose shall be protected from physical damage by a grating or similar arrangement. The fire station valve shall serve as the sprinkler control valve.

¹ U.S. Navy Design Data Sheet DD 3801-1 may be used as the basis for design calculations. This information may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

² This specification may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(2) Sprinkler systems shall be designed in accordance with the requirements of Part 76 of Subchapter H (Passenger Vessels) of this chapter, except that the system capacity shall be increased to provide a coverage of 0.8 gallon per minute per square foot of overhead area.

§ 194.10-35 Labeling.

(a) Labeling shall be in 3-inch block type lettering. Letters shall be red or white, whichever provides the better contrast against the background. On small chests the labeling size may be reduced to that consistent with the size of the chest so that the inscription may be placed in its entirety on the side or top.

(b) The access door to magazines and magazine vans shall bear the inscription:

MAGAZINE
KEEP LIGHTS AND FIRE AWAY
KEEP DOOR CLOSED
REMOVE MATCHES AND LIGHTERS
PRIOR TO ENTERING

(c) Magazine chests shall be marked in a conspicuous location, preferably the top, with the inscription:

MAGAZINE CHEST
KEEP LIGHTS AND FIRE AWAY

(d) Magazine chests used for blasting caps, detonators, or boosters shall be marked in a conspicuous location with the inscription as appropriate:

BLASTING CAP LOCKER
or
DETONATOR LOCKER
or
BOOSTER LOCKER
KEEP LIGHTS AND FIRE AWAY

(e) Magazine van, unless specifically approved as a portable magazine under provisions of § 146.09-6 of Subchapter N (Dangerous Cargoes) of this chapter, shall bear the additional statements on each side:

MAGAZINE
WARNING
DO NOT LIFT WITH CONTENTS

(f) Control locations for magazine sprinkler systems, in addition to the operating instructions required by § 76.20-20 of Subchapter H (Passenger Vessels) of this chapter shall bear the inscription:

MAGAZINE SPRINKLER CONTROL

Subpart 194.15—Chemistry Laboratory and Scientific Laboratory

§ 194.15-1 General.

(a) The chemical laboratories shall be considered to be service areas, and as such shall be subject to the applicable requirements of § 190.07-10(d). The scientific laboratories shall be considered to be service areas.

(1) Installed and portable equipment shall be constructed of incombustible materials. Utility items, such as hoses and reagent containers, where compliance is not practicable are exempted from the provisions of this section.

(b) Storage of all equipment, materials, etc., and cleanliness shall be con-

sistent with sound laboratory practices. All items shall be securely stowed.

(c) The deck of the laboratory shall be covered with a nonskid masonry or stone material so fashioned that spillage may be easily flushed down suitably installed deck drains. Deck materials such as terrazzo, ceramic tile, or concrete are considered suitable and acceptable.

(d) The access doors to the laboratory shall bear the inscription "Chemical Laboratory", or "Scientific Laboratory" in lettering meeting requirements of § 194.10-35(a).

§ 194.15-3 Responsibility.

(a) With the knowledge and approval of the master, the senior member of the scientific party embarked may supervise the safety and operation of the chemical laboratory.

(b) The laboratory supervisor shall:

(1) Maintain the highest standards of safe working conditions.

(2) Provide safeguards against hazardous undertakings.

(3) Educate personnel working in the laboratory spaces to be alert for hazards.

§ 194.15-5 Ventilation.

(a) Chemical laboratories and scientific laboratories shall be equipped with power ventilation system of the exhaust type. The system shall have a capacity sufficient to effect a complete change of air in not more than 4 minutes based upon the volume of the compartment.

(1) Power ventilation units shall have nonsparking impellers and shall not produce a source of vapor ignition in either the compartment or the ventilation system associated with the compartment.

(2) The power ventilation shall be interlocked with a visual alarm such that the alarm will be actuated in the event of ventilation shutdown or failure.

(b) This ventilation system shall be independent of any other ventilation system in the vessel. It shall serve no other space. It shall be of watertight construction.

(c) Ventilation from the weather deck shall be provided. Ventilation shall terminate more than 6 feet from any opening to the interior part of the vessel and from any possible source of vapor ignition.

(d) Operations, reactions or experiments which produce toxic, noxious or corrosive vapors shall be conducted under a suitably installed fume hood. The fume hood shall be equipped with an independent power exhaust ventilation system which terminates so as to prevent fumes from entering other portions of the vessel. The exhaust system of the fume hood shall be compatible with the ventilation system of the laboratory to prevent fumes from backing-up within the fume hood system. The terminals shall be equipped with acceptable flame screens.

§ 194.15-7 Fire protection.

(a) If a fixed firefighting system is installed, it shall be an independent,

fixed automatic carbon dioxide firefighting system meeting the applicable requirements in Subpart 193.15 of this subchapter. Such an installation envisions the installation of a manual control station located in the vicinity of one of the main escapes from the space as discussed in § 193.15-10(c) of this subchapter. Other fixed firefighting systems will be given special consideration by the Commandant.

(b) Portable fire extinguishers are required in accordance with Table 193.50-10(a) of this subchapter.

§ 194.15-9 Storage.

(a) Chemicals mentioned in § 194.05-3 may be stored in small working quantities in the laboratory provided their containers are labeled in accordance with § 195.05-5(a).

(b) Chemicals in greater than small laboratory working quantities shall be stored in approved containers in the chemical storeroom as prescribed in § 194.05-1(b).

(c) All material stored in any laboratory shall be securely stowed for sea with due consideration for chemical compatibility and safety standards.

(1) Items shall not be stowed on the deck.

(2) Shelving shall be so constructed as to provide a clear space of at least 4 inches between the bottom shelf and the deck.

§ 194.15-11 Flushing systems.

(a) The laboratory shall be equipped with a fresh water safety shower for personnel use in emergencies.

(b) A garden hose-type flushing system of fresh water shall be provided for the purpose of flushing away chemical spills within the laboratory. The laboratory shall have acceptable overboard drainage system(s) to facilitate this flushing system. The laboratory drainage systems shall be separate from the other drainage systems.

§ 194.15-15 Chemicals other than compressed gases.

(a) Chemicals used in the chemistry laboratory and specifically mentioned in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter may be stored in small working quantities in the chemistry laboratory.

§ 194.15-17 Compressed gases.

(a) When, in consideration for a particular operation, compressed gases are needed within the laboratory, the cylinders may be temporarily installed in the laboratory, provided no more than one

(1) cylinder of each gas is in the laboratory simultaneously. When transporting compressed gas cylinders to, from, or within the vessel, the cylinder valves shall be capped or otherwise protected in accordance with § 146.24-15(d) of Subchapter N (Dangerous Cargoes) of this chapter.

(b) Cylinders temporarily installed in the laboratory shall be securely stowed for sea. Appropriate safety signs shall be displayed and safety precautions observed.

(c) Oxygen and acetylene cylinders for use in ship's maintenance shall not be stored in the laboratory.

(d) Systems providing gas for bunsen burners or similar semipermanent/permanent installations shall be installed in accordance with Subpart 195.03.

§ 194.15-19 Electrical.

(a) All electrical equipment located within 18 inches of the deck shall be in accordance with the applicable requirements of Subchapter J (Electrical Engineering) of this chapter for Class I, Division 2, hazardous locations. Electrical equipment located 18 inches or more above the deck may be of a type suitable for wet or dry locations in accordance with Subchapter J.

Subpart 194.20—Chemical Stores and/or Storerooms

§ 194.20-1 General.

(a) The chemical storerooms shall be considered to be service areas and as such shall be subject to the applicable requirements of § 190.07-10(d).

(1) Installed and portable equipment shall be constructed of incombustible materials.

(2) The access doors to the storeroom shall bear the inscription "Chemical Storeroom" in lettering meeting requirements of § 194.10-35(a).

(b) Storage and cleanliness shall be consistent with good chemical stowage practices.

(c) The deck of the chemical storeroom shall be covered with a nonskid masonry or stone material so fashioned that spillage may be easily flushed down suitably installed deck drains. Deck materials such as terrazzo, ceramic tile, or concrete are considered suitable and acceptable.

(d) Chemical reactions and experiments shall not be conducted in the chemical storeroom.

(e) The chemical storeroom shall be for the exclusive use of chemicals to be used in the chemistry laboratory.

(f) All doors shall open in the direction of escape.

(g) Movement of chemicals to, or from, the storeroom shall be accomplished utilizing suitable, portable containers. In no event shall piping systems, or similar arrangements, be permitted for transfer of chemical stores between the storeroom and the area in which the chemical is to be used.

§ 194.20-3 Responsibility.

(a) With the knowledge and approval of the master, the senior member of the scientific party embarked may supervise the safety and operation of the chemical storerooms.

(b) The chemical storeroom supervisor shall:

(1) Maintain the highest standards of safe working conditions.

(2) Provide safeguards against hazardous undertakings.

(3) Educate personnel working in, and near, the storeroom to be alert for hazards.

§ 194.20-5 Ventilation.

(a) Chemical storerooms shall be equipped with a power ventilation system of exhaust type. The system shall have a capacity sufficient to effect a complete change of air in not more than 3 minutes based upon the volume of the compartment.

(1) Power ventilation units shall have nonsparking impellers and shall not produce a source of vapor ignition in either the compartment or the ventilation system associated with the compartment.

(2) The power ventilation shall be interlocked with an audible alarm such that the alarm will be actuated in the event of ventilation shutdown or failure.

(b) This ventilation system shall be independent of any other ventilation system. It shall serve no other space in the vessel. It shall be of watertight construction.

(c) Inlets to exhaust ducts shall be provided and located at points where concentration of vapors may be expected. Ventilation from the weather deck shall be provided. Ventilation shall terminate more than 6 feet from any opening to the interior part of the vessel and from any possible source of vapor ignition. Terminals shall be fitted with acceptable flame screens.

§ 194.20-7 Fire protection.

(a) Each chemical storeroom shall be protected by an independent, fixed automatic carbon dioxide extinguishing system installed in accordance with Subpart 193.15 of this subchapter. A manual control station shall be located as directed by § 193.15-10(c) of this subchapter.

(b) Portable fire extinguishers are required in accordance with Table 193.50-10(a) of this subchapter.

§ 194.20-9 Storage.

(a) Chemical stores shall be stored in the chemical storeroom as prescribed in § 194.05-1(b).

(b) All items stored in the storeroom shall be secured against shifting and with due consideration for chemical compatibility and safety standards.

(1) Items shall not be stowed on the deck.

(2) Shelving shall be so constructed as to provide a clear space of at least 4 inches between the bottom shelf and the deck.

§ 194.20-11 Flushing systems.

(a) A garden-hose-type fresh water flushing system shall be provided for the purpose of flushing away chemical spills within the storeroom.

(b) The storeroom shall have an acceptable drainage system to facilitate this flushing system. These drainage systems shall be separate from the other drainage systems.

§ 194.20-15 Chemical stores other than compressed gases.

(a) Flammable liquids are excluded from the storeroom unless contained in properly marked and labeled metal safety

cans not in excess of 5 gallons of each kind. Refer to Subpart 194.05 for applicable requirements governing quantities greater than 5 gallons.

(b) Combustible liquids in approved portable drums, barrels or containers not in excess of 55 gallons of each kind may be stored in the storeroom. Refer to Subpart 194.05 for applicable requirements governing quantities greater than 55 gallons.

(c) Containers when used for dispensing flammable and combustible liquids shall be equipped with automatic closing valves.

(d) Poisons listed in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter may be stored in approved containers in the chemical storeroom.

(e) Explosives and oxidizing materials not for use in the chemical laboratory shall not be stored in the chemical storeroom.

(f) Chemical stores specifically mentioned in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter may be carried in the chemical storeroom.

§ 194.20-17 Compressed gases.

(a) Nonflammable compressed gases (excluding oxygen) may be securely stowed in the storeroom: *Provided*, That no more than three (3) cylinders of the same gas nor more than eight (8) cylinders total are stowed simultaneously in the same chemical storeroom.

(b) Flammable compressed gases and oxygen shall be stowed in accordance with Subpart 146.24 of Subchapter N (Dangerous Cargoes) of this chapter.

(c) Compressed gas cylinders shall have valve protection in accordance with § 146.24-15(d) of Subchapter N (Dangerous Cargoes) of this chapter, and shall be securely stowed in a vertical position in suitable racks.

§ 194.20-19 Piping and electrical requirements.

(a) Piping, electrical equipment, and wiring shall not be installed within or pass through a chemical storeroom except as required for the chemical storeroom itself.

(b) The electrical installation shall be in accordance with the applicable requirements of Subchapter J (Electrical Engineering) of this chapter for Class I, Division 1, Group C hazardous locations.

Subpart 194.90—Vessels Contracted for Prior to March 1, 1967**§ 194.90-1 Requirements.**

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved but not meeting the applicable requirements of Subparts 194.05 through 194.20 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original de-

sign: *Provided*, That in no case will a greater departure from the standards of Subparts 194.05 through 194.20 be permitted than presently exists.

(2) All new installations, major alterations, and major replacements shall meet the applicable requirements in this part for new vessels.

(3) The general requirements of Subparts 194.05 through 194.20 shall apply unless in the opinion of the Officer in Charge, Marine Inspection, it is unreasonable or impracticable, or the arrangement or construction of the vessel makes it unnecessary.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT**Subpart 195.01—Application**

Sec.

195.01-1 General.

Subpart 195.03—Marine Engineering Systems

195.03-1 Installation and details.

Subpart 195.05—Electrical Engineering and Interior Communications Systems

195.05-1 Installation and details.

Subpart 195.07—Anchors, Chains, and Hawser

195.07-1 Application.

195.07-5 Ocean, coastwise, or Great Lakes service.

195.07-10 Lakes, bays, and sounds, or river service.

195.07-90 Vessels contracted for prior to March 1, 1967.

Subpart 195.09—Scientific Equipment

195.09-1 Application.

195.09-5 General.

Subpart 195.11—Portable Vans, Magazines and Chests

195.11-1 Application.

195.11-5 Scope.

195.11-10 Plan approval.

195.11-15 Construction.

195.11-17 Portable tanks.

195.11-20 Attachment to the vessel.

195.11-25 Access to or means of escape from occupied portable vans.

Subpart 195.13—Radiotelegraph and Radiotelephone

195.13-1 Required by Federal Communications Commission.

Subpart 195.15—Radio Direction Finder

195.15-1 When required.

Subpart 195.20—Navigation Lights and Shapes, Whistles, Foghorns, Fog Bells, and Gongs

195.20-1 Vessels operating on waters governed by the International Rules of the Road.

195.20-10 Vessels operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road.

Subpart 195.27—Sounding Equipment

195.27-1 When required.

Subpart 195.30—Protection From Refrigerants

195.30-1 Application.

195.30-5 General.

195.30-15 Refrigeration masks.

195.30-90 Vessels contracted for prior to March 1, 1967.

Subpart 195.35—Fireman's Outfit

Sec.	
195.35-1	Application.
195.35-5	General.
195.35-10	Fireman's outfit.
195.35-15	Stowage.
195.35-20	Spare charges.
195.35-90	Vessels contracted for prior to March 1, 1967.

AUTHORITY: The provisions of this Part 195 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 481, 395, 363, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521, CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857; 167-66, Sept. 8, 1965, 30 F.R. 11735; unless otherwise noted.

Subpart 195.01—Application**§ 195.01-1 General.**

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

Subpart 195.03—Marine Engineering Systems**§ 195.03-1 Installation and details.**

(a) The installation of all systems of a marine engineering nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter F (Marine Engineering) of this chapter. Systems of this type include the following:

Steering Systems.
Bilge and Ballast Systems.
Tank Vent and Sounding Systems.
Overboard Discharges and Shell Connections.
Pipe and Pressure Systems.
Liquefied Petroleum Gas Systems.

Subpart 195.05—Electrical Engineering and Interior Communications Systems**§ 195.05-1 Installation and details.**

(a) The installation of all system of an electrical engineering or interior communication nature, together with the details of design, construction, and installation shall be in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter. Systems of this type include the following:

Ship's Service Generating Systems.
Ship's Service Power Distribution Systems.
Ship's Lighting Systems.
Electric Propulsion and Propulsion Control Systems.
Emergency Lighting and Power Systems.
Electric Lifeboat Winch Systems.
Electric Steering Gear and Steering Control Systems.
Fire Detecting and Alarm Systems.
Sound Powered Telephone and Voice Tube Systems.
Engine Order Telegraph Systems.
Rudder Angle Indicator Systems.
Refrigerated Spaces Alarm Systems.

Navigation Lights Systems.
Daylight Signaling Lights.
Miscellaneous Machinery Alarms and Controls.
General Alarm Systems.

Subpart 195.07—Anchors, Chains, and Hawasers**§ 195.07-1 Application.**

(a) The provisions of this subpart, with the exception of § 195.07-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 195.07-90.

§ 195.07-5 Ocean, coastwise, or Great Lakes service.

(a) Vessels in ocean, coastwise, or Great Lakes service shall be fitted with anchors, chains, and hawsers which shall be in general agreement with the standards established by the American Bureau of Shipping, see Subpart 188.35 of this subchapter.

§ 195.07-10 Lakes, bays, and sounds, or river service.

(a) Vessels in lakes, bays, and sounds, or river service shall be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspection, depending upon the size of the vessel and the waters on which it operates.

§ 195.07-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Existing arrangements, materials, installations, and facilities previously accepted or approved shall be considered satisfactory for the same service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. If the service of the vessel is changed, the suitability of the equipment will be established by the Officer in Charge, Marine Inspection.

(2) Minor repairs, alterations and replacements may be permitted to the same standards as the original installations. However, all new installations, major alterations, or major replacements shall meet the applicable requirements in this subpart for new vessels.

Subpart 195.09—Scientific Equipment

AUTHORITY: The provisions of this Subpart 195.09 interpret or apply R.S. 4429, as amended, 4433, as amended, 4472, as amended; 46 U.S.C. 407, 411, 170.

§ 195.09-1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 195.09-5 General.

(a) All scientific equipment and their electrical or pressure connections to the ship's supply shall be designed to good commercial standards for such appliances.

(b) It shall be the responsibility of the owner to assure that the scientific

equipment and their electrical or pressure connections to the ship's supply are maintained in such a manner as to be free of personnel hazards which may be caused by shock, temperature extremes, and moving parts.

Subpart 195.11—Portable Vans, Magazines and Chests

AUTHORITY: The provisions of this Subpart 195.11 interpret or apply R.S. 4472, as amended, 46 U.S.C. 170.

§ 195.11-1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 195.11-5 Scope.

(a) The provisions in this subpart contain requirements for the design, construction, and stowage of portable vans, magazines, chests, etc., which may be carried on board vessels. The regulations apply to portable structures which are capable of being lifted in either a loaded or unloaded condition on and off the vessel.

(b) Special consideration may be given to the approval of portable structures which have been used for other purposes prior to proposed use on these vessels.

(c) As used in this subpart, portable vans, magazines, chests, etc., are intended to include those temporary structures which may be carried aboard a vessel for a limited period of time and which are not permanently attached to the vessel. The use, arrangement, and handling of such portable structures shall be approved by the Officer in Charge, Marine Inspection, prior to placement on board the vessel.

§ 195.11-10 Plan approval.

(a) Plans in quadruplicate showing the details of construction shall be submitted to the Commandant (MMT), U.S. Coast Guard, or to a field technical unit in the same manner as described in § 189.55-15 of this subchapter for the vessel plans.

(b) Plans shall be approved by the Commandant in the same manner as followed for the vessel plans, as described in Part 189 of this subchapter.

§ 195.11-15 Construction.

(a) Portable vans shall be substantially constructed of steel or other material satisfactory to the Commandant.

(b) Portable magazines, chests, etc., and similar temporary structures shall comply as far as reasonable and practicable with the requirements of this subchapter applicable to permanent spaces on a vessel intended for the same usage.

§ 195.11-17 Portable tanks.

(a) Portable tanks for flammable or combustible liquids in bulk shall not be carried on vessels.

§ 195.11-20 Attachment to the vessel.

(a) Portable vans, magazines, chests, etc., and other similar temporary structures, not intended to be occupied, shall be securely attached to the vessel to prevent shifting.

(b) Portable vans and similar temporary structures carried aboard the ves-

PROPOSED RULE MAKING

sel and intended to be occupied during the vessel's operation shall be securely attached to the vessel by welding or bolting.

(c) Portable cable lashings are not permitted.

§ 195.11-25 Access to or means of escape from occupied portable vans.

(a) The placement of portable vans and similar temporary structures carried aboard a vessel shall be such as to provide a walkway of not less than 30 inches in width and shall be in general accordance with the requirements in Subpart 190.10 of this subchapter except that a van of 320 square feet of floor area or less may have one means of escape in lieu of the two required by § 190.10-5 of this subchapter.

Subpart 195.13—Radiotelegraph and Radiotelephone

§ 195.13-1 Required by Federal Communications Commission.

(a) Radiotelegraph and radiotelephone installations are required on certain vessels. Details of the application of this requirement as well as details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

Subpart 195.15—Radio Direction Finder

§ 195.15-1 When required.

(a) All mechanically propelled vessels of 1,600 gross tons and over, in ocean service or on an international voyage, shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

Subpart 195.20—Navigation Lights and Shapes, Whistles, Foghorns, Fog Bells, and Gongs

§ 195.20-1 Vessels operating on waters governed by the International Rules of the Road.

(a) All vessels operating on waters governed by the International Rules of the Road (33 U.S.C. 1051-1094) shall be equipped with the navigation lights and shapes, whistles, foghorns, fog bells, and gongs, as required by those rules.

§ 195.20-10 Vessels operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road.

(a) All vessels (other than motorboats) operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road (33 U.S.C. 154-232, 241-295, 301-355) shall be equipped with the navigation lights and shapes, whistles, foghorns, fog bells, and gongs as required by the Rules of the Road applicable to the waters on which the vessel is being navigated. For motorboats see the applicable requirements described in Part 25 of Subchapter C (Uninspected Vessels) of this chapter.

Subpart 195.27—Sounding Equipment

§ 195.27-1 When required.

(a) All mechanically propelled vessels of 500 gross tons and over in ocean or coastwise service and all such vessels in Great Lakes service and certificated for service on the River St. Lawrence eastward of the lower exit of the St. Lambert Lock at Montreal, Canada, shall be fitted with an efficient mechanical or electronic deep-sea sounding apparatus and a deep-sea hand lead. All other mechanically propelled vessels of 1,500 gross tons and over in Great Lakes service shall carry a deep-sea hand lead.

Subpart 195.30—Protection From Refrigerants

§ 195.30-1 Application.

(a) The provisions of this subpart, with the exception of § 195.30-90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 195.30-90.

§ 195.30-5 General.

(a) All self-contained breathing apparatus and gas masks shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(b) All equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 195.30-15 Refrigeration masks.

(a) On all vessels equipped with refrigeration, other than small unit type refrigeration of not more than 20 cubic feet capacity, a gas mask, suitable for protection against each refrigerant used, or a self-contained breathing apparatus shall be provided. The refrigeration gas mask shall be stowed convenient to, but outside of the spaces containing the refrigeration equipment.

(b) A complete recharge shall be carried for each gas mask and self-contained breathing apparatus. The spare charge shall be stowed in the same location as the equipment it is to reactivate.

§ 195.30-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) The requirements of §§ 195.30-5 and 195.30-15 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned unless it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that other arrangements provide adequate protection.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications set forth in

§ 195.30-5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements in this subpart for new vessels.

Subpart 195.35—Fireman's Outfit

§ 195.35-1 Application.

(a) The provisions of this subpart with the exception of § 195.35-90, shall apply to all vessels other than unmanned barges contracted for on or after March 1, 1967.

(b) All vessels other than unmanned barges contracted for prior to March 1, 1967, shall meet the requirements in § 195.35-90.

(c) All unmanned barges are exempted from the requirements in this subpart. However, if such barges carry on board a fireman's outfit, then such equipment shall be in accordance with the requirements in this subpart for manned barges.

§ 195.35-5 General.

(a) All flame safety lamps shall be of an approved type, constructed in accordance with Subpart 160.016 of Subchapter Q (Specifications) of this chapter.

(b) All self-contained breathing apparatus shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(c) All flashlights shall be of an approved three-cell explosion-proof type, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter.

(d) All lifelines shall be of steel or bronze wire rope. Steel wire rope shall be either inherently corrosion-resistant, or made so by galvanizing or tinning. Each end shall be fitted with a hook with keeper having throat opening which can be readily slipped over a $\frac{5}{8}$ -inch bolt. The total length of the lifeline shall be dependent upon the size and arrangement of the vessel, and more than one line may be hooked together to achieve the necessary length. No individual length of lifeline may be less than 50 feet in length. The assembled lifeline shall have a minimum breaking strength of 1,500 pounds.

(e) All equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 195.35-10 Fireman's outfit.

(a) A fireman's outfit shall consist of one self-contained breathing apparatus with lifeline attached, one flashlight, one flame safety lamp, and one fire axe.

(b) Every vessel shall carry at least one fireman's outfit.

§ 195.35-15 Stowage.

(a) Equipment shall be stowed in a convenient, accessible location as determined by the master, for use in case of emergency.

§ 195.35-20 Spare charges.

(a) A complete recharge shall be carried for each self-contained breathing apparatus, and a complete set of spare batteries shall be carried for each flashlight. The spares shall be stowed in the same location as the equipment it is to reactivate.

§ 195.35-90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) The requirements of §§ 195.35-5 through 195.35-20 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 195.35-5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements for new vessels.

PART 196—OPERATIONS**Subpart 196.01—Application**

Sec.
196.01-1 General.

Subpart 196.03—Statutory Penalties

196.03-1 General.

Subpart 196.05—Notice to Mariners and Aids to Navigation

196.05-1 Duty of officers.
196.05-5 Charts.

Subpart 196.07—Notice of Casualty and Voyage Records

196.07-1 Notice of casualty.
196.07-5 Information required.
196.07-10 Written report.
196.07-15 Retention of records.
196.07-20 Aids to navigation.
196.07-25 Reports when state of war exists.

Subpart 196.13—Station Bills

196.13-1 Application.
196.13-5 Master's responsibility.
196.13-10 Duties of crew and scientific personnel.
196.13-15 Emergency signals.
196.13-20 Master to instruct crew and scientific personnel.

Subpart 196.14—Manning of Lifeboats and Liferafts

196.14-1 Application.
196.14-5 Person in command of lifeboat or liferaft.
196.14-10 Certificated lifeboatmen.
196.14-15 Motor-propelled lifeboat.
196.14-20 Lifeboat carrying a radiotelegraph and/or searchlight.

Subpart 196.15—Test, Drills, and Inspections

196.15-1 Application.
196.15-3 Steering gear, whistle, and means of communication.
196.15-5 Drafts.
196.15-10 Sanitation.
196.15-15 Examination of boilers and machinery.
196.15-20 Hatches and other openings.
196.15-25 Line-throwing appliances.

Sec.
196.15-30 Emergency lighting and power systems.
196.15-35 Fire and boat drills.
196.15-40 Electric power-operated lifeboat winches.
196.15-45 Lifeboats, rescue boats, liferafts, lifeboats, and buoyant apparatus.
196.15-50 Radio apparatus for lifeboats.
196.15-55 Requirements for fuel oil.
196.15-60 Firefighting equipment, general.

Subpart 196.17—Steering Orders

196.17-1 Method of communicating.

Subpart 196.20—Whistling

196.20-1 Unnecessary whistling prohibited.

Subpart 196.23—Unauthorized Lights

196.23-1 Unauthorized lights prohibited.

Subpart 196.25—Searchlights

196.25-1 Improper use prohibited.

Subpart 196.27—Lookouts

196.27-1 Master's and officer's responsibility.
196.27-10 Reckless or negligent operation prohibited by law.

Subpart 196.30—Reports of Accidents, Repairs, and Unsafe Equipment

196.30-1 Repairs to boilers and pressure vessels.
196.30-5 Accidents to machinery.
196.30-10 Notice required before repair.
196.30-20 Breaking of safety valve seal.

Subpart 196.33—Cable Traveler

196.33-1 When required.

Subpart 196.34—Work Vests

196.34-1 Application.
196.34-5 Approved unicellular plastic foam work vests.
196.34-10 Use.
196.34-15 Shipboard stowage.
196.34-20 Shipboard inspections.

Subpart 196.35—Logbook Entries

196.35-1 Application.
196.35-3 Logbooks and records.
196.35-5 Actions required to be logged.
196.35-10 Official log entries.

Subpart 196.36—Display of Plans

196.36-1 When required.

Subpart 196.37—Markings for Fire and Emergency Equipment, etc.

196.37-1 Application.
196.37-3 General.
196.37-5 General alarm bell switch.
196.37-7 General alarm bells.
196.37-9 Carbon dioxide alarm.
196.37-10 Fire extinguishing system branch lines.
196.37-13 Fire extinguishing system controls.
196.37-15 Firehose stations.
196.37-20 Self-contained breathing apparatus and gas masks.
196.37-23 Hand portable fire extinguishers.
196.37-25 Emergency lights.
196.37-33 Instructions for changing steer gear.
196.37-35 Rudder orders.
196.37-37 Lifeboats.
196.37-40 Liferafts, lifeboats, and buoyant apparatus.
196.37-43 Life preservers and ring life buoys.
196.37-45 Firehose and axes.
196.37-47 Portable magazine chests.

Subpart 196.39—Posting Placards of Instructions for Launching and Inflating Inflatable Liferafts

Sec.
196.39-1 When required.

Subpart 196.40—Markings on Vessels

196.40-1 Application.
196.40-5 Markings required by Customs Regulations.
196.40-10 Draft marks.
196.40-15 Load line marks.

Subpart 196.43—Placard of Lifesaving Signals and Breeches Buoy Instructions

196.43-1 Application.
196.43-5 Availability.

Subpart 196.45—Carrying of Excess Steam

196.45-1 Master and chief engineer responsible.

Subpart 196.50—Compliance With Provisions of Certificate of Inspection

196.50-1 Master or person in charge responsible.

Subpart 196.53—Exhibition of License

196.53-1 Licensed officers.

Subpart 196.60—Motion Picture Film and Equipment

196.60-1 Type required.

Subpart 196.75—Prevention of Oil Pollution

196.75-1 Prohibited zones.

Subpart 196.80—Explosive Handling Plan

196.80-1 Master's responsibility.

Subpart 196.85—Magazine Control

196.85-1 Magazine operation and control.

AUTHORITY: The provisions of this Part 196 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 395, 363, 367. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-66, Sept. 8, 1965, 30 F.R. 11735; unless otherwise noted.

Subpart 196.01—Application

§ 196.01-1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

Subpart 196.03—Statutory Penalties

§ 196.03-1 General.

(a) The marine safety and criminal statutes provide penalties for the violation of the applicable provisions of this subchapter, which penalties, depending upon the gravity of the violation, are as follows:

(1) Assessment and collection of civil monetary penalty.

(2) Criminal prosecution where no loss of life results.

(3) Criminal prosecution for manslaughter were loss of life results from violation of statute or regulation or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negli-

gence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency shall be subject to proceedings under the provisions of 46 U.S.C. 239 and regulations thereunder (Part 137 of this chapter) with respect to suspension or revocation of license or certificate.

Subpart 196.05—Notice to Mariners and Aids to Navigation

§ 196.05-1 Duty of officers.

(a) Licensed deck officers are required to acquaint themselves with the latest information published by the Coast Guard and the U.S. Navy regarding aids to navigation. Neglect to do so is evidence of neglect of duty. It is desirable that all vessels have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners.

(b) Weekly Notices to Mariners (Great Lakes Edition) as published by the Commander, 9th Coast Guard District, contains announcements and information on changes in aids to navigation and other marine information affecting the safety of navigation on the Great Lakes. These notices may be obtained free of charge, by making application to Commander, 9th Coast Guard District.

(c) Weekly Notices to Mariners (Part I, Atlantic and Mediterranean) are prepared jointly by the U.S. Coast Guard, the U.S. Coast and Geodetic Survey and the U.S. Naval Oceanographic Office. They include changes in aids to navigation in assembled form for the 1st, 3d, 5th, 7th, and 8th Coast Guard Districts and the Greater Antilles Section. Foreign marine information in the Atlantic and Mediterranean area is also included in these notices. These notices are available without charge from the U.S. Naval Oceanographic Office, Branch Oceanographic Offices, and U.S. Collector of Customs of the major seaports in the United States and are also on file in the U.S. Consulates where they may be inspected.

(d) Weekly Notices to Mariners (Part II, Pacific and Indian Oceans) are prepared jointly by the U.S. Coast Guard, the U.S. Coast and Geodetic Survey, and the U.S. Naval Oceanographic Office. They include changes in aids to navigation in assembled form for the 11th, 12th, 13th, 14th, and 17th Coast Guard Districts. Foreign marine information in the Pacific and Indian Oceans area is also included in these notices. These notices are available without charge from the U.S. Naval Oceanographic Office, Branch Oceanographic Offices and U.S. Collector of Customs of the major seaports in the United States and are also on file in the U.S. Consulates where they may be inspected.

§ 196.05-5 Charts.

(a) All vessels, except barges and vessels operating exclusively on rivers, shall have charts of the waters upon which they operate available for convenient reference at all times.

Subpart 196.07—Notice of Casualty and Voyage Records

AUTHORITY: The provisions of this Subpart 196.07 interpret or apply R.S. 4450, as amended, 4453, as amended, secs. 13, 17, 54 Stat. 165, 166, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 435, 5261(c), 526p, 33 U.S.C. 361. Treasury Dept. Orders 167-32, Sept. 23, 1958, 23 F.R. 7605; 167-38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.07-1 Notice of casualty.

(a) The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the U.S. Coast Guard whenever the casualty results in any of the following:

- (1) Damage to property in excess of \$1,500 except for scientific equipment.
- (2) Material damage affecting the seaworthiness or efficiency of a vessel.
- (3) Stranding or grounding.
- (4) Loss of life.

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours; except injuries to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

(b) The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be in, or whose waters the vessel approaches in a damaged condition.

§ 196.07-5 Information required.

(a) The notice required by § 196.07-1 shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

§ 196.07-10 Written report.

(a) In addition to the notice required by § 196.07-1 the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival. However, if due to the distance it may be inconvenient to report in person, it may be done in writing only. The written report required for personal accident shall be made on Form CG-924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG-2692.

(b) If filed without delay, the Form CG-924E or CG-2692 may also provide the notice required by § 196.07-1.

§ 196.07-15 Retention of records.

(a) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty shall retain such voyage records of the vessel as are main-

tained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, storage plans, record of draft, aids to mariners, radio-grams sent and received, the radio log, and crew and passenger lists. The owner, agent, master, or other officer in charge, shall make these records available to a duly authorized Coast Guard officer or employee for examination upon request.

§ 196.07-20 Aids to Navigation.

(a) Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG-2692 is required unless any of the results listed in § 196.07-1(a) occur.

§ 196.07-25 Reports when state of war exists.

(a) During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

Subpart 196.13—Station Bills

AUTHORITY: The provisions of this Subpart 196.13 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.13-1 Application.

(a) The provisions of this subpart shall apply to all manned vessels.

§ 196.13-5 Master's responsibility.

(a) A station bill (muster list) shall be prepared by the master of the vessel who shall be responsible to sign such station bill and to ascertain that it is duly posted in conspicuous locations in the vessel, particularly in the quarters of crewmembers and scientific personnel, before the vessel sails.

§ 196.13-10 Duties of crew and scientific personnel.

(a) The station bill shall set forth the special duties and duty station of each member of the crew and scientific personnel for the various emergencies. The duties shall, as far as possible, be comparable with the regular work of the individual. The duties shall in general include the following, and in addition such other duties shall be assigned as are necessary in the case of the particular vessel for the proper handling of the particular emergency:

(1) The closing of airports, watertight doors, scuppers, sanitary, and other discharges which lead through the vessel's hull below the margin line, etc., the stopping of fans and ventilating systems, and the operation of all safety equipment.

(2) The preparation and launching of lifeboats and liferafts.

(3) The extinction of fire.
(4) The custody of the portable radio apparatus required by Subpart 192.55 of this subchapter.

196.13-15 Emergency signals.

(a) *General.* The station bill shall set forth the various signals to be used or the calling of the crew to their stations and for giving instructions while at their stations. These signals shall be set forth in this section.

(b) *Fire alarm stations.* (1) The fire alarm signal shall be a continuous blast of the whistle for a period of not less than 10 seconds supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds.

(2) For dismissal from fire alarm stations, the general alarm shall be sounded three times supplemented by three short blasts of the whistle.

(c) *Boat stations or boat drills.* (1) The signal for boat stations or boat drill shall be a succession of more than six short blasts followed by one long blast of the whistle supplemented by a comparable signal on the general alarm bells.

(2) Where whistle signals are used for landing the lifeboats, they shall be as follows:

(i) To lower lifeboats, one short blast.
(ii) To stop lowering the lifeboats, two short blasts.

(3) For dismissal from boat stations, there shall be three short blasts of the whistle.

(d) The master of any vessel may establish such other emergency signals, in addition to the above, as will provide for all officers, crew, and passengers will have positive and certain notice of the existing emergency.

196.13-20 Master to instruct crew and scientific personnel.

(a) The master shall conduct such drill and give such instructions as are necessary to insure that all hands are familiar with their duties as specified in the station bill.

Subpart 196.14—Manning of Lifeboats and Liferafts

AUTHORITY: The provisions of this Subpart 196.14 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481, Treasury Dept. Order 167-38, Oct. 18, 1959, 24 F.R. 8857.

196.14-1 Application.

(a) The provisions of this subpart shall apply to all vessels equipped with lifeboats and/or liferafts.

196.14-5 Person in command of lifeboat or liferaft.

(a) For vessels in ocean service, a licensed deck officer, an able seaman, or a certificated lifeboatman shall be placed in charge of each lifeboat or liferaft. When two or more certificated lifeboatmen are required by Table 196.14-10(a) a second in command shall also be appointed, which person shall be either a licensed deck officer, an able seaman or a certificated lifeboatman.

(b) For vessels in services other than ocean service, the master shall appoint a person in command of each lifeboat

and each liferaft. Except for vessels in river service, this person in command shall be either a licensed deck officer, an able seaman, or a certificated lifeboatman.

(c) The person in charge of each lifeboat or liferaft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

§ 196.14-10 Certificated lifeboatmen.

(a) Except for vessels in river service, there shall be for each lifeboat and each liferaft a number of certificated lifeboatmen equal to that specified in Table 196.14-10(a): *Provided*, That vessels required to carry sufficient lifeboats on each side to accommodate all persons on board need only carry the certificated lifeboatmen required for the manning of the lifeboats on one side.

TABLE 196.14-10(a)

Prescribed complement of lifeboat or liferaft		Minimum number of lifeboatmen	
Over	Not over	Ocean service	All services other than ocean ¹
25	25	1	1
25	40	2	2
40	60	3	3
60	85	4	4
85	110	5	5
110		6	6

¹ Certificated lifeboatmen are not required on vessels in river service.

(b) The allocation of the certificated lifeboatmen to each lifeboat and each liferaft shall be at the discretion of the master according to the circumstances.

§ 196.14-15 Motor-propelled lifeboat.

(a) The master shall assign to each motor-propelled lifeboat a man capable of working the motor.

§ 196.14-20 Lifeboat carrying a radiotelegraph and/or searchlight.

(a) The master shall assign to each lifeboat carrying a radiotelegraph and/or searchlight a man capable of operating such equipment.

Subpart 196.15—Test, Drills, and Inspections

AUTHORITY: The provisions of this Subpart 196.15 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481, Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.15-1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 196.15-3 Steering gear, whistle, and means of communication.

(a) On all vessels making a voyage of more than 48 hours duration, the entire steering gear, the whistle, and the means of communication between the bridge or pilothouse and engine room shall be examined and tested by an officer of the vessel within a period of not more than 12 hours prior to departure. On all other vessels similar examinations and tests shall be made at least once in every week.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

§ 196.15-5 Drafts.

(a) The master of every vessel on an ocean, coastwise, or Great Lakes voyage shall enter the drafts of the vessel, forward and aft, in the official logbook when leaving port.

(b) On vessels subject to the requirements of Subchapter E (Load Lines) of this chapter at the time of departure from port on an ocean, coastwise, or Great Lakes voyage, the master shall insert in the official logbook a statement of the position of the loadline mark, port, and starboard, in relation to the surface of the water in which the vessel is then floating.

(1) When an allowance for draft is made for density of the water in which the vessel is floating, this density is to be noted in the official logbook.

§ 196.15-10 Sanitation.

(a) It shall be the duty of the master and chief engineer to see that the vessel, and, in particular, the quarters are in a clean and sanitary condition. The chief engineer shall be responsible only for the sanitary condition of the engineering department.

§ 196.15-15 Examination of boilers and machinery.

(a) It shall be the duty of the chief engineer when he assumes charge of the boilers and machinery of a vessel to examine them thoroughly. If any parts thereof are in unsatisfactory condition, or if the safety-valve seals are broken, the fact shall immediately be reported to the master, owner, or agent, and the Officer in Charge, Marine Inspection.

§ 196.15-20 Hatches and other openings.

(a) It shall be the responsibility of the master to assure himself that all exposed hatches and other openings in the hull of his vessel are closed, made properly watertight by the use of tarpaulins, gaskets or similar devices, and in all respects properly secured for sea before leaving protected waters.

(b) The openings to which this section applies are as follows:

(1) Exposed hatches.
(2) Gangway and other ports fitted below the freeboard deck.

(3) Port lights that are not accessible during navigation, including the dead lights for such port lights.

(c) The master at his discretion may permit hatches or other openings to remain uncovered or open, or to be uncovered or opened for reasonable purposes such as ship's maintenance while the vessel is being navigated: *Provided*, That in his opinion existing conditions warrant such action.

(d) In the event the master employs the discretionary provisions of this section after leaving port he shall cause appropriate entries to be made in the official log or equivalent thereof setting forth the time of uncovering, opening, closing or covering of the hatches or

other openings to which this section applies and the circumstances warranting the action taken.

(e) The discretionary provisions of this section shall not relieve the master of his responsibility for the safety of his vessel, her crew or cargo.

§ 196.15-25 Line-throwing appliances.

(a) On vessels fitted with a line-throwing appliance, it shall be the duty of the master to drill his crew in the use of such appliance, and require it to be fired at least once in every 3 months. Each drill shall be recorded in the vessel's official logbook. The service line shall not be used for drill purpose. The drill shall be conducted as follows:

(1) For impulse-projected rocket type, by actually firing the rocket with any flexible line of proper size and length, suitably faked or laid out.

(2) For shoulder gun type, by actually firing, using the regular cartridge and projectile with any flexible line of proper size and length, suitably faked or laid out.

(3) For Lyle gun type, by actually firing, using 2½ ounces of powder, the regular service projectile with any flexible line of proper size and length suitably faked or laid out.

§ 196.15-30 Emergency lighting and power systems.

(a) Where fitted, it shall be the duty of the master to see that the emergency lighting and power systems are operated and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be operated under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for the specified period of time.

(d) The date of the tests and the condition and performance of the apparatus shall be noted in the official logbook.

§ 196.15-35 Fire and boat drills.

(a) The master shall be responsible for conducting a fire and boat drill at least once in every week. The scheduling of such drills shall be at the discretion of the master except that at least one fire and boat drill shall be held within 24 hours of leaving a port if more than 25 percent of the crew have been replaced at that port.

(b) The fire and boat drill shall be conducted as if an actual emergency existed. All hands should report to their respective stations and be prepared to perform the duties specified in the station bill.

(1) Fire pumps shall be started and a sufficient number of outlets used to ascertain that the system is in proper working order.

(2) All rescue and safety equipment shall be brought from the emergency equipment lockers and the persons designated shall demonstrate their ability to use the equipment.

(3) All watertight doors which are in use while the vessel is underway shall be operated.

(4) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other lifesaving equipment prepared for use. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated for at least 5 minutes.

(5) In port, every lifeboat shall be swung out, if practicable, and the unobstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(6) When the vessel is underway, and weather permitting, all lifeboats shall be swung out to ascertain that the gear is in proper order.

(7) The person in charge of each lifeboat and liferaft shall have a list of its crew and shall see that the men under his command are acquainted with their duties.

(8) Lifeboat equipment shall be examined at least once a month to insure that it is complete.

(c) An entry shall be made in the vessel's official logbook relative to each fire and boat drill setting forth the date and hour, length of time of the drill, numbers on the lifeboats swung out and numbers on those lowered, the length of time that motor and hand-propelled lifeboats are operated, the number of lengths of hose used, together with a statement as to the condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc. An entry shall also be made to report the monthly examination of the lifeboat equipment. If in any week the required fire and boat drills are not held or only partial drills are held, an entry shall be made stating the circumstances and extent of the drills held.

(d) A copy of these requirements, Form CG-809, Notice-Station Bill and Drills, shall be framed under glass or other transparent material and posted in a conspicuous place about the vessel. This form may be obtained from the Officer in Charge, Marine Inspection.

§ 196.15-40 Electric power-operated lifeboat winches.

(a) It shall be the duty of the master to see that all lifeboat winch control apparatus, including motor controllers, emergency switches, master switches, are examined at least once in each 3 months. The examination shall include

the removal of drain plugs and/or the opening of drain valves in such appliances to assure that the enclosures are free of water.

(b) The date of the examination required by this section and the condition of the equipment shall be noted in the official logbook.

§ 196.15-45 Lifeboats, rescue boats, liferafts, lifeboats, and buoyant apparatus.

(a) (1) It shall be the duty of the master or person in charge to see that the lifeboats, rescue boats, liferafts, lifeboats, and buoyant apparatus are properly maintained at all times, and that all equipment for his vessel required by the regulations in this subchapter is provided, maintained, and replaced as indicated.

(2) The master shall assign to one or more officers the duty of seeing that the lifeboats, rescue boats, liferafts, lifeboats, and buoyant apparatus are at all times ready for immediate use.

(3) The decks on which lifeboats, rescue boats, liferafts, lifeboats, and buoyant apparatus are stowed shall be kept clear of cargo or any other obstructions which would interfere with the immediate launching of such equipment.

(b) Where motor-propelled lifeboats are carried, the motor of each lifeboat shall be operated in the ahead and astern position for a period of not less than 5 minutes at least once in each week.

(c) All lifeboats, rescue boats and rigid type liferafts shall be stripped, cleaned, and thoroughly overhauled at least once in every year. When lifeboats are removed from a vessel for this purpose on a rotational basis, the installation test prescribed by Subpart 192.35 of this subchapter need not be made.

(d) The fuel tanks of all motor-propelled lifeboats shall be emptied and the fuel changed at least once in every year.

(e) Vessels in ocean or coastwise service having a sufficient number of lifeboats on each side to accommodate all persons on board may care for their lifeboats at sea: *Provided*, That a number of lifeboats sufficient to accommodate all persons on board are fully equipped and ready for use at all times.

(f) Inflatable liferafts shall be serviced at an approved service facility every 12 months or not later than next inspection for certification provided the time since date of last servicing does not exceed 15 months. Except in emergencies no servicing should be done aboard vessels.

§ 196.15-50 Radio apparatus for lifeboats.

(a) It shall be the duty of the master to require that all batteries for all fixed and portable radio apparatus for lifeboats are brought up to full charge weekly if the batteries are of a type which require recharging.

(b) The transmitter shall be tested weekly using a suitable artificial serial.

§ 196.15-55 Requirements for fuel oil.

(a) It shall be the duty of the chief engineer to cause an entry in the log to

be made of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, the name of the oil producer, and the flashpoint (closed cup test) for which it is certified by the producer.

(b) It shall be the further duty of the chief engineer to cause to be drawn and sealed and suitably labeled at the time the supply is received on board, a half-pint sample of each lot of fuel oil. These samples shall be preserved until the particular supply of oil is exhausted.

§ 196.15-60 Firefighting equipment, general.

(a) It shall be the duty of the owner, master, or person in charge to see that the vessel's firefighting equipment is at all times ready for use and that all such equipment required by the regulations in this subchapter is provided, maintained, and replaced as indicated.

(b) It shall be the duty of the owner, master, or person in charge to require and have performed at least once in every 12 months the tests and inspections of all hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems on board as described in Tables 189.25-20(a)(1) and 189.25-20(a)(2) in 189.25-20(a) of this subchapter. The owner, master, or person in charge shall keep records of such tests and inspections showing the dates when performed, the number and/or other identification of each unit tested and inspected, and the name(s) of the person(s) and/or company conducting the tests and inspections. Such records shall be made available to the marine inspector upon request and shall be kept for the period of validity of the vessel's current certificate of inspection. Where practicable these records should be kept in or with the vessel's logbook. The conduct of these tests and inspections does not relieve the owner, master, or person in charge of his responsibility to maintain his firefighting equipment in proper condition at all times.

Subpart 196.17—Steering Orders

196.17-1 Method of communicating.

(a) All steering orders shall be given and communicated in terms of "right rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the right, and "left rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the left.

Subpart 196.20—Whistling

196.20-1 Unnecessary whistling prohibited.

(a) The unnecessary sounding of the vessel's whistle is prohibited within any harbor limits of the United States.

Subpart 196.23—Unauthorized Lights

196.23-1 Unauthorized lights prohibited.

(a) The master shall not authorize or permit the carrying of any lights not

required by law that in any way will interfere with the distinguishing of the signal lights.

Subpart 196.25—Searchlights

§ 196.25-1 Improper use prohibited.

(a) No person shall flash or cause to be flashed the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel underway.

Subpart 196.27—Lookouts

§ 196.27-1 Master's and officer's responsibility.

(a) Nothing in this part shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

§ 196.27-10 Reckless or negligent operation prohibited by law.

(a) Subsection 13(a) of the act of April 25, 1940 (46 U.S.C. 5261), reads as follows:

No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

Subpart 196.30—Reports of Accidents, Repairs, and Unsafe Equipment

AUTHORITY: The provisions of this Subpart 196.30 interpret or apply R.S. 4450, as amended, 4453, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 435, 33 U.S.C. 361.

§ 196.30-1 Repairs to boilers and pressure vessels.

(a) Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest to the U.S. port where the repairs are to be made.

§ 196.30-5 Accidents to machinery.

(a) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report shall be made by the Chief Engineer immediately to the Officer in Charge, Marine Inspection, or if at sea, immediately upon arrival at port.

§ 196.30-10 Notice required before repair.

(a) No repairs or alterations, except in an emergency, shall be made to any lifesaving or fire detecting or extinguishing equipment without advance notice to the Officer in Charge, Marine Inspection. When emergency repairs or alterations have been made, notice shall be given to the Officer in Charge, Marine Inspection, as soon as practicable.

§ 196.30-20 Breaking of safety valve seal.

(a) If at any time it is necessary to break the seal on a safety valve for any purpose, the Chief Engineer shall advise the Officer in Charge, Marine Inspection, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by an inspector. (R.S. 4419, as amended; 46 U.S.C. 393.)

Subpart 196.33—Cable Traveler

AUTHORITY: The provisions of this Subpart 196.33 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.33-1 When required.

(a) On vessels where the distance between deckhouses is more than 150 feet, a wire cable shall be stretched between the deckhouses at all times when the vessel is navigating in other than protected waters. As many loose rings with lanyards shall be attached as deemed necessary by the master. In any case, a properly constructed raised catwalk or raised bridge or a below deck passage may be substituted for the required cable.

Subpart 196.34—Work Vests

AUTHORITY: The provisions of this Subpart 196.34 interpret or apply R.S. 4488, as amended, 4491, as amended; 46 U.S.C. 481, 489. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.34-1 Application.

(a) Provisions of this subpart shall apply to all vessels.

§ 196.34-5 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

§ 196.34-10 Use.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

§ 196.34-15 Shipboard stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

§ 196.34-20 Shipboard inspections.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to

be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

Subpart 196.35—Logbook Entries

AUTHORITY: The provisions of this Subpart 196.35 interpret or apply R.S. 4472, as amended, 4488, as amended, sec. 6, 45 Stat. 1494, sec. 6, 49 Stat. 889; 46 U.S.C. 170, 481, 85e, 88e. Treasury Dept. Orders 167-38, Oct. 26, 1959, 24 F.R. 8857; 167-48, Oct. 19, 1962; 27 F.R. 10504.

§ 196.35-1 Application.

(a) Except as specifically noted, the provisions of this subpart shall apply to all manned vessels.

§ 196.35-3 Logbooks and records.

(a) Under various statutes or by regulations in this subchapter, all vessels with the exception of vessels operated exclusively on rivers of the United States are required to have certain logbooks or records, and, when the occasion arises, it is the duty of the master or person in charge to place therein specific entries as required by law or regulations in this chapter.

(b) R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Logbook; * * *." This official logbook is furnished gratuitously to masters of U.S.-flag vessels by the Coast Guard, as Form CG-706B or CG-706C, depending upon the number of persons employed as crew. There is printed in the first several pages of this official logbook various acts of Congress relating to logbooks and the entries required to be made therein. When a voyage is completed, or after a specified period of time is completed, the official logbooks with required entries therein shall be filed with the Officer in Charge, Marine Inspection, at or nearest the U.S. port where the vessel may be.

(c) For vessels other than those required to have official logbooks by R.S. 4290 (46 U.S.C. 201), the owners, operators, and/or masters are to supply their own logs or records in any form desired, which will be considered to take the place of the official logbooks and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but shall be kept available for review by a marine inspector for a period of 1 year after the date to which the records refer, except for separate records of tests and inspections of firefighting equipment which shall be maintained with the vessel's logs for the period of validity of the vessel's certificate of inspection.

§ 196.35-5 Actions required to be logged.

(a) The actions and observations noted in this section shall be entered in the official logbook. This section contains no requirements which are not made in other portions of this subchapter, the items being merely grouped together for convenience.

(1) Fire and boat drills. Weekly. See § 196.15-35.

(2) Steering gear, whistle, and means of communication. Prior to departure. See § 196.15-3.

(3) Drafts and load line marks. Prior to leaving port, ocean, coastwise, and Great Lakes service only. See § 196.15-5.

(4) Line-throwing appliances. Once every 3 months. See § 196.15-25.

(5) Emergency lighting and power systems. Weekly and semiannually. See § 196.15-30.

(6) Electric power-operated lifeboat winches. Once every 3 months. See § 196.15-40.

(7) Fuel oil data: Upon receipt of fuel oil on board. See § 196.15-55.

(8) Hatches and other openings. All openings and closings required by § 196.15-20.

(9) Magazines and magazine chests. Maximum and minimum temperatures as required by § 196.85-1(b).

§ 196.35-10 Official log entries.

(a) On vessels where an official logbook is required by R.S. 4290 (46 U.S.C. 201), all items relative to the crew as well as with respect to any casualties which may occur, shall be entered in the official logbook as required by this law.

Subpart 196.36—Display of Plans

§ 196.36-1 When required.

(a) All manned vessels shall have permanently exhibited for the guidance of the officer in charge of the vessel, general arrangement plans showing for each deck the various fire retardant bulkheads together with particulars of the fire-detecting, manual alarm and fire extinguishing systems, fire doors, means of ingress to the different compartments, the ventilating systems including the positions of the dampers, the location of the remote means of stopping the fans, and the identification of the fans serving each section.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

Subpart 196.37—Markings for Fire and Emergency Equipment, etc.

AUTHORITY: The provisions of this Subpart 196.37 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.37-1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 196.37-3 General.

(a) It is the intent of this subpart to provide such markings as are necessary for the guidance of the persons on board

in case of an emergency. In any specific case, and particularly on small vessels where it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the prescribed markings are unnecessary for the guidance of the persons on board in case of emergency, such markings may be modified or omitted.

(b) In addition to English, notices, directional signs, etc., shall be printed in languages appropriate to the service of the vessel.

(c) Where in this subpart red letters are specified, letters of a contrasting color on a red background will be accepted.

§ 196.37-5 General alarm bell switch.

(a) The general alarm bell switch in the pilothouse shall be clearly and permanently identified by lettering on metal plate or with a sign in red letters on a suitable background: "GENERAL ALARM."

CROSS REFERENCE: See also § 113.25-20 (Subchapter J (Electrical Engineering)) of this chapter.

§ 196.37-7 General alarm bells.

(a) All general alarm bells shall be identified by red lettering at least ½ inch high: "GENERAL ALARM—WHE BELL RINGS GO TO YOUR STATION"

§ 196.37-9 Carbon dioxide alarm.

(a) All carbon dioxide alarms shall be conspicuously identified: "WHE ALARM SOUNDS—VACATE AT ONCE! CARBON DIOXIDE BEING RELEASED."

§ 196.37-10 Fire extinguishing system branch lines.

(a) The branch line valves of all fire extinguishing systems shall be plainly and permanently marked indicating the spaces served.

§ 196.37-13 Fire extinguishing system controls.

(a) The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems shall be distinctly marked in conspicuous red letters at least 2 inches high: "CARBON DIOXIDE FIRE APPARATUS," "FOAM FIRE APPARATUS," etc., as the case may be.

§ 196.37-15 Firehose stations.

(a) Each fire hydrant shall be identified in red letters and figures at least 1 inch high "FIRE STATION NO. 1," "2," "3," etc. Where the hose is not stored in the open or behind glass so as to be readily seen, this identification shall be so placed as to be readily seen from a distance.

§ 196.37-20 Self-contained breathing apparatus and gas masks.

(a) Lockers or spaces containing self-contained breathing apparatus shall be marked "SELF-CONTAINED BREATHING APPARATUS".

§ 196.37-23 Hand portable fire extinguishers.

(a) Each hand portable fire extinguisher shall be marked with a number

and the location where stowed shall be marked with a corresponding number at least ½ inch high. Where only one type and size of hand portable fire extinguisher is carried, the numbering may be omitted.

196.37-25 Emergency lights.

(a) All emergency lights shall be marked with a letter "E" at least ½ inch high.

196.37-33 Instructions for changing steering gear.

(a) Instructions in at least ½ inch letters and figures shall be posted in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve, or switch which is used during the changeover shall be numbered or lettered on a metal plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate clutch or pin to be "in" or "out" and each valve or switch which is to be opened or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

196.37-35 Rudder orders.

(a) At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder".

196.37-37 Lifeboats.

(a) The name of the vessel shall be plainly marked or painted on each side of the bow of each lifeboat in letters not less than 3 inches high. For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters.

(b) The number of each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in figures not less than 3 inches high. The lifeboats on each side of the vessel shall be numbered from forward aft, with the odd numbers on the starboard side.

(c) The cubical contents and number of persons allowed to be carried in each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in letters and numbers not less than ½ inches high. In addition, the number of persons allowed shall be plainly marked or painted on top of at least two thwarts in letters and numbers not less than 3 inches high.

(d) All oars shall be conspicuously marked with the vessel's name.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted light red and shall have thereon in raised letters either the words—"DANGER—LEVER DROPS BOAT" or the words—"DANGER—LEVER RELEASES HOOKS".

(f) The top of thwarts, side benches, and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangement of the lifeboat.

§ 196.37-40 Liferrafts, lifefloats, and buoyant apparatus.

(a) Rigid type liferafts, lifefloats, and buoyant apparatus, together with their oars and paddles, shall be conspicuously marked with the vessel's name. For vessels on an international voyage, the vessel's port of registry also shall be similarly marked on lifefloats and buoyant apparatus.

(b) The number of persons allowed on each rigid type liferaft, lifefloat, and buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

(c) There shall be stenciled in a conspicuous place in the immediate vicinity of each inflatable liferaft the following:

INFLATABLE LIFERAFT NO. -----
----- PERSONS CAPACITY

These markings shall not be placed on the inflatable liferaft containers.

§ 196.37-43 Life preservers and ring life buoys.

(a) All life preservers, wood floats, and ring life buoys shall be marked with the vessel's name.

(b) For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters on all ring life buoys.

§ 196.37-45 Firehose and axes.

(a) All firehose and axes shall be marked with the vessel's name.

§ 196.37-47 Portable magazine chests.

(a) Portable magazine chests shall be marked in letters at least 3 inches high: "PORTABLE MAGAZINE CHEST—FLAMMABLE—KEEP LIGHTS AND FIRE AWAY".

Subpart 196.39—Posting Placards of Instructions for Launching and Inflating Inflatable Liferrafts

§ 196.39-1 When required.

(a) Every vessel equipped with inflatable liferafts shall have posted in conspicuous places which are regularly accessible to the crew and/or scientific personnel, approved placards containing instructions for launching and inflating inflatable liferafts for the information of persons on board. The number and location of such placards shall be as determined necessary by the Officer in Charge, Marine Inspection.

(b) Under the requirements contained in § 160.051-6(c) (1) of Subpart 160.051 in Subchapter Q (Specifications) of this chapter, the manufacturer of approved inflatable liferafts is required to provide

approved placards containing such instructions with each liferaft.

Subpart 196.40—Markings on Vessels

§ 196.40-1 Application.

(a) The provisions of this subpart shall apply to all vessels except as specifically noted.

§ 196.40-5 Markings required by Customs Regulations.

(a) The following markings are required. Details of the application of the requirements as well as details of the required markings will be found in the Customs Regulations:

(1) *Name of vessel.* On both bows and the stern, and on steam vessels the name is also required on both sides of the pilothouse.

(2) *Hailing Port.* On the stern.

(3) *Official Number.* On the vessel's main beam.

(4) *Net tonnage.* On the vessel's main beam.

§ 196.40-10 Draft marks.

(a) All vessels 50 gross tons and over shall have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the keel at the marks to the surface of the water, the bottom of the mark to indicate the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem, or cutaway skeg, the datum line from which the draft shall be taken shall be obtained by projecting the line of the bottom of keel forward, or aft, as the case may be, to the location of the draft marks.

(c) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessels adjacent to such appendage shall be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

§ 196.40-15 Load line marks.

(a) Vessels assigned a load line shall have the deck line and the load line marks permanently marked or embossed as required by Subchapter E (Load Lines) of this chapter.

Subpart 196.43—Placard of Life-saving Signals and Breeches Buoy Instructions

§ 196.43-1 Application.

(a) The provisions of this subpart shall apply to all manned vessels certificated for ocean, coastwise, or Great Lakes service.

§ 196.43-5 Availability.

(a) On all vessels to which this subpart applies there shall be posted in the pilothouse and readily available to the deck officer of the watch a placard (Form CG-811) containing instructions

for the use of breeches buoys and the lifesaving signals as set forth in Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1960. These signals shall be used by vessels or persons in distress when communicating with lifesaving stations and maritime rescue units.

(b) A copy of Form CG-811 shall also be conveniently posted in the engine room and crews quarters of all vessels to which this subpart applies.

Subpart 196.45—Carrying of Excess Steam

§ 196.45-1 Master and chief engineer responsible.

(a) It shall be the duty of the master and the engineer in charge of the boilers of any vessel to require that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to require that the safety valves, once set and sealed by the inspector, are in no way tampered with or made inoperative except as provided in § 196.30-20.

Subpart 196.50—Compliance With Provisions of Certificate of Inspection

§ 196.50-1 Master or person in charge responsible.

(a) It shall be the duty of the master or other person in charge of the vessel to see that all of the provisions of the certificate of inspection are strictly adhered to. Nothing in this subpart shall be construed as limiting the master or other person in charge of the vessel, at his own responsibility, from diverting from the route prescribed in the certificate of inspection or taking such other steps as he deems necessary and prudent to assist vessels in distress or for other similar emergencies.

Subpart 196.53—Exhibition of License

§ 196.53-1 Licensed officers.

(a) All licensed officers on a vessel shall have their licenses conspicuously displayed as required by R.S. 4446 (46 U.S.C. 232).

Subpart 196.60—Motion Picture Film and Equipment

§ 196.60-1 Type required.

(a) Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

(b) Projectors shall be of an approved type. (R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857.)

Subpart 196.75—Prevention of Oil Pollution

§ 196.75-1 Prohibited zones.

(a) All vessels shall be so operated as to meet the requirements of the Oil Pollution Act, 1924 (33 U.S.C. 431-437). In addition, all vessels shall be so operated as to avoid discharging any oil or oily ballast which may foul the surface of the sea, within any of the prohibited zones set forth in the Oil Pollution Act, 1961 (33 U.S.C. 1001-1015). (Sec. 8, 75 Stat. 403; 33 U.S.C. 1007. Treasury Dept. Order 167-46, Nov. 6, 1961, 26 F.R. 10609.)

Subpart 196.80—Explosive Handling Plan

§ 196.80-1 Master's responsibility.

(a) It shall be the responsibility of the master to have prepared, sign, and prominently posted in conspicuous locations operating procedures, plans, and safety precautions for all operations involving the use of explosives.

(b) The operating procedures referred to in paragraph (a) of this section shall include and set forth the special duties and stations of appropriate qualified persons for various operations involving the use of explosives. Assignment of such persons shall be commensurate with their experience and training.

(c) A copy of the operating procedures, plans and safety precautions required by paragraph (a) of this section and all subsequent changes or revisions shall be forwarded to the Officer in Charge, Marine Inspection, issuing the certificate of inspection for review.

Subpart 196.85—Magazine Control

§ 196.85-1 Magazine operation and control.

(a) Keys to magazine spaces and magazine chests shall be kept in the sole control or custody of the Master or one delegated qualified person at all times. Test fittings for magazine sprinkler systems shall be kept in a locked cabinet under the custody of the Master.

(b) Whenever explosives are stored in magazines and magazine chests they shall be inspected daily. Magazine inspection results and corrective action, when taken, shall be noted in the ship's log daily. Maximum and minimum temperatures for the previous 24-hour period shall be recorded in the ship's log along with general magazine condition and corrective action taken when necessary.

(c) The magazine sprinkler controls shall be tested monthly. Test results and all corrective actions taken shall be recorded in the ship's log.

(d) The Master shall limit access to the magazines, or the contents thereof, to persons who can document 3 months on board ship training in the use of explosives. This shall not be construed as prohibiting access to the Master or others designated by the Master.

CHANGES IN OTHER REGULATIONS

10. If the concept of having separate regulations for oceanographic vessels in Subchapter U in Chapter I of Title 46, CFR, is adopted, then the various regulations describing "application of Coast Guard regulations" will be revised to reflect establishment of this new category of inspected and certificated vessels. In particular, it is proposed to amend the tables in 46 CFR 2.01-7(a), 24.05-1(a), 30.01-5(d), 70.05-1(a), 90.05-1(a), 110.05-1(a), and 175.05-1(a) so that these tables will be identical to Table 188.05-1(a) in the above proposed regulations in 46 CFR 188.05-1(a). Any change to Table 188.05-1(a) will be incorporated into the other tables.

Dated: September 23, 1966.

[SEAL]

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66-10558; Filed, Sept. 30, 1966;
8:45 a.m.]



FEDERAL REGISTER

VOLUME 31 • NUMBER 192

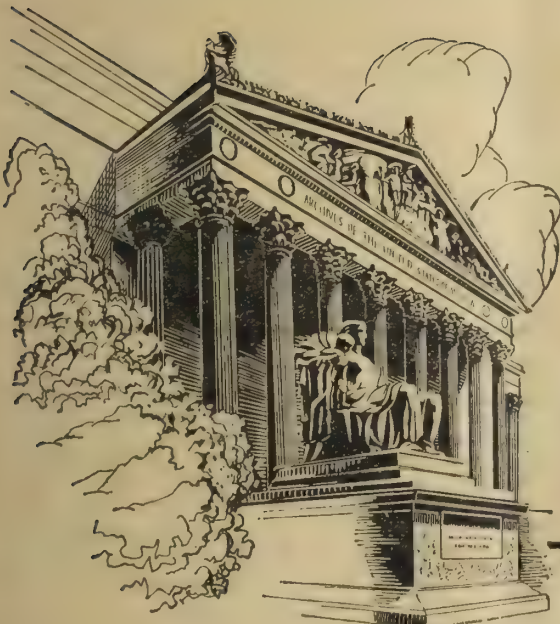
Tuesday, October 4, 1966 • Washington, D.C.

Pages 12913-12930

Agencies in this issue—

The President
Agricultural Stabilization and
Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Farm Credit Administration
Federal Aviation Agency
Fish and Wildlife Service
Interstate Commerce Commission
Land Management Bureau
Oil Import Administration
Patent Office
Small Business Administration

Detailed list of Contents appears inside.



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Contents

THE PRESIDENT

EXECUTIVE ORDERS

- Coordination of Federal programs affecting agricultural, and rural area development..... 12917
- Creating an emergency board to investigate a dispute between Pan American World Airways, Inc., and certain of its employees..... 12919

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

- Rules and Regulations**
- Peanuts; determination of county normal yields for 1966 crop; correction..... 12921

AGRICULTURE DEPARTMENT

- See also* Agricultural Stabilization and Conservation Service.
- Notices**
- Meat; import limitations..... 12926

ATOMIC ENERGY COMMISSION

- Notices**
- U.S. Army Materials Research Agency; issuance of facility amendment..... 12927

CIVIL AERONAUTICS BOARD

- Notices**
- Union Speditions-Gesellschaft m.b.H.; notice of prehearing conference..... 12927

COMMERCE DEPARTMENT

See Patent Office.

FARM CREDIT ADMINISTRATION

- Notices**
- Short-Term Credit Service; authority and order of precedence of certain officers to act as Deputy Governor and Director.. 12927

FEDERAL AVIATION AGENCY

- Rules and Regulations**
- Airworthiness directives; British Aircraft Corp., Model BAC 1-11 200 and 400 Series airplanes.. 12921
- Federal airways; alteration..... 12921
- Restricted area:
 - Alteration..... 12922
 - Revocation..... 12922
- Transition area; designation..... 12921
- Proposed Rule Making**
- Airworthiness directives; Dowty Rotol accessory gear boxes.... 12924
- Restricted area; proposed alteration..... 12925
- Transition area; proposed designation..... 12925

FISH AND WILDLIFE SERVICE

- Rules and Regulations**
- Hunting:
 - Baskett Slough National Wildlife Refuge, Oreg..... 12923
 - Eastern Neck National Wildlife Refuge, Md..... 12923
 - Kirwin National Wildlife Refuge, Kans..... 12923

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Oil Import Administration; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

- Notices**
- Fourth section applications for relief..... 12928
- Motor carrier:
 - Temporary authority applications..... 12928
 - Transfer proceedings..... 12929

LAND MANAGEMENT BUREAU

- Notices**
- District Directors, Wyoming; re-delegation of authority..... 12926
- Idaho:
 - Classification of public lands... 21926
 - Filing of protraction diagrams... 12926

OIL IMPORT ADMINISTRATION

- Rules and Regulations**
- Oil imports; allocation of crude-oil, unfinished oils, and finished products 12024

PATENT OFFICE

- Rules and Regulations**
- Rules of practice in patent cases; miscellaneous amendments.... 12922

SMALL BUSINESS ADMINISTRATION

- Proposed Rule Making**
- Small business size standards; correction..... 12924

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

3 CFR	13 CFR	37 CFR
EXECUTIVE ORDERS:	PROPOSED RULES:	
11122 (superseded by EO 11307) - 12917	121----- 12924	1----- 12922
11307----- 12917		
11308----- 12919	14 CFR	
7 CFR	39----- 12921	50 CFR
729----- 12921	71 (2 documents)----- 12921	32 (3 documents)----- 12923
	73 (2 documents)----- 12922	
	PROPOSED RULES:	
	39----- 12924	
	71----- 12925	
	73----- 12925	
	32A CFR	
	PROPOSED RULES:	
	Ch. X----- 12924	

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11307

COORDINATION OF FEDERAL PROGRAMS AFFECTING AGRICULTURAL AND RURAL AREA DEVELOPMENT

WHEREAS the development of our Nation's agricultural and rural areas has undergone radical changes due to technological advancement and the increasing urbanization of the Nation's society and economy; and

WHEREAS the living standards and welfare of the rural area population depend upon a successful accommodation to these changes; and

WHEREAS Congress has vested responsibilities in the Secretary of Agriculture for the administration of numerous programs aimed at the achievement of sound agricultural and rural development; and

WHEREAS such programs are closely interrelated with important programs and activities administered by other Federal departments and agencies, which affect agricultural and rural area development; and

WHEREAS the President has directed the Secretary of Agriculture to put the facilities of Department of Agriculture field offices at the disposal of all Federal agencies to assist them in making their programs effective in rural areas, and jointly with the Director of the Bureau of the Budget to review with the head of each department or agency the administrative obstacles which may stand in the way of equitable distribution in rural areas of the benefits of their programs and to propose administrative or legislative steps which can be taken to assure that equity is attained to assure full participation by rural areas; and

WHEREAS the highest level of coordination is required between the Department of Agriculture and such other Federal departments and agencies in order to achieve the maximum beneficial impact on agricultural and rural area development:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Responsibilities of the Secretary.* (a) The Secretary of Agriculture shall take the initiative in identifying problems of agricultural and rural area development which require the cooperation of various Federal departments and agencies for their effective solution, and pursuant thereto shall convene, or authorize his representatives to convene, meetings at appropriate times and places, to which he shall invite the heads of such departments and agencies as may be responsible for interrelated programs or activities, or representatives designated by them, for the following purposes:

(1) To provide a forum for consideration of mutual problems concerning Federal programs and activities affecting agricultural and rural area development and for the exchange of information needed to achieve coordination of, and to avoid duplication in, such programs and activities.

(2) To promote cooperation among Federal departments and agencies in achieving consistent policies, practices, and procedures for administration of their programs affecting agricultural and rural area development.

(3) To consult with and obtain the advice of appropriate Federal departments and agencies with respect to:

(A) intergovernmental relations and cooperation in promoting sound agricultural and rural area development;

(B) provision of information and technical assistance to State and local governments in solving agricultural and rural area development problems; and

(C) encouragement of comprehensive planning of, and effective regional, State, and local cooperation in agricultural and rural area development activities.

(4) To identify agricultural and rural area development problems of particular States, regions, or localities which require interagency or intergovernmental coordination.

(b) The Secretary shall make arrangements with such Federal departments and agencies for such working groups as they shall agree may be desirable to consider special problems arising with respect to matters described in subsection (a) of this section.

SEC. 2. *Agency responsibilities.* The heads of Federal departments and agencies having programs which have an impact on agricultural or rural area development shall to the extent permitted by law and funds available, furnish information, at the request of the Secretary, pertaining to programs within the responsibilities of such departments or agencies, and such additional information as will assist the Secretary in developing solutions to agricultural and rural area development problems.

SEC. 3. *Construction.* Nothing in this Order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

SEC. 4. *Administrative arrangements.* (a) Each executive department and agency participating under section 1 or section 2 shall furnish necessary assistance for effectuating the provisions of this Order as authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(b) The Department of Agriculture shall provide necessary administrative services pursuant to this Order.

SEC. 5. Executive Order 11122 of October 16, 1963, establishing the Rural Development Committee, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 30, 1966.

[F.R. Doc. 66-10841; Filed, Sept. 30, 1966; 5:05 p.m.]

Executive Order 11308**CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE PAN AMERICAN WORLD AIRWAYS, INC., AND CERTAIN OF ITS EMPLOYEES**

WHEREAS a dispute exists between the Pan American World Airways, Inc., a carrier, and certain of its employees represented by the Transport Workers Union of America, AFL-CIO, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Sections 10 and 201 of the Railway Labor Act, as amended (45 U.S.C. 160 and 181, respectively), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to this dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Pan American World Airways, Inc., or by its employees, in the conditions out of which this dispute arose.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 30, 1966.

[F.R. Doc. 66-10851; Filed, Sept. 30, 1966; 5:05 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Determination of County Normal Yields for 1966 Crop

Correction

In F.R. Doc. 66-10528, appearing at page 12633 of the issue for Tuesday, September 27, 1966, the following entry should appear immediately following the entry for Telfair County, Ga., in the tabular matter of § 729.1707:

Terrell-----1,425

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7556; Amdt. 39-292]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive specifying a service life limit for the Belleville washers in the nose landing gear up/down lock jack assembly on British Aircraft Model BAC 1-11 200 and 400 Series airplanes was published in 31 F.R. 10852.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 200 and 400 Series airplanes. Compliance required as indicated.

To prevent fatigue failures of the Belleville washer stack of the nose undercarriage up/down lock jack, P/N AB44A39 (200 series) and P/N AK44A39 (400 series), accomplish the following:

(a) For airplanes with Belleville washer stacks, P/N AB44B67, with less than 2,300 landings on the effective date of this AD, remove stacks from service before the accumulation of 2,500 landings.

(b) For airplanes with Belleville washer stacks, P/N AB 44B67, with 2,300 or more

landings on the effective date of this AD, remove stacks from service within the next 200 landings.

(c) For airplanes with Belleville washer stacks, P/N AB44-1791 (with BAC Modification PM 2437 washers) with less than 7,800 landings on the effective date of this AD, remove stacks from service before the accumulation of 8,000 landings.

(d) For airplanes with Belleville washer stacks, P/N AB44-1791 (with BAC Modification PM 2437 washers) with 7,800 or more landings on the effective date of this AD, remove stacks from service within the next 200 landings.

(e) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(British Aircraft Corp. (B.A.C.), Ltd., Alert Service Bulletin No. 32-A-PM2437 pertains to this subject.)

This amendment becomes effective November 3, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 27, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-10734; Filed, Oct. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 65-SO-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On August 5, 1966, F.R. Doc. 66-8525 was published in the FEDERAL REGISTER (31 F.R. 10516) which in part raises the floor of V-35 and V-35 W alternate between Fort Myers, Fla., and St. Petersburg, Fla., from 700 feet above the surface to 1,200 feet above the surface. This action is to be effective October 13, 1966.

On June 22, 1966, Airspace Docket No. 63-SO-57 was published in the FEDERAL REGISTER (31 F.R. 8637) stating that the Federal Aviation Agency was considering the designation of a transition area and control zone at Fort Myers. This action, if adopted, was also to be effective concurrently with the airway revision. It has been adopted as a rule, however, because of unforeseen circumstances, it cannot be made effective until November 10, 1966.

Implementation of the airway action prior to the transition area action will result in 500 feet of uncontrolled airspace in an area north and northwest of Fort Myers. This particular airspace is required to provide protection to IFR air traffic in the vicinity of Page Field. Retention of the present floor on V-35 and

V-35 west alternate until the transition area can be designated will retain the required controlled airspace. Such action is taken herein.

Since this action is required in the interest of safety to air commerce, the Administrator has determined that notice and public procedure hereon are impractical and that the effective date of that portion of the original action may be extended until November 10, 1966.

In consideration of the foregoing, in F.R. Doc. 66-8525, Item 7, the effective date of the segment of V-35 between Fort Myers, Fla., and St. Petersburg, Fla., including a W alternate, is extended to November 10, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1343)

Issued in Washington, D.C., on September 26, 1966.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 66-10735; Filed, Oct. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 20, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11109) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Anderson, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the following transition area is added:

ANDERSON, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 27, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-10736; Filed, Oct. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66-AL-19]

PART 73—SPECIAL USE AIRSPACE**Revocation of Restricted Area**

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor R-2201.

The Department of the Air Force has stated there is no longer a requirement for R-2201 and requested action be taken to revoke it. Such action is taken herein.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary and for this reason the amendment may be made effective without regard to the 30 day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.22 (31 F.R. 2295) R-2201 Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 23, 1966.

WILLIAM E. MORGAN,
*Acting Director,
Air Traffic Service.*

[F.R. Doc. 66-10737; Filed, Oct. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-46]

PART 73—SPECIAL USE AIRSPACE**Alteration of Restricted Area**

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of Restricted Area R-2510 at El Centro, Calif.

A review of the utilization records for the past year indicates that R-2510 is not being used above FL 500. Furthermore, the Department of the Navy has advised that they have no future requirement for the area above FL 500. Therefore, action is taken herein to reduce the upper limits of the designated altitudes of R-2510 from FL 1,000 to FL 500.

Since this amendment is less restrictive to the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as herein set forth.

In § 73.25 (31 F.R. 2299, 9865) R-2510 at El Centro, Calif., is amended as follows:

"Designated altitudes. Surface to flight level 1,000." is deleted and "Designated altitudes. Surface to flight level 500." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 23, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-10738; Filed, Oct. 3, 1966; 8:45 a.m.]

Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS**Chapter I—Patent Office, Department of Commerce****PART 1—RULES OF PRACTICE IN PATENT CASES****Miscellaneous Amendments**

The following amended sections are adopted to take effect January 1, 1967. All applications submitted after that date must comply with the sections as amended. With respect to amended § 1.72(b), every application which has not received a first office action of any kind from the Examiner prior to November 1, 1966, must be amended to contain an abstract in accordance with this section.

The general substance of these sections and other proposed sections was published in the FEDERAL REGISTER of March 15, 1966, 31 F.R. 4412-3, and the Official Gazette of April 5, 1966, 825 O.G. 2. All persons who desired, were invited both to submit their written views, objections, recommendations, or suggestions and their oral comments at a hearing held on April 26, 1966. Both the oral and written comments were carefully considered. It was decided on the basis of the comments received and other considerations that the substance of certain of the proposed sections would be incorporated merely as suggestions in a guide to drafting a model patent application; and that the substance of certain other of the proposed sections would be adopted as herein indicated.

The principal purposes of the amendments are to facilitate examination of applications by the Patent Office and review of issued patents by the public. Suggested guidelines for complying with the amendment requiring an abstract of disclosure (Section 1.72(b)) and the amendment adding paragraph (e) to § 1.75 will be published separately by the Patent Office in a guide to drafting a model patent application.

Sections 1.72, 1.75, 1.77, 1.78, 1.83, and 1.84(g) have been amended to read as follows:

§ 1.72 Title and abstract.

(a) The title of the invention, which should be as short and specific as possible, should appear as a heading on the first page of the specification, if it does not otherwise appear at the beginning of the application.

(b) A brief abstract of the technical disclosure in the specification must be set forth immediately following the title and preceding the disclosure in a separate paragraph under the heading "Abstract of the Disclosure." The purpose of the abstract is to enable the Patent Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure, and the abstract shall not be used for interpreting the scope of the claims.

§ 1.75 Claim(s).

(a) The specification must conclude with a claim particularly pointing out

and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

(b) More than one claim may be presented provided they differ substantially from each other and are not unduly multiplied.

(c) When more than one claim is presented, they may be placed in dependent form in which a claim may refer back to and further restrict a single preceding claim. Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

(d) (1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

(2) See §§ 1.141 to 1.147 as to claiming different inventions in one application.

(e) Where the nature of the case admits, as in the case of an improvement, any independent claim should contain in the following order, (1) a preamble comprising a general description of all the elements or steps of the claimed combination which are conventional or known, (2) a phrase such as "wherein the improvement comprises," and (3) those elements, steps and/or relationships which constitute that portion of the claimed combination which the applicant considers as the new or improved portion.

§ 1.77 Arrangement of application.

The following order of arrangement should be observed in framing the application:

(a) Title of the invention; or an introductory portion stating the name, citizenship, and residence of the applicant, and the title of the invention may be used.

(b) Abstract of the disclosure.

(c) Cross-references to related applications, if any.

(d) Brief summary of the invention.

(e) Brief description of the several views of the drawing, if there are drawings.

(f) Detailed Description.

(g) Claim or claims.

(h) Signature. (See § 1.76).

§ 1.78 Cross-references to other applications.

(a) When an applicant files an application claiming an invention disclosed in a prior filed copending application of the same applicant, the second application must contain or be amended to contain in the first sentence of the specification following the title and abstract a reference to the prior application, identifying it by serial number and filing date and indicating the relationship of the applications, if the benefit of the filing date of the prior application is to be claimed. Cross-references to other related applications may be made when appropriate. (See § 1.14(b)).

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Rev. 5]

OIL IMPORTS

Allocations of Crude Oil, Unfinished Oils, and Finished Products

Notice is hereby given that it is proposed to recommend to the Secretary of the Interior that, pursuant to the authority vested in him by section 3 of Proclamation 3279, as amended, he issue amendments to Oil Import Regulation 1 (Revision 5) (31 F.R. 7745-7750) which would provide as follows:

1. The graduated scales in sections 10 and 11 of Oil Import Regulation 1 (Revision 5) for determining allocations of imports of crude oil and unfinished oils to refiners on the input basis would be revised and made applicable only to refiners defined as small business under the regulations of the Small Business Administration. Eligible persons who fall within the category of small business would receive an allocation on a scale somewhat similar to the following:

Average B/D Input	Districts I-IV percent of input	District V percent of input
0-10,000.....	20	50
10-30,000.....	9	12

All other eligible persons would receive an allocation based upon a fixed percent (in the order of 9 percent for Districts I-IV and 12 percent for District V) of their inputs.

This amendment would introduce into the mandatory oil import program the clearcut distinction between small business and other business which is reflected in the national policy embodied in the Small Business Act. In line with that policy, an equitable preference would be given refiners in the category of small business.

2. Section 13 of Oil Import Regulation 1 (Revision 5) would be amended to provide that an allocation of imports of finished products other than residual fuel oil to be used as fuel would entitle an eligible applicant to import no greater quantity of finished products of 25° API gravity or higher than he imported during the calendar year 1957.

This amendment would correct departures from the pattern of imports of finished products existing when Proclamation 3279 was issued. At that time the bulk of such imports were heavier products—such as asphalt and No. 4 oil—

which supplemented domestic production. Over the last several years, solely because of higher value, increasing quantities of lighter products, such as naphthas and gasolines, have been imported.

3. A quantity of imports of finished products other than residual fuel oil to be used as fuel would be made available to the Oil Import Appeals Board for use during each allocation period.

This amendment would permit the Board to alleviate demonstrated hardships during an allocation period.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit (in copies of five) written comments, suggestions or objections to the Administrator, Oil Import Administration, Washington, D.C. 20240, on or before October 24, 1966.

ELMER L. HOEHN,
Administrator,
Oil Import Administration.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10746; Filed, Oct. 3, 1966;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

Correction

In F.R. Doc. 66-10695, appearing at page 12349 of the issue for Saturday, October 1, 1966, the figure "50 percent" appearing in § 121.3-8(g) (1) (iii) should be corrected to read "90 percent".

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7641]

AIRWORTHINESS DIRECTIVES

Dowty Rotol Accessory Gear Boxes

NOTICE OF PROPOSED RULE MAKING

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Dowty Rotol accessory gear boxes installed on Hawker Siddeley Argosy Type

AW650 Series 101, Grumman Model G-159 Series, and Vickers Viscount Model 810 Series airplanes. There has been excessive wear on the tunnel shaft serrations and fatigue failure of the tunnel drive shaft on certain Dowty Rotol accessory gear boxes. Since this condition is likely to exist or develop in other gear boxes of the same design, the proposed AD would require replacement of the tunnel shaft assemblies with modified assemblies on certain Dowty Rotol accessory gear boxes installed on Hawker Siddeley Argosy Type AD650 Series 101, Grumman Model G-159 Series, and Vickers Viscount Model 810 Series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before October 31, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Accessory Gear Boxes (c)PTG.14/6A and B installed on Hawker Siddeley Argosy Type AW650 Series 101 airplanes, (c)PTG.14/8 installed on Grumman Model G-159 Series airplanes, and (c)PTG.14/1 and 14/2B installed on Vickers Viscount Model 810 airplanes.

Compliance required at next gear box overhaul after the effective date of this AD, unless already accomplished.

To prevent fatigue failure of the tunnel drive shaft and excessive wear on the tunnel shaft serrations of airplanes specified in Column 1 of the following table equipped with accessory gear boxes with type number specified in Column 2 and premodification GB2145 tunnel shaft assemblies with part number specified in Column 3, replace each tunnel shaft assembly with one of applicable assemblies with part number specified in Column 4 modified in accordance with modification number specified in Column 5.

Column 1 Airplane model	Column 2 Accessory gear box No.	Column 3 Pre-modification GB2145 part No.	Column 4 Replacement part No.	Column 5 Modification No.
Argosy AW650 Series 101.....	(c)PTG.14/6A and B.....	6. 0207. 2023	6. 0207. 2029 6. 0207. 2049 6. 0207. 2054 6. 0207. 2059 6. 0207. 2069	GB2145. GB2145. GB2300. GB2300. GB2320.
Grunman G-159.....	(c)PTG.14/8.....	6. 0207. 2023	6. 0207. 2029 6. 0207. 2049 6. 0207. 2054 6. 0207. 2059 6. 0207. 2069	GB2145. GB2145. GB2300. GB2300. GB2320.
Vickers Viscount 810.....	(c)PTG.14/2B.....	6. 0207. 2023	6. 0207. 2029 6. 0207. 2049 6. 0207. 2054 6. 0207. 2059 6. 0207. 2069	GB2145. GB2145. GB2300. GB2300. GB2320.
	(c)PTG.14/1.....	6. 0207. 2024	6. 0207. 2030 6. 0207. 2000 6. 0207. 2055 6. 0207. 2060 6. 0207. 2070	GB2145. GB2145. GB2300. GB2300. GB2320.

(Dowty Rotol Service Bulletins Nos. 83-297, Revision 2; 83-331, Revision 1; and 83-338 pertain to this subject.)

Issued in Washington, D.C., on September 26, 1966.

W. E. ROGERS,

Acting Director, Flight Standards Service.

[F.R. Doc. 66-10732; Filed, Oct. 3, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-73]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Cadillac, Mich., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Cadillac, Mich., terminal area, proposes the following airspace action:

Designate the Cadillac, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Cadillac, Mich., Municipal Airport (latitude 44°16'32" N., longitude 85°25'20" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area.

The proposed transition area is being developed for the protection of aircraft executing a new public instrument approach procedure to serve the Cadillac, Mich., Municipal Airport, using the city-operated MH facility on the airport.

The proposed transition area will provide protection for aircraft executing the prescribed instrument approach procedure during descent to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

The floors of airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area. A new approach procedure is to be established. Therefore,

no procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 15, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-10733; Filed, Oct. 3, 1966; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-WA-25]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter two restricted areas near the Hunter-Liggett military reservation.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

On May 27, 1966, a rule was published in the FEDERAL REGISTER (31 F.R. 7612) designating two temporary restricted areas R-2513C and R-2513D near the Hunter-Liggett military reservation to contain a series of tests known as Test 3.1/3.5 to be conducted by Joint Task Force Two (JTF-2). On September 17, 1966, a rule was published in the FEDERAL REGISTER (31 F.R. 12402) extending the designations of these areas to November 30, 1966.

JTF-2 has conducted a series of trial and calibration flights prior to commencing the field testing. The data obtained therefrom was unsatisfactory; therefore, the flights must be repeated. To provide for the necessary additional time to complete the exercise, JTF-2 has requested that the designations of the Hunter-Liggett temporary restricted areas be extended approximately 2 weeks.

If this action is taken, temporary restricted areas R-2513C and R-2513D Hunter-Liggett, Calif., would be altered by extending the time of designation from November 30, 1966, to December 16, 1966.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348.

Issued in Washington, D.C., on September 29, 1966.

H. B. HELSTROM,
*Chief, Airspace and Air
Traffic Rules Division.*

[F.R. Doc. 66-10765; Filed, Oct. 3, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 017512; Classification No. 11-02-1-66]

IDAHO

Notice of Classification of Public Lands

SEPTEMBER 27, 1966.

Pursuant to the Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, all the vacant public domain lands within the descriptions below, together with any lands therein that may become public lands in the future, but specifically excluding L.U. lands (acquired under Title III of the Bankhead-Jones Farm Tenant Act), in Oneida County, Idaho, are classified for retention for Multiple Use Management.

BOISE MERIDIAN, IDAHO

Tps. 13, 14, 15 and 16 S., R. 30 E.
T. 13 S., R. 31 E.,
Sec. 7;
Secs. 17 to 20, inclusive;
Secs. 28 to 33, inclusive.
T. 14 S., R. 31 E.,
Sec. 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 4 to 10, inclusive;
Secs. 14 to 36, inclusive.
Tps. 15 and 16 S., R. 31 E.
Tps. 13, 14 and 15 S., R. 32 E.
T. 16 S., R. 32 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 20, inclusive;
Secs. 28 to 30, inclusive.
T. 12 S., R. 33 E.,
Secs. 6, 13 and 24.
T. 13 S., R. 33 E.,
Sec. 13;
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
Tps. 14, 15 and 16 S., R. 33 E.
T. 11 S., R. 34 E.,
Secs. 3, 4, 9, 21 and 22;
Secs. 26 to 28, inclusive;
Secs. 33 to 35, inclusive.
T. 12 S., R. 34 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Sec. 21, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
Secs. 29 to 32, inclusive;
Sec. 33, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$.
Tps. 13 and 14 S., R. 34 E.
T. 15 S., R. 34 E.,
Secs. 1 to 6, inclusive;
Secs. 10 to 13, inclusive;
Secs. 24 and 25.
T. 16 S., R. 34 E.,
Secs. 1 and 12.
T. 13 S., R. 35 E.,
Secs. 28 to 33, inclusive.
T. 14 S., R. 35 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 15 S., R. 35 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 29 to 36, inclusive.
T. 16 S., R. 35 E.
T. 15 S., R. 36 E.
Secs. 31 and 32.

T. 16 S., R. 36 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 30, inclusive.

Containing approximately 265,000 acres.

The public lands included in this classification are identified on a map designated I-2 PL-4-6(1), which is on file in the Burley District Office and at the Land Office, Bureau of Land Management, Federal Building, Boise, Idaho.

This classification segregates the described lands from settlement, location, sale, selection, entry, lease, or other forms of appropriation under all the public land laws except State, private, and Forest Service exchanges (including Forest Service adjustments), State lieu selections, scrip, rights-of-way, and the general mining and the mineral leasing laws.

This segregative effect shall continue for a period of 2 years from the date of publication in the FEDERAL REGISTER, subject to a possible 2-year extension in accordance with the provisions of section 4 of the Act.

There were no adverse comments received following publication of the notice of proposed classification (31 F.R. 131). No comments were received at the public hearing on the proposed classification which was held August 17, 1966. Favorable comments on the classification were received and are on file and can be examined at the Land Office, Boise, Idaho.

For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

JOE T. FALLINI,
State Director.

[F.R. Doc. 66-10741; Filed, Oct. 3, 1966;
8:45 a.m.]

IDAHO

Notice of Filing of Protraction Diagrams

SEPTEMBER 26, 1966.

Notice is hereby given that effective at and after 10 a.m., on October 31, 1966, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho 83701. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the lands for all authorized uses. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS
Nos. 39, 40 AND 41

BOISE MERIDIAN

Approved August 18, 1966

No. 39

Ts. 23 and 24 N., Rs. 17 and 18 E.

No. 40

Ts. 23 and 24 N., Rs. 13, 14, 15, and 16 E.

No. 41

Ts. 23 and 24 N., Rs. 10, 11, and 12 E.

IDAHO PROTRACTION DIAGRAMS
Nos. 33, 34 AND 35

BOISE MERIDIAN

Approved August 24, 1966

No. 33

Ts. 25 and 26 N., Rs. 13 and 14 E.

No. 34

Ts. 25 and 26 N., Rs. 10, 11, and 12 E.

No. 35

Ts. 25 and 26 N., Rs. 7, 8, and 9 E.

Copies of these diagrams are for sale at one dollar (\$1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho 83701.

E. D. BARNES,
Acting Manager, Land Office,
Boise, Idaho.

[F.R. Doc. 66-10742; Filed, Oct. 3, 1966;
8:46 a.m.]

DISTRICT DIRECTORS, WYOMING

Redelegation of Authority by State Director

1. Pursuant to authority contained in section 1.1(a) of Bureau of Land Management Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526) as amended, I hereby redelegate to the District Managers authority to take action on the following specific matters coming under section 1.9(g) of said order:

(a) To make sales of material other than forest products not exceeding \$5,000 in value and issue free use permits for materials other than forest products not exceeding \$5,000 in value.

(b) District Manager may redelegate to any qualified employee on his immediate staff authority to make sales of materials other than forest products not exceeding \$100 in value and issue free use permits for materials other than forest products not exceeding \$100 in value.

2. The authority delegated to District Managers in paragraph 1(a) above may not be redelegated other than the redelegation authorized by paragraph 1(b).

This redelegation is effective upon publication in the FEDERAL REGISTER.

A. L. SIMPSON,
Acting State Director.

Approved: September 28, 1966.

JOHN O. CROW,
Associate Director.

[F.R. Doc. 66-10743; Filed, Oct. 3, 1966;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary MEAT Import Limitations

P.L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lambs (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following fourth quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1966 is 800 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1966 is 890.1 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, no limitations for the calendar year 1966 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (106.20), are authorized to be imposed pursuant to P.L. 88-482 at this time.

Done at Washington, D.C., this 29th day of September 1966.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 66-10758; Filed, Oct. 3, 1966; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-47]

U.S. ARMY MATERIALS RESEARCH AGENCY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-65. The license, as previously issued, authorizes the U.S. Army Materials Research Agency ("the licensee") to operate its pool-type nuclear reactor ("the reactor") located at Watertown Arsenal, Watertown, Mass. The amendment authorizes the licensee to temporarily store used fuel elements in the gamma ray facility in the basement of the reactor containment shell in accordance with the application for license amendment dated May 23, 1966, and the supplement thereto dated July 29, 1966.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of September 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. R-65; Amdt. 7]

The Atomic Energy Commission having found that:

a. The application for license amendment dated May 23, 1966, as supplemented on July 29, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(c) The licensee is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The licensee is a Federal Agency and is not required to furnish proof of financial protection as would otherwise be required by subsection 170a of the Atomic Energy Act of 1954, as amended; and

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Facility License No. R-65, as amended, which authorizes the U.S. Army Materials Research Agency to operate the pool-type nuclear reactor located at Watertown Arsenal, Watertown, Mass., is hereby further amended as follows:

"The licensee is authorized to temporarily store used fuel elements in the gamma ray facility in the basement of the reactor containment shell in accordance with the application for license amendment dated May 23, 1966, and the supplement thereto dated July 29, 1966."

This amendment applies only to the spent fuel presently employed in the operation of the reactor and which must be removed in order to install a stainless steel liner in the reactor tank, and shall expire 1 year after installation of the liner.

This license amendment is effective as of the date of issuance.

Date of issuance: September 26, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10731; Filed, Oct. 3, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17719]

UNION SPEDITIONS-GESELLSCHAFT m.b.H.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 18, 1966, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., September 28, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10750; Filed, Oct. 3, 1966; 8:46 a.m.]

FARM CREDIT ADMINISTRATION

[Order 710]

SHORT-TERM CREDIT SERVICE

Authority and Order of Precedence of Certain Officers To Act as Deputy Governor and Director

SEPTEMBER 28, 1966.

1. Paul Fankhauser, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director is unavailable to act by reason of absence or for any other cause.

2. Walter F. Patterson, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director and Deputy Director Fankhauser are unavailable to act by reason of absence or for any other cause.

3. Lester L. Arnold, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director, Deputy Director Fankhauser, and Deputy Director Pat-

ters are unavailable to act by reason of absence or for any other cause.

4. Julius H. Porter, Chief, Fiscal and Operations Division, Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director, Deputy Director Fankhauser, Deputy Director Patterson, and Deputy Director Arnold are unavailable to act by reason of absence or for any other cause.

5. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 703 (30 F.R. 11071).

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 66-10744; Filed, Oct. 3, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 29, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40725—*Superphosphate to Meredosia, Ill.* Filed by O. W. South, Jr., agent (No. A4947), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, subject to minimum shipment of 500,000 pounds, from Piney Point, Fla., to Meredosia, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southern Freight Association, agent, tariff ICC S-632.

FSA No. 40726—*Grain and grain products to Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8898), for interested rail carriers. Rates on grain, grain products and related articles, also seeds, in carloads, from points in Illinois, to Memphis, Tenn.

Grounds for relief—Market and cross-country competition.

Tariff—Supplement 90 to Southwestern Freight Bureau, agent, tariff ICC 4494.

FSA No. 40727—*Returned Shipments—Corn grits or corn meal.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2864), for interested rail carriers. Rates on corn grits or corn meal, in covered hopper cars, in carloads, from points in trunkline and New England territories returned to original points of shipment in central and Illinois Freight Association territories.

Grounds for relief—Carrier competition.

Tariff—Supplement 121 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-375.

FSA No. 40728—*Liquid caustic soda to Danville, Va.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2863), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from points in New York, also Reybold, Del., and Newark, N.J., to Danville, Va.

Grounds for relief—Market competition.

Tariff—Supplement 156 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-334.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10753; Filed, Oct. 3, 1966;
8:46 a.m.]

[Notice 262]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 29, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 665 (Sub-No. 66 TA), filed September 27, 1966. Applicant: RED ARROW TRANSPORTATION COMPANY, INC., 1700 North Jackson Street, Kansas City, Mo. 64120. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers (1 gallon or less in capacity), caps and covers and set-up cartons for said containers, from Okmulgee, Okla., to Fort Smith, Ark., for 180 days. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building,

911 Walnut Street, Kansas City, Mo. 64106.

No. MC 1756 (Sub-No. 6 TA), filed September 27, 1966. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum and Tin Cans, on Automated Trailers, from Danbury, Conn., to New York, N.Y., for 180 days. Supporting shipper: Aluminum Can Co., Inc., Great Pasture Road, Post Office Box 291, Danbury, Conn. 06810. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 83885 (Sub-No. 5 TA), filed September 27, 1966. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. 10007. Applicant's representative: Zelby and Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Silver Bars, from U.S. Bullion Depository, West Point, N.Y., to Engelhard Industries, Inc., Newark, N.J., for 150 days. Supporting shipper: General Services Administration, Transportation and Communications Service, Washington, D.C. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 100666 (Sub-No. 91 TA), filed September 27, 1966. Applicant: MELTON TRUCK LINES, INC., Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sideboard racks, from Lufkin, Tex., to Bradenton, Fla., for 150 days. Supporting shipper: George H. Henderson, Jr., Sales Manager, Angelina Hardwood Sales Co., Post Office Box 1028, Lufkin, Tex. 75902. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 120836 (Sub-No. 4 TA), filed September 27, 1966. Applicant: BARTON LYMAN, doing business as LYMAN TRUCK LINE, Post Office Box 377, Blanding, Utah 84511. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Irregular routes—(1) General commodities (except commodities requiring special equipment, petroleum products and ores and ore concentrates in bulk), between points in that area in San Juan County, Utah, located on and south of, U.S. Highway 160, between Monticello, Utah, and the Utah-Colorado State line, and located on the east of Utah Highway 47, said area being bounded on the

south by the Utah-Arizona State line, on the east by the Utah-Colorado State line, on the north by U.S. Highway 160, and on the west by Utah Highway 47, and (2) *general commodities* (except commodities in bulk and those requiring special equipment) between Blanding, Utah, on the one hand, and, on the other, those points in San Juan County, Utah, west of Utah Highway 47 (east of the Colorado River and south of a line running due west from Monticello, Utah), and over regular routes—*general commodities*, (a) between the Utah-Arizona State line and junction Arizona Highway 64 and U.S. Highway 89; from the Utah-Arizona State line over Arizona Highway 464 to junction Arizona Highway 64, thence over Arizona Highway 64 to junction U.S. Highway 89, and return over the same route, serving all intermediate and off-route points, (b) between Monticello, Utah, and the Utah-Arizona State line, over Utah Highway 47, serving all intermediate points and (c) between Blanding and Natural Bridge National Monument, Utah, over Utah Highway 95, with service to be an on-call service only, for 180 days. Supporting shippers: Parley Redd Mercantile, Post Office Box 125, Blanding, Utah 84511, Mesa Sanitary Supply Co., Post Office Box 1887, Grand Junction, Colo. 81502, Cow Springs Trading Post, Tonalea, Ariz., Tuba City Cafe, Tuba City, Ariz., Motor Parts Co. of Monticello, Monticello, Utah, Blue Mountain Meats & Superette, Monticello, Utah, Tsegi Trading Post, Tsegi, Ariz. (Post Office, Kayenta, Ariz.), Kayenta Motors, Kayenta, Ariz., Blanding Mercantile Co., Blanding, Utah 84511, The Biggs-Kurtz Co., Post Office Box 909, Grand Junction, Colo. 81502, E. D. Smith Co., Post Office Box 728, Grand Junction, Colo. 81501, City of Blanding, Post Office Box 68, Blanding, Utah 84511. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 127499 (Sub-No. 1 TA), filed September 27, 1966. Applicant: REPUBLIC VAN AND STORAGE COMPANY, 1340 Willow Road, Menlo Park, Calif. 94025. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between points in San Mateo, Santa Clara, Alameda, and San Francisco Counties, Calif., for 150 days. Supporting shipper: Sunpak Movers, Inc., 1621 Queen Anne North, Seattle, Wash. 98109. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127567 (Sub-No. 2 TA), filed September 27, 1966. Applicant: SMITH & WEEKS, INC., Main Street, Mars Hill, Maine 04758. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, Maine. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump type vehicles, from the international boundary between the United States and Canada at or near the port of entry of Bridgewater, Maine, to Crystal, Eagle Lake, Grand Isle, Houlton, Island Falls, St. Francis, Sherman, Caribou, Fort Fairfield, Fort Kent, Wallagrass, Ashland, and Mapleton, Maine, for 150 days. Supporting shipper: Morton Salt Co., 110 North Wacker Drive, Chicago, Ill. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 128413 (Sub-No. 1 TA), filed September 27, 1966. Applicant: SEASON-ALL TRANSPORTATION CO., Route 119, Indiana, Pa. 15701. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum products and commercial aluminum extrusions and shapes; fabricated metal products; materials, equipment and supplies, used or useful in the production, distribution and sale of aluminum products, commercial aluminum extrusions and shapes, and fabricated metal products*, between the plantsites or other facilities of Season-All Industries, Inc., at or near Indiana, Pa., on the one hand, and, on the other, points in the United States east of the Mississippi River, except the States of Georgia, Florida, and South Carolina. (2) *Aluminum products* from the plantsites or other facilities of Season-All Industries, Inc., at or near Inkster, Mich., to Forest Park, Ga., Mechanicsburg, Pa., and Memphis, Tenn., and (3) *Aluminum products and commercial aluminum extrusions and shapes; materials, equipment and supplies, used or useful in the production, distribution and sale of aluminum products and commercial aluminum extrusions and shapes*, between the plantsites or other facilities of Season-All Industries, Inc., at or near Marshall, Mich., on the one hand, and, on the other, points in Indiana and Michigan. NOTE: The proposed operations will be restricted to a service to be performed under a continuing contract or contracts with Season-All Industries, Inc. The transportation described in Paragraphs 1, 2, and 3 is restricted against the transportation of commodities in bulk, for 180 days. Supporting shipper: Season-All Industries, Inc., Route 119, Indiana, Pa. 15701. Send protests to: Mr. L. Calvary, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128558 (Sub-No. 1 TA), filed September 27, 1966. Applicant: HARLAN SAUG, R.F.D. No. 2, Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Data processing cards and statistical documents*, between Mason City, Iowa, and Fond du Lac,

Wis., back movement from Fond du Lac, Wis., to Mason City, Iowa, will be *return of cards and documents* which have been processed at Fond du Lac, for 180 days. Supporting shipper: A. C. Nielsen Co., 2101 Howard Street, Chicago, Ill. 60645. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 128564 (Sub-No. 1 TA), filed September 27, 1966. Applicant: KENNETH G. WOODARD, 420 Irving Street, Storm Lake, Iowa 50588. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Orchard, Nebr., to Richmond, Calif., Green Bay, Wis., and Carthage, Mo., for 150 days (ETA for 30 days granted September 9, 1966). Supporting shipper: Orchard Cheese Co., Orchard, Nebr. 68764. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10754; Filed, Oct. 3, 1966;
8:46 a.m.]

[Notice 1421]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 29, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69035. By order of September 28, 1966, the Transfer Board approved the transfer to Eric J. MacDonald, doing business as Tondo Trucking Co., Post Office Box 1307, Burlingame, Calif., of certificate of registration No. MC-120733 (Sub-No. 1), issued May 26, 1964, to Martin A. Rotondo and Eric MacDonald, a partnership, doing business as Tondo Trucking, San Mateo, Calif., which certificate of registration evidences a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of service authorized in certificate of public convenience and necessity in decision No. 60947, dated October 25,

1960, issued by the Public Utilities Commission of California.

No. MC-FC-69061. By order of September 28, 1966, the Transfer Board approved the transfer to Brennan Truck Lines Inc., 4115 East 10th Street, Des Moines, Iowa, of permits Nos. MC-123600 and MC-123600 (Sub-No. 1), issued August 18, 1961, and November 29, 1962, respectively, to Ray E. Brennan, Des Moines, Iowa, the former authorizing the transportation, over irregular routes, of packinghouse products and supplies, between Chicago, Ill., on the one hand, and, on the other, Des Moines and Muscatine, Iowa; between Des Moines, Iowa, on the one hand, and, on the other, East St. Louis, Ill., Sioux City, Iowa, and Omaha and South Omaha, Nebr.; from Des Moines, Iowa, to specified points in Illinois, and wall paper, from Chicago, Ill., to Des Moines, Iowa, and the latter authorizing the transportation of meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, from

the plantsite of Swift & Co., at Rochelle, Ill., to Des Moines, Iowa.

No. MC-FC-69065. By order of September 28, 1966, the Transfer Board approved the transfer to Mary Ann Satterwhite and Tatiana M. Walter, a partnership, doing business as Emery Travel Service, Bradford, Pa., of corrected license No. MC-12888 (Sub-No. 1), issued September 30, 1965, to Mary Ann Satterwhite, Charlotte Edwards Anderson, and Catherine Bromeley Daggett, a partnership, doing business as Emery Travel Service, Bradford, Pa., authorizing brokerage operations in the transportation of passengers and their baggage, in charter and special operations, in round-trip, all-expense, sightseeing, pleasure, or educational tours, beginning and ending at points in Elk, Cameron, Potter, and McKean Counties, Pa., and extending to points in the United States, including Alaska and Hawaii. John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222, attorney for applicants.

No. MC-FC-69072. By order of September 28, 1966, the Transfer Board approved the transfer to Smith Banana

Transport, Inc., Pueblo, Colo., of the operating rights in certificate No. MC-117990, issued June 8, 1966, to Stanley B. Ranch, doing business as Stanley Ranch Produce, Denver, Colo., authorizing the transportation of: Bananas, from New Orleans, La., to Denver, Colo. Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-69074. By order of September 28, 1966, the Transfer Board approved the transfer to Cayuga Bulk Service, Inc., Cayuga, N.Y., the operating rights in certificate No. MC-125701 issued August 18, 1964, to Ralph P. Williams, doing business as Cayuga Transport Co., Cayuga, N.Y., authorizing the transportation of: Animal and poultry feeds and ingredients, between specified points in New York and Pennsylvania. Murray J. S. Kirshtein, 118 Bleeker Street, Utica, N.Y. 13501, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10755; Filed, Oct. 3, 1966;
8:46 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page
EXECUTIVE ORDERS:	
11122 (superseded by EO 11307) ..	12917
11307 ..	12917
11308 ..	12919
5 CFR	
213 ..	12833
7 CFR	
319 ..	12834
729 ..	12921
905 (2 documents) ..	12835
908 ..	12836
910 ..	12837
1443 ..	12837
PROPOSED RULES:	
1005 ..	12845
12 CFR	
329 ..	12837
545 (2 documents) ..	12838, 12839
13 CFR	
121 ..	12840
PROPOSED RULES:	
121 ..	12849, 12924

14 CFR	Page
39 ..	12921
71 ..	12840, 12921
73 ..	12922
PROPOSED RULES:	
39 ..	12924
71 ..	12925
73 ..	12925
18 CFR	
204 ..	12840
21 CFR	
8 ..	12840
53 ..	12840
121 ..	12841
146 ..	12841
PROPOSED RULES:	
121 ..	12849
26 CFR	
PROPOSED RULES:	
1 (2 documents) ..	12843, 12845
32A CFR	
PROPOSED RULES:	
Ch. X ..	12924

37 CFR	Page
1 ..	12922
45 CFR	
6 ..	12842
7 ..	12842
8 ..	12842
46 CFR	
PROPOSED RULES:	
2 ..	12860
24 ..	12860
30 ..	12860
70 ..	12860
90 ..	12860
110 ..	12860
175 ..	12860
188 ..	12860
189 ..	12860
190 ..	12860
191 ..	12860
192 ..	12860
193 ..	12860
194 ..	12860
195 ..	12860
196 ..	12860
50 CFR	
32 ..	12923

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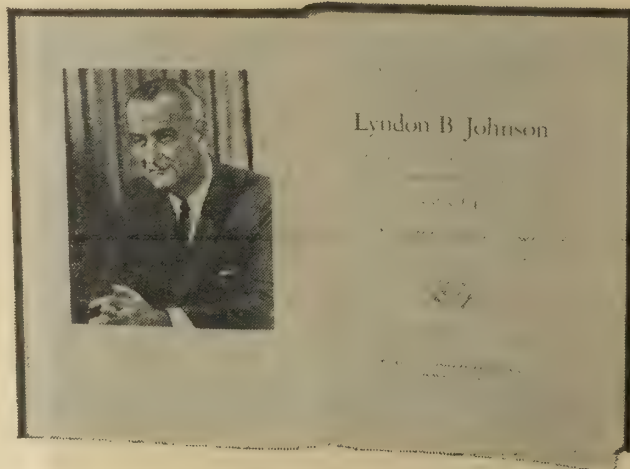
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FEDERAL REGISTER

VOLUME 31 • NUMBER 193

Wednesday, October 5, 1966 • Washington, D.C.

Pages 12931-12990

Agencies in this issue—

The President
Agency for International Development
Agricultural Stabilization and
Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
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General Services Administration
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Land Management Bureau
Public Health Service
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State Department
Wage and Hour Division

Detailed list of Contents appears inside.



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U.S. Government Printing Office,
Washington, D.C. 20402



Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

THE PRESIDENT

PROCLAMATION

White Cane Safety Day, 1966----- 12935

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Associate Assistant Administrator
for Private Enterprise; authority
delegation ----- 12967

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Peanuts, 1967; quota and allot-
ment ----- 12940

Sugarcane, Louisiana; fair and
reasonable prices for 1966 crop;
correction ----- 12940

Proposed Rule Making

Rice, 1967 crop; quotas, allot-
ments, yields, and referendum-- 12952

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and
Conservation Service; Con-
sumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

University of Wisconsin; issuance
of facility license amendment-- 12968

CIVIL AERONAUTICS BOARD

Rules and Regulations

Supplemental air carriers and
transportation; miscellaneous
amendments (3 documents)---- 12847,
12948

Notices

Hearings, etc.:
Air Express charge investiga-
tion ----- 12969
Aloha and Hawaiian show cause
order ----- 12969
Executive Jet Aviation, Inc.----- 12969
W.A.A.C. (Nigeria) Ltd.----- 12969

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service; District of
Columbia Redevelopment Land
Agency ----- 12937

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Onions grown in Idaho and Ore-
gon; expenses and rate of as-
sessment----- 12940

Proposed Rule Making

Cotton research and promotion;
recommended decision----- 12956
Filberts grown in Oregon and
Washington; free and restricted
percentages, 1966-67----- 12954
Milk in Rock River Valley mar-
keting area; decision----- 12954
Potatoes, Irish, grown in Colorado;
expenses and rate of assessment- 12953

CUSTOMS BUREAU

Rules and Regulations

Port of entry; Port Canaveral,
Fla ----- 12938

Proposed Rule Making

Coffee; quotas on imports from
nonmember countries of Inter-
national Coffee Agreement of
1962----- 12964

FEDERAL AVIATION AGENCY

Rules and Regulations

Control zones and transition area;
alteration ----- 12943

IFR altitudes; miscellaneous
amendments ----- 12944

Individual flotation devices;
standard technical order----- 12941

Restricted area; alteration----- 12944

Transition areas:
Alteration) ----- 12943
Designation ----- 12943

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Multiple ownership of television
broadcast stations; order ex-
tending time for comments---- 12965

Notices

Hearings, etc.:
Audubon Broadcasting Corp.
et al----- 12969
Chicagoland TV Co. et al----- 12969
Edgefield-Saluda Radio Co.
(WJES) and WQIZ, Inc.
(WQIZ) (2 documents) 12971, 12973
Hawaiian Paradise Park Corp.
and Friendly Broadcasting
Co----- 12973
Lamar Life Insurance Co----- 12974
Sawnee Broadcasting Co.
(WSNE) and Hall County
Broadcasting Co. (WLBA) --- 12974
Williams, Arthur Powell----- 12969

FEDERAL MARITIME COMMISSION

Notices

North Atlantic Mediterranean
Freight Conference; investiga-
tion on household goods----- 12974

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Cities Service Gas Co----- 12975
El Paso Natural Gas Co----- 12976
Humble Oil Transmission Co---- 12976
J. C. Barnes Oil Co. et al----- 12974
Natural Gas Pipeline Company
of America----- 12976
Texas Gas Transmission Corp.
(2 documents) ----- 12977
Texas Gas Utilities Co----- 12977
United Gas Distribution Co----- 12977

FEDERAL RESERVE SYSTEM

Proposed Rule Making

Bank holding companies; regis-
tration form----- 12965

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practice:
Findlay Fashions, Inc., et al--- 12937
Midwest Color Studios, Inc.,
et al----- 12938
Shinyei Co., Inc----- 12938

FISH AND WILDLIFE SERVICE

Rules and Regulations

Wildlife refuge areas:
Eastern Neck National Wildlife
Refuge, Md.; hunting----- 12939
Reelfoot National Wildlife Ref-
uge, Tenn.; sport fishing;
correction ----- 12939

Notices

Loan applications:
Curcuro, Salvatore and Provi-
denza ----- 12966
Wedel, Frederick N----- 12966

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Bread; optional ingredient----- 12949
Orange juice products; further
postponement of certain label-
ing requirements----- 12949
Peas, canned; optional ingre-
dients; correction----- 12950

Notices

Chevron Chemical Co.; petition
regarding pesticides----- 12967
Food additives; petitions:
Chas. Pfizer & Co., Inc----- 12967
General Aniline & Film Corp.
(3 documents)----- 12967, 12968
Norse Chemical Corp----- 12968
Syntex Laboratories, Inc----- 12968
Western Dairy Products, Inc--- 12968
Union Carbide Corp.; extension
of temporary tolerance----- 12967

(Continued on next page)

**FOREIGN ASSETS CONTROL
OFFICE****Notices**

Fish, dried; available certification,
Korea..... 12966

**GENERAL SERVICES
ADMINISTRATION****Notices**

Portion of Kingsbury Ordnance
Plant, La Porte, Ind.; transfer
of property..... 12978

**HEALTH, EDUCATION, AND
WELFARE DEPARTMENT**

See Food and Drug Administra-
tion; Public Health Service.

INTERIOR DEPARTMENT

See Fish and Wildlife Service;
Land Management Bureau.

**INTERSTATE COMMERCE
COMMISSION****Notices**

Motor carrier:
Alternate route deviation
notices..... 12986
Applications and certain other
proceedings (2 documents)..... 12982,
12986
Temporary authority applica-
tions..... 12987
Southern Industrial Railroad,
Inc.; rerouting and diversion of
traffic..... 12989

LABOR DEPARTMENT

See Wage and Hour Division.

LAND MANAGEMENT BUREAU**Rules and Regulations**

Public land orders:
Arizona:
Partial revocation of national
forest administrative site
withdrawals..... 12950
Partial revocation of national
forest roadside zone with-
drawals..... 12951
Arkansas; withdrawal for pro-
tection of national forest
scenic trail..... 12951
Louisiana; addition to Breton
National Wildlife Refuge; re-
vocation of Executive order..... 12950
New Mexico; partial revocation
of public water reserve..... 12950
Utah; withdrawal for national
forest recreation area..... 12951
Washington; withdrawal for
flood control..... 12951
Wyoming; partial revocation of
reclamation project with-
drawal..... 12950

Notices

Utah; termination of proposed
withdrawal and reservation of
lands..... 12966

PUBLIC HEALTH SERVICE**Rules and Regulations**

Personnel other than commis-
sioned officers; authority for
making appointments..... 12939

**SECURITIES AND EXCHANGE
COMMISSION****Notices**

Hearings, etc.:
Continental Vending Machine
Corp..... 12978
First Standard Corp..... 12978
Mississippi Power & Light Co..... 12978
National Aviation Corp..... 12979
New England Electric System,
et al..... 12979

STATE DEPARTMENT

See also Agency for International
Development.

Notices

Legal adviser and deputies; au-
thority delegation..... 12967

TREASURY DEPARTMENT

See Customs Bureau; Foreign As-
sets Control Office.

WAGE AND HOUR DIVISION**Notices**

Certificates authorizing employ-
ment of full-time students
working outside school hours in
retail or service establishments
at special minimum rates..... 12981
Certificates authorizing employ-
ment of learners at special mini-
mum rates..... 12980
Regional Directors et al.; delega-
tion of authority..... 12981

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

3 CFR

PROCLAMATION:
3749..... 12935
EXECUTIVE ORDERS:
Sept. 24, 1847 (revoked by PLO
4100)..... 12950
April 17, 1926 (revoked in part by
PLO 4098)..... 12950

5 CFR

213..... 12937

7 CFR

729..... 12940
874..... 12940
958..... 12940

PROPOSED RULES:

730..... 12952
948..... 12953
982..... 12954
1038..... 12954
Ch. XI..... 12956

12 CFR

PROPOSED RULES:
222..... 12965

14 CFR

37..... 12941
71 (3 documents)..... 12943
73..... 12944
95..... 12944
208..... 12947
295..... 12948
378..... 12948

16 CFR

13 (3 documents)..... 12937, 12938

19 CFR

1..... 12938

PROPOSED RULES:

12..... 12964

21 CFR

17..... 12949
27..... 12949
51..... 12950

42 CFR

22..... 12939

43 CFR**PUBLIC LAND ORDERS:**

1195 (revoked in part by PLO
4099)..... 12950
3152 (revoked in part by PLO
4104)..... 12951
3584 (revoked in part by PLO
4104)..... 12951
4097..... 12950
4098..... 12950
4099..... 12950
4100..... 12950
4101..... 12951
4102..... 12951
4103..... 12951
4104..... 12951

47 CFR**PROPOSED RULES:**

73..... 12965

50 CFR

32..... 12939
33..... 12939

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3749

WHITE CANE SAFETY DAY, 1966

By the President of the United States of America

A Proclamation

In our Nation, the white cane is the symbol of the independent blind person, able to come and go on his own. For motorists in our streets and highways, the white cane also represents a caution sign—a reminder that it is upon their courtesy and consideration that the safety of blind persons depends.

To make our people more fully aware of the significance of the white cane, and to encourage motorists to exercise caution and courtesy when approaching persons carrying a white cane, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003), has authorized the President to issue annually a proclamation designating October 15 as White Cane Safety Day.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim October 15, 1966, as White Cane Safety Day.

I urge civic and service organizations, schools, public bodies, and the media of public information in every community to join in observing White Cane Safety Day with activities which will promote greater awareness of the significance of the white cane and thereby contribute to the safety and welfare of our blind persons.

I call upon all our citizens to join individually in this observance, that blind persons in our society may continue to enjoy the greatest possible measure of personal independence.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of September in the year of our Lord nineteen hundred and sixty-six, and
[SEAL] of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-10869; Filed, Oct. 3, 1966; 2:25 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE District of Columbia Redevelopment Land Agency

Section 213.3187 is added to show that Neighborhood Aide (Urban Renewal) positions are excepted under Schedule A when filled for 2 years or less by residents of the urban renewal project area in which the Aides will work. Effective on publication in the FEDERAL REGISTER, § 213.3187 is added as set out below.

§ 213.3187 District of Columbia Redevelopment Land Agency.

(a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

Executive Assistant to
the Commissioners.

[F.R. Doc. 66-10826; Filed, Oct. 4, 1966;
8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1109]

PART 13—PROHIBITED TRADE PRACTICES

Findlay Fashions, Inc., et al.

Subpart—Invoicing products falsely:
§ 13.1108 *Invoicing products falsely*:
13.1108-45 Fur Products Labeling Act.
Subpart—Misbranding or mislabeling:
§ 13.1185 *Composition*: 13.1185-30 Fur
Products Labeling Act; 13.1185-90 Wool
Products Labeling Act; § 13.1212 *Formal
regulatory and statutory requirements*:
13.1212-30 Fur Products Labeling Act;
13.1212-90 Wool Products Labeling Act.
Subpart—Neglecting, unfairly or deceptively,
to make material disclosure:
§ 13.1845 *Composition*: 13.1845-30 Fur
Products Labeling Act; 13.1845-80 Wool
Products Labeling Act; § 13.1852 *Formal
regulatory and statutory requirements*:
13.1852-35 Fur Products Labeling Act;
13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 69f, 68) [Cease and desist order, Findlay Fashions, Inc., et al., New York, N.Y., Docket C-1109, Sept. 13, 1966]

In the Matter of Findlay Fashions, Inc., a Corporation, and Abraham Schnapper and Abraham Greenbaum, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer to cease misbranding its fur and wool products and falsely invoicing its furs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Findlay Fashions, Inc., a corporation, and its officers, and Abraham Schnapper and Abraham Greenbaum, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation and distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb."

4. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

7. Failing to affix labels to sample fur products used to promote or effect sales of fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act and of the rules and regulations promulgated thereunder.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

3. Failing to set forth on invoices the item number or mark assigned to each such product.

It is further ordered, That respondents Findlay Fashions, Inc., a corporation, and its officers, and Abraham Schnapper and Abraham Greenbaum, individually and as officers of the said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to affix labels to samples, swatches or specimens of wool products used to promote or effect sales of wool products, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 13, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10777; Filed, Oct. 4, 1966;
8:46 a.m.]

[Docket No. C-1107]

PART 13—PROHIBITED TRADE PRACTICES

Midwest Color Studios, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1555 *Size, extent or equipment*; Misrepresenting oneself and goods—Goods: § 13.1715 *Quality*; Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order. Midwest Color Studios, Inc., et al., Chicago, Ill., Docket C-1107, Sept. 12, 1966]

In the Matter of Midwest Color Studios, Inc., a Corporation, and Frank J. Blum and Morris Projansky, Individually and as Officers of the Said Corporation

Consent order requiring a Chicago firm selling color photographs through door-to-door coupon salesmen to cease using false quality claims and other misrepresentations to sell its pictures.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Midwest Color Studios, Inc., a corporation, and its officers, and Frank J. Blum and Morris Projansky, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographs, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondents' photographs are natural color portraits or photographs.

2. That the purchaser of the photograph incurs no obligations or charges other than the purchase price specified on the certificate or otherwise represented by the respondents during the sale of said photographs: *Provided, however, It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the specified purchase price included all payment obligations incurred by the purchaser.*

3. That respondents operate studios or branch offices throughout the United States, or otherwise misrepresenting in any manner the size of respondents' business.

4. That respondents' finished portraits or photographs will be equal in quality and workmanship to sample photographs or proof slides which have been exhibited to purchasers and prospective purchasers: *Provided, however, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the photographs furnished by them to purchasers are in every instance of the represented quality and workmanship.*

5. That proofs will be shown to the customers or that photographs ordered by customers will be delivered within a specified period of time or upon a particular date: *Provided, however, That it shall be a defense in any enforcement proceeding hereunder for respondents to establish that said proofs were shown and that said photographs were delivered within such time or upon such date; or misrepresenting, in any manner, the period of time within which the proofs will be exhibited or the photographs will be delivered.*

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 12, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10778; Filed, Oct. 4, 1966;
8:46 a.m.]

[Docket No. C-1108]

PART 13—PROHIBITED TRADE PRACTICES

Shinyei Co., Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Shinyei Co., Inc., New York, N.Y., Docket C-1108, Sept. 12, 1966]

Consent order requiring a New York City importer and distributor of fabrics to cease importing and selling fabrics which are so highly flammable as to be dangerous when worn by individuals, in violation of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Shinyei Co., Inc., a corporation, and respondent's officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported,

in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce, any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 12, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10779; Filed, Oct. 4, 1966;
8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-212]

PART 1—GENERAL PROVISIONS

Ports of Entry

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of entry of Port Canaveral, Fla., in the Tampa, Fla., district (Region IV), comprising the territory described in Treasury Decision 55666, are extended to include:

All those ports of Township 24 South, Range 36 East and Townships 24, 25, and 26 South, Range 37 East, described as follows:

Beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 24 South, Range 36 East; thence westerly along the North line of the South $\frac{1}{4}$ of Sections 1, 2, and 3 and the westerly extension of said North line of the South $\frac{1}{4}$ of Section 3, to the center line of the intra-coastal waterway; thence southeasterly along said center line to an intersection with the westerly extension of the South line of the North $\frac{1}{4}$ of Section 15, Township 24 South; Range 36 East; thence East along said westerly extension of the South line of the North $\frac{1}{4}$ of Section 15, and the South line of the North $\frac{1}{4}$ of Sections 15, 14, and 13, said Township 24 South, Range 36 East; thence continue East along the South line of the North $\frac{1}{4}$ of Sections 18 and 17, Township 24 South, Range 37 East to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Township 24 South, Range 37 East; thence South along the West line of Sections 16, 21, 28, and 33, said Township 24 South, Range 37 East; thence continue South along the West line of Sections 4, 9, 16, 21, 28, and 33, Township 25 South, Range 37 East

to the Southwest corner of said Section 33, Township 25 South, Range 37 East; thence East along the South line of said Section 33, Township 25 South, Range 37 East to the Southeast corner thereof; thence South along the West line of Sections 3, 10, 15, and 22, Township 26 South, Range 37 East to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 22, Township 26 South, Range 37 East; thence East along the South line of the North $\frac{1}{4}$ of Sections 22 and 23, Township 26 South, Range 37 East to the shoreline of the Atlantic Ocean; thence northerly along said shoreline of the Atlantic Ocean to an intersection with the North line of the South $\frac{1}{4}$ of Section 1, Township 24 South, Range 37 East; thence westerly along said North line of the South $\frac{1}{4}$ of Sections 1 and 2 and the westerly extension thereof and the North line of the South $\frac{1}{4}$ of Section 6, Township 24 South, Range 37 East, to the point of beginning.

Section 1.2(c) of the Customs Regulations is amended by deleting "(including territory described in T.D. 55666)" after "Port Canaveral, Fla." in the column headed "Ports of entry" in the Tampa, Fla., district (Reg. IV) and by substituting therefor "(including territory described in T.D. 66-212)".

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-10804; Filed, Oct. 4, 1966; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

Appointment of Special Consultants

The following amendments revise Public Health Service Regulations, Part 22, § 22.3 to reflect current requirements. Since these amendments relate solely to the appointment of special consultants under section 207(f), PHS Act, as amended (42 U.S.C. 209(f)), notice of proposed rule making, public rule making procedures and delay in effective date have been omitted.

Section 22.3(b) is amended and (d) is revoked, as follows:

§ 22.3 Appointment of special consultants.

* * * * *

(b) Appointments, pursuant to the provisions of this section, may be made by those officials of the Service to whom authority has been delegated by the Secretary or his designee.

* * * * *

(d) [Revoked]

This amendment shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 207(f), 58 Stat. 686 as amended by 62 Stat. 40; 42 USC 209(f))

Approved: September 14, 1966.

[SEAL] LEO J. GEHRIG,
Acting Surgeon General.

Approved: September 28, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10815; Filed, Oct. 4, 1966; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Eastern Neck National Wildlife Refuge, Md.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,000 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Bow and arrow hunt only: October 17 through October 22, 1966;

Shotgun hunt only: October 23 through October 29, 1966.

(2) Bag limits: One deer per day, either sex.

(3) Participants in the shotgun hunt must report in at the designated check station before entering the refuge. Participants in both the shotgun and the bow and arrow hunts are required to check out at the check station before leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge before 5:00 a.m., e.s.t. and must check out no later than 6:30 e.s.t.

(5) Possession of loaded firearms before or after legal hunting hours is prohibited.

(6) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(7) Dogs are prohibited.

(8) There shall be no hunting within 200 yards of any residence or within any area designated as closed. No buildings and structures are to be entered.

(9) During the shotgun hunt, October 24 through 29, hunters must not hunt or possess loaded guns on or within 20 feet of the county roads or the designated parking areas.

(10) Vehicles must be parked only in designated parking areas.

(11) During the shotgun hunt, October 24 through 29, all hunters must furnish and wear red, yellow, or orange caps, hats, vests, shirts, or coats while on the hunting area.

(12) Hunters under 18 years of age must be accompanied by an adult.

(13) Hunters shall not disturb, damage, or destroy any unharvested crops.

(14) Camping and fires are prohibited.

(15) A Federal permit will be required during the shotgun hunt. Permits will be limited to 100 per day and will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received no later than October 3, 1966, at the Eastern Neck Island National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661. Permits not issued as result of the drawing will be issued on first-come, first-served basis at the check station each hunt day.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 29, 1966.

WALTER A. GRESH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

OCTOBER 4, 1966.

[F.R. Doc. 66-10854; Filed, Oct. 4, 1966; 8:52 a.m.]

PART 33—SPORT FISHING

Reelfoot National Wildlife Refuge, Tennessee; Correction

In F.R. Doc. 66-1970, appearing at page 3118 of the issue for February 24, 1966, subparagraph (1), should read as follows:

(1) The sport fishing season on the refuge extends from February 16, 1966, through October 23, 1966, except the lower refuge located south of Upper Blue Basin remains open through November 17, 1966.

WALTER A. GRESH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 66-10788; Filed, Oct. 4, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1967 National Marketing Quota, National Acreage Allotment, and Apportionment of National Acreage Allotment to States

Sec.

729.1801 Basis and purpose.

729.1802 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1967.

729.1803 Apportionment of the national acreage allotment, less new farm reserve, to States.

AUTHORITY: The provisions of this subpart issued under secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375.

§ 729.1801 Basis and purpose.

(a) Section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), hereinafter referred to as the Act, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. Section 358(a) further provides that the national marketing quota may not be less than a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) Except for the 1,610,000-acre minimum, the national marketing quota for the 1967 crop would be 890,000 tons and the national acreage allotment, computed by dividing the national quota by the normal yield per acre, then adjusting for underharvesting, would be 1,262,817 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 1,428,875 tons. Section 358(a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

(c) Section 358(c) of the Act provides that the national acreage allotment less the acreage to be allotted to new farms under Section 358(f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

(d) Section 729.1802 of this proclamation establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1967 crop of peanuts. Section 729.1803 apportions the 1967 national acreage allotment among the several peanut-producing States. The determinations contained herein are based on the latest available statistics of the Federal Government.

(e) Public notice of the proposed determination of the 1967 national marketing quota, the national acreage allotment and the apportionment of such allotment, less reserve for new farms, among the States was given (31 F.R. 10471) in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No recommendations or views were received in response to such notice. In order that State allotments may be made available for the orderly determination of farm allotments for 1967, it is essential that the provisions of this document be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

§ 729.1802 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1967.

(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop to be produced in the calendar year 1967 is 1,428,875 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 1,775 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop to be produced in the calendar year 1967 is 1,610,000 acres.

§ 729.1803 Apportionment of the national acreage allotment, less new farm reserve, to States.

The national peanut acreage allotment proclaimed in § 729.1802 is hereby apportioned as follows:

State	1967 State acreage allotment
Alabama -----	217,502
Arizona -----	714
Arkansas -----	4,198
California -----	934
Florida -----	55,293
Georgia -----	528,028
Louisiana -----	1,953
Mississippi -----	7,520
Missouri -----	247
New Mexico -----	5,566
North Carolina -----	168,421
Oklahoma -----	138,429
South Carolina -----	13,869
Tennessee -----	3,602
Texas -----	356,915
Virginia -----	105,199

Total apportioned to States -----	1,608,390
Reserve for new farms -----	1,610

Total, United States ----- 1,610,000

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 30, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-10848; Filed, Oct. 4, 1966; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.19]

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices for 1966 Crop

Correction

In F.R. Doc. 66-10212 appearing on page 12395 in the issue of Saturday, September 17, 1966, the following corrections are made in § 874.19:

(a) In the table on page 12396, the ninth entry in the second column from the right which now reads ".930" should read ".920".

(b) In the nineteenth line in the center column on page 12397, the word "hunderweight" should read "hundred-weight".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER August 31, 1966 (31 F.R. 11465). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1966, and ending June 30, 1967, by the Idaho-Eastern Oregon Union Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to \$8,905.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-tenths of one cent (\$0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1967, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 901-674)

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-10843; Filed, Oct. 4, 1966;
8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7101; Amdt. 37-8]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Individual Flotation Devices— TSO-C72a

The purpose of this amendment is to revise the Technical Standard Order (TSO-C72) for individual flotation devices contained in § 37.178 of the Federal Aviation Regulations. This action was published as a notice of proposed rule making (31 F.R. 296, Jan. 11, 1966) and circulated as Notice No. 66-1 dated January 5, 1966.

Notice 66-1 proposed an amendment to clarify the buoyancy testing requirements that were stated in TSO-C72 in

broad objective terms. The proposal incorporated and described two alternative test procedures applicable to inflatable and noninflatable devices—a survivor (human) test and a machine test. In addition, the notice proposed to amend the buoyancy test requirements to make it clear that the tests may be conducted under other than standard water conditions provided the results can be converted to standard conditions.

In response to the notice of proposed rule making a number of comments pointed out that although the TSO requires allowance for the effects of extended service use, the proposed buoyancy test procedures are not realistic in several respects and do not account for loss of buoyancy caused by aging of materials or by permanent compression from in-service (cabin) usage. The Agency considers that these comments have merit and paragraph 7.0.1 is revised to include objective test procedures to account for aging through either preconditioning the test specimens or demonstrating excess buoyancy to offset the aging loss.

Recommending clarification or change to those portions of the TSO not covered by the proposal and which state that dress covers enveloping flotation devices are not considered to be part of the device, one commentator advised that actual practice is to the contrary inasmuch as dress covers are a part of seat cushions. The provision excluding covers was incorporated into the original TSO because it was considered conservative to exclude the effects of incidentally entrapped air in the covers, particularly during simple short-period static immersion tests. While it would be unrealistic to rely on covers generally to provide a dependable increment of total buoyancy, nevertheless it appears possible to develop dress coverings that have adequate air retention characteristics. Furthermore, the dynamic test conditions being introduced by this amendment will prove the effectiveness and durability of covers in augmenting buoyancy. Therefore, since the reasons for excluding covers no longer appear valid, the Agency considers it appropriate to further amend the TSO by deleting those sentences that exclude dress covers as parts of flotation devices, and at the same time, to require that buoyancy tests be conducted on complete devices configured as they would normally be for emergency use.

Most of the comments took issue with one or more features of the proposed machine test and two commentators objected to that test in its entirety. The essential thrust of the objections was that the test does not duplicate the actual conditions of use and would be unreasonably difficult and costly to perform. It was pointed out that the 10-foot depth would never be reached by a person holding on to the device and, in any event, hydrostatic pressure at that depth, rather than simulating the effect of squeezing, would tend to seal the device and stop leaks. The comments significantly emphasized that static immersion tests for a predetermined time at a nominal depth of 2 feet are adequate to determine buoy-

ancy for closed cell materials, whereas, for open cell material, immersion at or just below the water surface coupled with the cyclic squeezing action characteristic of a human would be required.

The Agency appreciates the distinction between open cell and closed cell materials and the importance of tests that are representative of the conditions under which such devices will be used. Accordingly, the proposed paragraph 7.0.1 has been recast to require tests appropriate to the material involved and to permit the use of a mechanical apparatus in the tests provided it simulates the squeezing motions characteristic of humans.

One suggestion would have required buoyancy measurements to be made in accordance with U.S. Coast Guard Specification Subpart No. 16.049, Second Amendment. However, that specification does not require preconditioning to simulate the effects of aging nor does it require squeezing to account for repetitive cycling during emergency use. For these reasons, the TSO has not been changed as suggested.

A recommendation that testing be conducted in a swimming pool or similar test area has been adopted and further expanded to make it clear that testing may be conducted in either open or restricted water areas.

A number of comments were directed to the proposed duration of the tests. Two commentators expressed agreement with 8 hours insofar as static immersion tests for closed cell materials are concerned or where a dummy or equivalent is used in place of a human subject. To the contrary, one commentator stated that the proposed 8-hour demonstration in 2-foot waves is unwarranted in view of the Agency's previously established position that individual flotation devices are not intended to be the equivalent of life preservers but only to provide the minimum of buoyancy when rescue is close at hand. Another commentator alleged that the proposed test duration of 8 hours was unrealistic for domestic routes and recommended 4 hours since that would be the maximum time before rescue would take place.

Of the comments opposing the proposed 8-hour test, the most analytical pointed out that testing in 2-foot waves for 8 hours was unnecessarily severe and presented a hardship in proving compliance. This commentator cited industry tests tending to prove that when devices lose buoyancy they do so rapidly, usually in the first 30 minutes, and if buoyancy stabilizes to a constant value for a period of 2 hours, the buoyancy at the end of 8 hours can be predicted. The commentator therefore recommended TSO buoyancy testing durations and conditions in keeping with its findings. The Agency agrees in principle with the analysis and recommendations expressed by this commentator and has revised the proposal to allow the tests to be stopped when buoyancy has stabilized over 4 successive 30-minute measurement intervals.

One commentator contended that present cushion material (polyurethane foam) will not meet the proposed buoyancy testing requirements, and, if other

materials are used to attain the necessary buoyancy, the cushions will be more flammable. However, the commentator makes no claim that, nor is the Agency aware of any reason why, polyurethane foam cushions may not be designed to meet the buoyancy test. In fact, tests conducted by the Agency have indicated that polyurethane foam cushions encased in a waterproof covering do meet the buoyancy test.

Noting that the flame-resistance test procedure of TSO-C72 is applicable only to fabric-type materials, one comment recommended that such procedures should be extended to cover foam. While this comment may have merit, it goes beyond the scope of Notice 66-1. However, the Agency has published Notice No. 66-26 (31 F.R. 10275, July 29, 1966) concerning Crashworthiness and Passenger Evacuation, in which changes to the flame-resistant requirements of TSO-C72 have been proposed. Recommendations relating to flame-resistance testing of individual flotation devices would properly be responsive to Notice 62-26.

In response to comments, the TSO has been further amended to make it clear that flotation device models approved prior to the effective date of this amendment may continue to be manufactured under the provisions of their original approval.

The phrase "for use on civil aircraft of the United States" has been deleted from the applicability provision of the revised TSO. As indicated in the preambles to TSO-C50b (31 F.R. 9977, July 22, 1966) and TSO-C87 (30 F.R. 15547, Dec. 17, 1965), such phrases have created some confusion and serve no useful purpose insofar as the TSO is concerned. A TSO contains those standards that a manufacturer must meet in order to identify his equipment with the applicable TSO marking. A manufacturer desiring to use the applicable TSO marking must meet the prescribed standard regardless of the type of operation or the type of aircraft in which the equipment might be used.

In view of the fact that clarifying amendments are being made to the requirements of § 37.178 in addition to the substantive changes to the Federal Aviation Agency Standard as proposed, the Agency considers it appropriate in the interest of clarity to set forth the TSO in its entirety. In this connection, minor changes of an editorial nature have been made in the text of the standard.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

(Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 37.178 of Part 37 of the Federal Aviation Regulations is amended as herein-after set forth below, effective November 4, 1966.

Issued in Washington, D.C., on September 28, 1966.

C. W. WALKER,
Director, Flight Standards Service.

§ 37.178 Individual flotation devices—TSO-C72a.

(a) *Applicability.* This Technical Standard Order (TSO) prescribes the minimum performance standards that individual flotation devices must meet in order to be identified with the applicable TSO marking. New models of the equipment that are to be so identified, and that are manufactured on or after November 4, 1966, must meet the requirements of the "Federal Aviation Agency Standard, Individual Flotation Devices" set forth at the end of this section.

(b) *Marking.* The marking specified in § 37.178(d) must be shown except that the weight need not be included.

(c) *Data requirements.* In addition to the data specified in § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the descriptive information on the device.

(2) Six copies of the manufacturers' equipment operating instructions and limitations.

(3) Six copies of the applicable installation instructions indicating any restrictions or other conditions pertinent to installation.

(4) One copy of the manufacturers' test report.

(5) One copy of the manufacturers' special cleaning and maintenance instructions.

(d) *Previously approved equipment.* Flotation device models approved prior to November 4, 1966, may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION AGENCY STANDARD INDIVIDUAL FLOTATION DEVICES

1.0 *Purpose.* To specify minimum performance standards for individual flotation devices other than life preservers defined in the TSO-C13 Series.

2.0 *Types and description of devices.* This standard provides for the following two categories of individual flotation devices:

a. Inflatable types (compressed gas inflation).

b. Noninflatable types.

2.0.1 *Description of inflatable types.* Inflation must be accomplished by release of a compressed gas contained in a cartridge into the inflation chamber. The cartridge must be activated by a means readily accessible and clearly marked for its intended purpose. The flotation chamber must also be capable of oral inflation in the event of failure of the gas cartridge.

2.0.2 *Description of noninflatable types.* Seat cushions, head rests, arm rests, pillows or similar aircraft equipment are eligible as flotation devices under this standard provided they fulfill minimum requirements for safety and performance. Compression through extended service use, perspiration and periodic cleaning must not reduce the buoyancy characteristics of these devices below the minimum level prescribed in this standard.

2.1 *Instructions for use.* Where the design features of the device relative to its purpose and proper use are not obvious to the user, clearly worded instructions must be provided. These instructions must be visible under conditions of emergency lighting.

3.0 *Definitions.* The following are definitions of terms used throughout the standard:

a. *Buoyancy.* The amount of weight a device can support in fresh water at 85° F.

b. *Flame resistant.* Not susceptible to combustion to the point of propagating a flame beyond safe limits after the ignition source is removed.

c. *Corrosion resistant.* Not subject to deterioration or loss of strength as a result of prolonged exposure to a humid atmosphere.

4.0 *General requirements—4.0.1 Materials and processes.* Materials used in the finished product must be of the quality which experience and tests have demonstrated to be suitable for the use intended throughout the service life of the device. The materials and processes must conform to specifications selected or prepared by the manufacturer which will insure that the performance, strength and durability incorporated in the prototype are continued or exceeded in subsequently produced articles.

4.0.2 *Fungus protection.* Materials used in the finished product must contain no nutrient which will support fungus growth unless such materials are suitably treated to prevent such growth.

4.0.3 *Corrosion protection.* Metallic parts exposed to the atmosphere must be corrosion resistant or protected against corrosion.

4.0.4 *Flame resistance.* All materials used in the device, including any covering, must be flame resistant.

4.0.5 *Temperature range.* Materials used in the construction of the device must be suitable for the intended purpose following extended exposures through a range of operating temperatures from -40° F. to +140° F.

4.1 *Design and construction—4.1.1 General.* The design of the device, the inflation means if provided, and straps or other accessories provided for the purpose of donning by the user must be simple and obvious thereby making its purpose and actual use immediately evident to the user.

4.1.2 *Miscellaneous design features.* The devices must be adaptable for children as well as adults. They must have features which enable the users to retain them when jumping into the water from a height of at least 5 feet. Attachment straps must not pass between the user's legs for retention or restrict breathing or blood circulation.

5.0 *Performance characteristics—5.0.1 Buoyancy standard.* The device must be shown by the tests specified in paragraph 7.0.1 to be capable of providing not less than 14 pounds of buoyancy in fresh water at 85° F. for a period of 8 hours.

5.0.2 *Utilization.* The devices must be capable of being utilized by the intended user with ease.

5.0.3 *Function under temperature limits.* The device must be functional within the temperature limitations of -40° F. to +140° F.

6.0 *Standard test procedures—6.0.1 Salt spray test solution.* The salt used must be sodium chloride or equivalent containing on the dry basis not more than 0.1 percent of sodium iodide and not more than 0.2 percent of impurities. The solution must be prepared by dissolving 20±2 parts by weight of salt in 80 parts by weight of distilled or other water containing not more than 200 parts per million of total solids. The solution must be kept free from solids by filtration, decantation, or any other suitable means. The solution must be adjusted to be maintained at a specific gravity of from 1.126 to 1.157 and a

PH of between 6.5 and 7.2 when measured at a temperature in the exposure zone maintained at 95° F.

6.0.2 Flame resistance. Three specimens approximately 4 inches wide and 14 inches long must be tested. Each specimen must be clamped in a metal frame so that the two long edges and one end are held securely. The frame must be such that the exposed area of the specimen is at least 2 inches wide and 13 inches long with the free end at least one-half inch from the end of the frame for ignition purposes. In the case of fabrics, the direction of the weave corresponding to the most critical burn rate must be parallel to the 14-inch dimension. A minimum of 10 inches of the specimen must be used for timing purposes, and approximately 1½ inches must burn before the burning front reaches the timing zone. The specimen must be long enough so that the timing is stopped at least 1 inch before the burning front reaches the end of the exposed area.

The specimens must be supported horizontally and tested in draft free conditions. The surface that will be exposed when installed in the aircraft must face down for the test. The specimens must be ignited by a Bunsen or Tirrell burner. To be acceptable, the average burn rate of the three specimens must not exceed 4 inches per minute. Alternatively, if the specimens must not support combustion after the ignition flame is applied for 15 seconds or if the flame extinguishes itself and subsequent burning without a flame does not extend into the undamaged areas, the material is also acceptable.

7.0 Test requirements—7.0.1 Buoyancy testing. The flotation device, including all dress covers, and straps that would normally be used by a survivor in an emergency, must be tested in accordance with either subparagraph (a) or (b) of this paragraph, as applicable, or an equivalent test procedure. The test may be conducted using non-fresh water, or at a temperature other than 85° F., or both, provided the result can be converted to the standard water condition specified in paragraph 5.0.1. The test may be conducted in open (ocean or lake) or restricted (swimming pool) water. The test specimen of non-inflatable devices, such as pillows or seat cushions, must either be preconditioned to simulate any detrimental effects on buoyancy resulting from extended service use or an increment must be added to the buoyancy standard in paragraph 5.0.1 sufficient to offset any reduction in buoyancy which would result from extended service use.

a. Test procedures applicable to inflatable devices and to noninflatable devices made from closed cell material. The device must be tested by submerging it in water so that no part of it is less than 24 inches below the surface. It must be shown that the buoyancy of the device is at least equal to the value specified in paragraph 5.0.1 after submersion for at least 8 hours, except that the test may be discontinued in less than 8 hours if buoyancy measurements taken at 4 successive 30-minute intervals show that the buoyancy of the device has stabilized at a value at least equal to the value specified in paragraph 5.0.1.

b. Test procedures applicable to noninflatable devices made from open cell material. The device must be completely submerged and either supporting a human subject or attached to a mechanical apparatus that simulates the movements characteristic of a nonswimmer. During the test, the device must be subjected to a squeezing action comparable to that caused by the movements characteristic of a nonswimmer. It must be shown that the buoyancy of the device is at least equal to the value specified in paragraph 5.0.1 after testing for at least 8 hours, except that the test may be discontinued in less than

8 hours if the buoyancy measurements taken at 4 successive 30-minute intervals show that the buoyancy of the device has stabilized at a value at least equal to the value specified in paragraph 5.0.1.

7.0.2 Salt spray testing. All metallic operating parts must be placed in an enclosed chamber and sprayed with an atomized salt solution for a period of 24 hours. The solution must be atomized in the chamber at a rate of three quarts per 10 cubic feet of chamber volume per 24-hour period. At the end of the test period, it must be demonstrated that the parts operate properly.

7.0.3 Flame resistance testing. Tests must be performed on nonmetallic materials in accordance with section 6.0.2 to substantiate adequate flame resistant properties.

7.0.4 Extreme temperature testing. Tests must be performed to demonstrate that the device is operable throughout the temperature range specified in paragraph 5.0.3. In performing these tests, preconditioning of test specimens must be accomplished to simulate conditions of immediate use of the device following an aircraft takeoff.

NOTE: An acceptable procedure for preconditioning may involve storage of the device for 8 hours at the extreme temperatures specified, followed by exposure to room temperature conditions for a period of time not to exceed 10 minutes.

[F.R. Doc. 66-10760; Filed, Oct. 4, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-EA-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Pages 8596 and 8597 of the FEDERAL REGISTER for June 21, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Lawrenceville Municipal Airport, Lawrenceville, Va.

Interested persons were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., December 8, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 15, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Lawrenceville, Va., transition area described as follows:

LAWRENCEVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 36°46'20" N., 77°47'45" W., of Lawrenceville Municipal Airport, Lawrenceville, Va.; and within 2 miles each side of the Lawrenceville, Va., VOR 118° radial extending from the 4-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset daily.

[F.R. Doc. 66-10761; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 10885 of the FEDERAL REGISTER for August 16, 1966, the Federal Aviation Agency amended § 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Dayton, Ohio (Montgomery County), transition area.

Since then the Montgomery County Airport VOR instrument approach procedure final approach course was altered to the 146° magnetic radial, 145° true, an amendment is required to reflect the change in radials.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and it may be made effective as of the date of the final rule.

In view of the foregoing, the proposed amendment is hereby adopted effective 0001 e.s.t., October 13, 1966, as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Dayton, Ohio (Montgomery County), transition area the numbers, "135°" and insert in lieu thereof the numbers, "145°".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 19, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-10762; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Eastover, S.C., control zone and the Sumter, S.C., control zone and transition area.

The Eastover control zone is described in § 71.171 (31 F.R. 2065). An extension to the control zone is described in part as " * * * and within 2 miles each side of the McEntire VOR 139° radial * * * ."

Because of the redefining of the final approach radial, it is necessary to redesignate this extension on the McEntire VOR 138° radial.

The Sumter control zone is described in § 71.171 (31 F.R. 2065). An extension to the control zone is described as " * * * within 2 miles each side of the Shaw VOR 010° and 235° radials extending from the 5-mile radius zone to 12 miles N and 10.5 miles SW of the VOR * * * ."

Because of the decommissioning of the Shaw VOR, it is necessary to alter the Sumter control zone by revoking this extension.

The Sumter transition area is described in § 71.181 (31 F.R. 2149, 5120). Extensions to the transition area are de-

scribed as " * * * within 5 miles SE and 8 miles NW of the Shaw VOR 234° radial extending from the Shaw 7-mile radius area to 12 miles SW of the VOR * * * " and " * * * within 5 miles NE and 8 miles SW of the McEntire VOR 139° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR * * * "

Because of the decommissioning of the Shaw VOR, it is necessary to alter the Sumter transition area by revoking the extension predicated on the Shaw VOR 243° radial. Because of the redefining of the final approach radial, it is necessary to redesignate the extension predicated on the McEntire VOR 139° radial to the McEntire 138° radial.

Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the following control zones are amended to read:

EASTOVER, S.C.

Within a 5-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.) and within 2 miles each side of the McEntire VOR 138° radial extending from the 5-mile radius zone to 10.5 miles SE of the VOR.

SUMTER, S.C.

Within a 5-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.) and within 2 miles each side of the Shaw TACAN 033° and 213° radials extending from the 5-mile radius zone to 8 miles NE and 13 miles SW of the TACAN.

In § 71.181 (31 F.R. 2149) the Sumter, S.C., transition area (31 F.R. 5120) is amended to read:

SUMTER, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.); within 2 miles each side of the Shaw ILS localizer SW course extending from the Shaw 7-mile radius area to 12 miles SW of the Shaw OM; within an 8-mile radius of McEntire ANGB (latitude 32°55'26" N., longitude 80°48'14" W.); within 5 miles NE and 8 miles SW of the McEntire VOR 138° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR; and within a 5-mile radius of Sumter Airport (latitude 33°59'39" N., longitude 80°21'45" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 28, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-10763; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-45]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regula-

tions is to lower the designated ceiling of the Desert Mountains, Nev., Restricted Area R-4810 from flight level 300 to flight level 240.

Utilization records for the past year indicate that R-4810 is not being utilized to the maximum designated ceiling and the Department of the Navy concurs in lowering the ceiling to flight level 240.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary and for this reason the amendment may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.48 (31 F.R. 2321), R-4810 Desert Mountains, Nev., "Designated altitudes: Surface to flight level 300." is deleted and "Designated altitudes: Surface to flight level 240." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 28, 1966.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 66-10764; Filed, Oct. 4, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 7646; Amdt. 95-146]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective November 10, 1966, as follows:

1. By amending Subpart C as follows:

Section 95.115 *Amber Federal airway 15* is amended to read in part:

From, to, and MEA

Haines, Alaska, LF/RBN; Burwash Landing, Y.T.LFR; #11,000. #For that airspace over U.S. territory.

Section 95.627 *Blue Federal airway 27* is amended to read in part:

*Nome, Alaska, LFR; Kotzebue, Alaska, LF/RBN; 6,000. *3,000—MCA Nome LFR, northeastbound.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Gadsden, Ala., VOR; Geraldine INT, Ala.; *3,000. *2,400—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Charles INT, S.C.; Johnsonville INT, S.C.; *5,000. *1,400—MOCA.
Johnsonville INT, S.C.; Myrtle Beach, S.C., VOR; 1,600.

Grand Rapids, Mich., VOR; Otsego INT, Mich.; 2,900.

Grand Rapids, Mich., VOR; Bellevue INT, Mich.; *2,600. *2,300—MOCA.

Lansing, Mich., VOR; Bellevue INT, Mich.; *2,500. *2,300—MOCA.

Ogden, Utah, VORTAC, COP 70 OGD; Jackson, Wyo., VOR; #22,000. MAA—30,000. #MEA is established with a gap in navigation signal coverage.

Ontario, Calif., VORTAC; Peach Springs, Ariz., VORTAC; *#23,000. *12,900—MOCA. MAA—45,000. #MEA is established with a gap in navigation signal coverage.

Peach Springs, Ariz., VORTAC, COP 115 PGS; Cortez, Colo., VOR; #18,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.

Cortez, Colo., VOR, COP 80 CEZ; Pueblo, Colo., VORTAC; #22,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.

Pueblo, Colo., VORTAC; Hill City, Kans., VORTAC; 18,000. MAA—45,000.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

*Davis INT, S.C.; **Planter INT, S.C.; ***3,000. *3,000—MRA. **2,500—MRA. ***1,300—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Spokane, Wash., VOR; Rockford DME Fix, Wash.; 6,500.

*Black Diamond INT, Wash., via S alter.; Humphrey INT, Wash., via S alter.; south-eastbound 10,000; northwestbound 6,000. *7,500—MCA Black Diamond INT, east-bound.

Section 95.6003 *VOR Federal airway 3* is amended to delete:

Jacksonville, Fla., VOR, via W alter.; *O'Neil INT, Fla., via W alter.; **1,500. *2,000—MRA. **1,100—MOCA.

O'Neil INT, Fla., via W alter.; Brunswick, Ga. VOR; via W alter.; *1,500. *1,300—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

*Starfish INT, Ga., via E alter.; **Catherine INT, Ga., via E alter.; ***3,000. *3,000—MRA. **5,000—MRA. ***1,100—MOCA.

Catherine INT, Ga., via E alter.; *Keller INT, Ga., via E alter.; **1,600. *5,500—MRA. **1,500—MOCA.

Section 95.6004 *VOR Federal Airway 4* is amended to read in part:

From, to, and MEA

*Black Diamond INT, Wash.; Humphrey INT, Wash.; southeastbound 10,000; northwestbound 6,000. *7,500—MCA Black Diamond INT, eastbound.

Section 95.6005 *VOR Federal Airway 5* is amended to read in part:

Elijay INT, Ga.; Chatsworth INT, Ga.; 4,700.

Section 95.6006 *VOR Federal Airway 6* is amended to read in part:

Hazen, Nev., VOR, via S alter.; Lovelock, Nev., VOR, via S alter.; *8,000. *7,600—MOCA. Bay Point INT, Calif.; *Rio INT, Calif.; southbound 5,000; northbound 4,000. *4,000—MCA Rio INT, southbound. Roseville INT, Calif., via N alter.; *Newcastle INT, Calif., via N alter.; 4,000. *7,500—MCA Newcastle INT, northbound. Newcastle INT, Calif., via N alter.; Blue Canyon INT, Calif., via N alter.; southbound 7,000; northbound 11,000.

Section 95.6009 *VOR Federal Airway 9* is amended to read in part:

Eden INT, Wis.; Oshkosh, Wis., VOR; *2,600. *2,200—MOCA.

Section 95.6010 *VOR Federal Airway 10* is amended to read in part:

Litchfield, Mich., VOR; Milan INT, Mich.; *3,000. *2,400—MOCA. Milan INT, Mich.; Carleton, Mich., VOR; *2,300. *2,000—MOCA.

Section 95.6012 *VOR Federal Airway 12* is amended to read in part:

*Plain City INT, Ohio; Appleton, Ohio, VOR; 3,000. *4,000—MRA.

Section 95.6018 *VOR Federal Airway 18* is amended to read in part:

*Cotton INT, La., via N alter.; Homer INT, La., via N alter.; **2,000. *3,000—MRA. *1,600—MOCA.

Section 95.6020 *VOR Federal Airway 20* is amended to read in part:

Sabine Pass, Tex., VOR, via S alter.; Marsh INT, Tex., via S alter.; *1,500. *1,200—MOCA.

Section 95.6022 *VOR Federal Airway 22* is amended to read in part:

Sabine Pass, Tex., VOR; Holly Beach INT, La.; *2,000. *1,200—MOCA. Holly Beach INT, La.; White Lake, La., VOR; *2,000. *1,300—MOCA.

Section 95.6023 *VOR Federal Airway 23* is amended to read in part:

Medford, Oreg., VOR; Milo INT, Oreg.; *7,000. *6,900—MOCA.

Section 95.6025 *VOR Federal Airway 25* is amended to read in part:

San Luis Obispo, Calif., VOR, via W alter.; Paso Robles, Calif., VOR, via W alter.; *5,000. *4,800—MOCA.

Section 95.6028 *VOR Federal Airway 28* is amended to read in part:

Altamont INT, Calif.; Holt INT, Calif.; *4,500. *4,000—MOCA. Holt INT, Calif.; Linden, Calif., VOR; *3,000. *2,000—MOCA.

Section 95.6035 *VOR Federal Airway 35* is amended to read in part:

Cobb INT, Ga.; Fort Valley INT, Ga.; *2,200. *1,500—MOCA.

From, to, and MEA

Fort Valley INT, Ga.; Myrtle INT, Ga.; *2,000. *1,700—MOCA. Clinton INT, Ga.; Athens, Ga., VOR; *2,500. *2,300—MOCA. Linville INT, N.C., via E alter.; Holston Mountain, Tenn., VOR, via E alter.; 7,200. Albany, Ga., VOR, via W alter.; Montezuma INT, Ga., via W alter.; *2,200. *1,800—MOCA.

Section 95.6051 *VOR Federal Airway 51* is amended to read in part:

Elijay INT, Ga., via W alter.; Chatsworth INT, Ga., via W alter.; 4,700.

Section 95.6053 *VOR Federal Airway 53* is amended to read in part:

Monticello INT, S.C.; Spartanburg, S.C., VOR; *2,500. *2,300—MOCA.

Section 95.6054 *VOR Federal Airway 54* is amended to read in part:

Sunset INT, S.C.; Cleveland INT, S.C.; *5,300. *5,100—MOCA. Slayden INT, Miss.; Muscle Shoals, Ala., VOR; *3,000. *2,100—MOCA.

Section 95.6056 *VOR Federal Airway 56* is amended to read in part:

Gordon INT, Ga.; *Anna INT, Ga.; **2,100. *2,600—MRA. **1,800—MOCA. Anna INT, Ga.; Mitchell INT, Ga.; *2,100. *1,800—MOCA. Mitchell INT, Ga.; Augusta, Ga., VOR; *2,000. *1,800—MOCA. Geneva INT, Ga.; *Junction City INT, Ga.; **2,400. *3,000—MRA. **1,900—MOCA. Junction City INT, Ga.; Roberta INT, Ga.; *2,400. *1,900—MOCA.

Section 95.6069 *VOR Federal Airway 69* is amended to read in part:

*Cotton INT, La.; Homer INT, La.; **2,000. *3,000—MRA. **1,600—MOCA.

Section 95.6070 *VOR Federal Airway 70* is amended to read in part:

Eufaula, Ala., VOR; Americus INT, Ga.; *2,100. *1,900—MOCA. Sabine Pass, Tex., VOR; Marsh INT, Tex.; *1,500. *1,200—MOCA.

Section 95.6097 *VOR Federal Airway 97* is amended to read in part:

Albany, Ga., VOR, via E alter.; Montezuma INT, Ga., via E alter.; *2,200. *1,800—MOCA. College INT, Ga., via E alter.; Harris, Ga., VOR, via E alter.; 6,200. London, Ky., VOR, via E alter.; Loglick, Ky., VOR, via E alter.; *3,500. *2,700—MOCA.

Section 95.6100 *VOR Federal Airway 100* is amended to delete:

Keeler, Mich., VOR; Jackson, Mich., VOR; *3,000. *2,300—MOCA. Jackson, Mich., VOR; Salem, Mich., VOR; *3,000. *2,400—MOCA.

Section 95.6100 *VOR Federal Airway 100* is amended by adding:

Keeler, Mich., VOR; Litchfield, Mich., VOR; *2,800. *2,100—MOCA. Litchfield, Mich., VOR; Milan INT, Mich.; *3,000. *2,400—MOCA. Milan INT, Mich.; Carleton, Mich., VOR; *2,300. *2,000—MOCA.

Section 95.6102 *VOR Federal Airway 102* is amended to read in part:

*Santa Rosa INT, Tex.; **Electra INT, Tex.; 2,700. *4,000—MRA. **3,500—MRA.

From, to, and MEA

Electra INT, Tex.; Wichita Falls, Tex., VOR; 2,700.

Section 95.6103 *VOR Federal Airway 103* is amended to read in part:

Akron, Ohio, VOR; Crib INT, Ohio; 3,000.

Section 95.6107 *VOR Federal Airway 107* is amended to read in part:

*Los Angeles, Calif., VOR, via W alter.; Topanga INT, Calif., via W alter.; westbound 5,000; eastbound 4,000. *2,400—MCA Los Angeles VOR, westbound. Topanga INT, Calif., via W alter.; Ventura, Calif., VOR, via W alter.; 5,000.

Section 95.6112 *VOR Federal Airway 112* is amended to read in part:

*Portland, Oreg., VOR; Groves INT, Wash.; eastbound **7,000; westbound **6,500. *4,700—MCA Portland VOR, eastbound. **6,400—MOCA.

Section 95.6114 *VOR Federal Airway 114* is amended to read in part:

*Santa Rosa INT, Tex., via S alter.; **Electra INT, Tex., via S alter.; 2,700. *4,000—MRA. **3,500—MRA. Electra INT, Tex., via S alter.; *Wichita Falls, Tex., VOR, via S alter.; 2,700. *3,000—MCA Wichita Falls VOR, southeastbound.

Section 95.6115 *VOR Federal Airway 115* is amended to read in part:

Knoxville, Tenn., VOR; *Blaine INT, Tenn.; 4,000. *5,000—MRA. Blaine INT, Tenn.; Rutledge INT, Tenn.; 4,000.

Section 95.6120 *VOR Federal Airway 120* is amended to read in part:

Bigelow INT, Iowa; *Gruver INT, Iowa; **6,000. *5,000—MRA. **2,700—MOCA. Gruver INT, Iowa; Mason City, Iowa, VOR; *5,000. *2,600—MOCA.

Section 95.6138 *VOR Federal Airway 138* is amended to read in part:

Washington INT, Nebr.; Neola, Iowa, VOR; 3,500.

Section 95.6145 *VOR Federal Airway 145* is amended to read in part:

Florence INT, N.Y.; Watertown, N.Y., VOR; *3,000. *2,400—MOCA.

Section 95.6154 *VOR Federal Airway 154* is amended to read in part:

Geneva INT, Ga.; *Junction City INT, Ga.; **2,400. *3,000—MRA. **1,900—MOCA. Junction City INT, Ga.; Roberta INT, Ga.; *2,400. *1,900—MOCA.

Section 95.6155 *VOR Federal Airway 155* is amended to read in part:

Lawrenceville, Va., VOR; Flat Rock, Va., VOR; 2,000.

Section 95.6170 *VOR Federal Airway 170* is amended to read in part:

Worthington, Minn., VOR; Fairmont, Minn., VOR; *3,300. *2,800—MOCA. Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,500—MOCA.

Section 95.6172 *VOR Federal Airway 172* is amended to read in part:

Wolbach, Nebr., VOR; Bellwood INT, Nebr.; *4,000. *3,100—MOCA.

Section 95.6174 *VOR Federal airway 174* is amended to read in part:

From, to, and MEA

Henderson, W. Va., VOR; Clara INT, W. Va.; 4,000.

Section 95.6181 *VOR Federal airway 181* is amended to read in part:

Omaha, Nebr., VOR; Kennard INT, Nebr.; 3,500.

Section 95.6182 *VOR Federal airway 182* is amended to read in part:

*Portland, Oreg., VOR; Groves INT, Wash.; eastbound **7,000; westbound **6,500. *4,700—MCA Portland VOR, eastbound. **6,400—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Eden INT, Wis.; Oshkosh, Wis., VOR; *2,600. *2,200—MOCA.

Section 95.6192 *VOR Federal airway 192* is deleted.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Omaha, Nebr., VOR, via W alter.; Blair INT, Nebr., via W alter.; 2,900.

Section 95.6219 *VOR Federal airway 219* is amended to read in part:

Sioux City, Iowa, VOR; *Gruver INT, Iowa; **5,000. *5,000—MRA. **2,900—MOCA. Gruver INT, Iowa; Fairmont, Minn., VOR; *3,100. *2,700—MOCA. Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,500—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Alma, Ga., VOR, via E alter.; Vienna, Ga., VOR, via E alter.; *2,100. *1,700—MOCA.

Section 95.6264 *VOR Federal airway 264* is amended by adding:

Socorro, N. Mex., VOR; Corona, N. Mex., VOR; 9,500. Corona, N. Mex., VOR; Tucumcari, N. Mex., VOR; *11,000. *9,000—MOCA.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

Windsor INT, Va.; Norfolk, Va., VOR; 2,200.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

College INT, Ga.; Harris, Ga., VOR; 6,200.

Section 95.6272 *VOR Federal airway 272* is amended to read in part:

Bessie INT, Okla.; Union INT, Okla.; *3,500. *3,100—MOCA.

Section 95.6279 *VOR Federal airway 279* is amended to read in part:

Columbus, Ohio, LF/RBN; Findlay, Ohio, VOR; *3,000. *2,500—MOCA.

Section 95.6299 *VOR Federal airway 299* is amended to read in part:

*Los Angeles, Calif., VOR; Topanga INT, Calif., westbound 5,000; eastbound 4,000. *2,400—MCA Los Angeles VOR, westbound. Topanga INT, Calif.; Virginia INT, Calif.; 5,000.

Section 95.6307 *VOR Federal airway 307* is amended to read in part:

Sandspit, British Columbia, VOR; Annette Island, Alaska, VOR; *#5,000. *4,600—MOCA. #For that airspace over U.S. territory.

Section 95.6317 *VOR Federal airway 317* is amended by adding:

From, to, and MEA

Harbor Point INT, Alaska; Yakutat, Alaska, VOR; *9,000. *5,300—MOCA. Yakutat, Alaska, VOR; Malaspina DME Fix, Alaska; *3,000. *2,000—MOCA. Malaspina DME Fix, Alaska; Katalla INT, Alaska; *#12,000. *5,400—MOCA. #MEA is established with a gap in navigation signal coverage.

Katalla INT, Alaska; Castle INT, Alaska; *5,000. *4,000—MOCA.

Castle INT, Alaska; Eyak INT, Alaska; *3,000. *2,000—MOCA.

Eyak INT, Alaska; Hinchinbrook, Alaska, VOR; 5,000.

Hinchinbrook, Alaska, VOR; Storey INT, Alaska; *5,000. *4,000—MOCA.

Storey INT, Alaska; Whittier, Alaska, LF/RBN; eastbound *6,000; westbound *10,000. *5,000—MOCA.

Whittier, Alaska, LF/RBN; Anchorage, Alaska, VOR; *10,000. *8,000—MOCA.

Hinchinbrook, Alaska, VOR, via S alter.; Knight INT, Alaska, via S alter.; *5,000. *2,000—MOCA.

Knight INT, Alaska, via S alter.; Anchorage, Alaska, VOR, via S alter.; *9,000. *8,500—MOCA.

Section 95.6405 *Hawaii VOR Federal airway 5* is amended to read:

Kona, Hawaii, VOR; *Mynah INT, Hawaii; 5,000. *3,500—MCA Mynah INT, southeastbound.

Mynah INT, Hawaii; Alii INT, Hawaii; 2,000. Alii INT, Hawaii; Makena INT, Hawaii; northwestbound *8,000; southeastbound *7,000. *6,100—MOCA.

Kona, Hawaii, VOR, via W alter.; *Reef INT, Hawaii, via W alter.; 5,000. *3,600—MCA Reef INT, southeastbound.

Reef INT, Hawaii, via W alter.; *Surf INT, Hawaii, via W alter.; 2,000. *5,500—MCA Surf INT, northwestbound.

Surf INT, Hawaii, via W alter.; Makena INT, Hawaii, via W alter.; *7,000. *6,100—MOCA.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended to delete:

Int, 138° M rad, Lanai VOR and 200° M rad, Upolu Point, VOR; *Seahorse INT, Hawaii; **2,300. *4,500—MCA Seahorse INT, northbound. **1,200—MOCA.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended by adding:

Reef INT, Hawaii; *Seahorse INT, Hawaii; 2,000. *4,500—MCA Seahorse INT, northbound.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

*Starfish INT, Ga.; *Catherine INT, Ga.; ***3,000. *3,000—MRA. **5,000—MRA. **1,100—MOCA.

Catherine INT, Ga.; *Keller INT, Ga.; **1,600. *5,500—MRA. **1,500—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to delete:

Shuyak, Alaska, LF/RBN; Homer, Alaska, VOR; 6,000.

Section 95.6438 *VOR Federal airway 438* is amended by adding:

Kodiak, Alaska, VOR; Shuyak INT, Alaska; 4,000.

Shuyak INT, Alaska; Homer, Alaska, VOR; 6,000.

Kodiak, Alaska, VOR, via W alter.; Shuyak, Alaska, LF/RBN, via W alter.; 4,000.

Shuyak, Alaska, LF/RBN, via W alter.; Homer, Alaska, VOR, via W alter.; 6,000.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

From, to, and MEA

United States-Canadian border; Muzon INT, Alaska; *12,000. *4,600—MOCA. Muzon INT, Alaska; Biorka Island, Alaska, VOR; *15,000. *4,000—MOCA.

Middleton Island, Alaska, VOR; Int. 248° M rad, Hinchinbrook VOR and 288° M rad, Middleton Island, VOR 8,500.

Int. 248° M rad, Hinchinbrook, VOR, and 288° M rad, Middleton Island, VOR; *Anchorage, Alaska, VOR; **9,000. *5,400—MCA Anchorage VOR, southeastbound. **8,500—MOCA.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Greenwood, S.C., VOR; Fort Mills, S.C., VOR; *2,400. *2,000—MOCA.

Section 95.6494 *VOR Federal airway 494* is amended to read in part:

Roseville INT, Calif.; *Newcastle INT, Calif.; 4,000. *7,500—MCA Newcastle INT, northbound.

Newcastle INT, Calif.; *Auburn INT, Calif.; southbound 7,000; northbound 11,000. *9,000—MCA Auburn INT, northeastbound. Auburn INT, Calif.; Lake Tahoe, Calif., VOR; 11,000.

Section 95.6506 *VOR Federal airway 506* is amended by adding:

*Kodiak, Alaska, VOR; Black Cape INT, Alaska, northwestbound 10,000; southeastbound 4,500. *4,000—MCA Kodiak VOR, northwestbound.

Black Cape INT, Alaska; Bay INT, Alaska; *10,000. *9,600—MOCA.

Bay INT, Alaska; King Salmon, Alaska, VOR; 5,000.

Section 95.7005 *Jet Route No. 5* is amended to read in part:

From, to, MEA, and MAA

Lakeview, Oreg., VORTAC; Seattle, Wash., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7501 *Jet Route No. 501* is amended by adding:

Yakutat, Alaska, VOR; Hinchinbrook, Alaska, VOR; 18,000; 45,000.

Hinchinbrook, Alaska, VOR; Anchorage, Alaska, VOR; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points*:

Airway segment: From; to—Changeover point: distance; from

V-25 is amended by adding:

San Luis Obispo, Calif., VOR, via W alter.; Paso Robles, Calif., VOR, via W alter.; 7; San Luis Obispo.

V-107 is amended by adding:

Los Angeles, Calif., VOR, via W alter.; Ventura, Calif., VOR, via W alter.; 23; Los Angeles.

V-210 is amended to read in part:

Peach Springs, Ariz., VOR; Grand Canyon, Utah, VOR; 57; Peach Springs.

V-317 is amended by adding:

Yakutat, Alaska, VOR; Hinchinbrook, Alaska, VOR; 119; Yakutat.

V-438 is amended by adding:

Kodiak, Alaska, VOR; Homer, Alaska, VOR; 66; Kodiak.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on September 26, 1966.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-10739; Filed, Oct. 4, 1966;
8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-474]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Expansion of Coverage to Overseas and Foreign Certificated Supplemental Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

Part 208 of the Board's Economic Regulations (14 CFR Part 208), which contains, inter alia, certain terms, conditions and limitations of interim certificates issued pursuant to section 7 of Public Law 87-528 and of certificates issued pursuant to section 401(d)(3) of the Act, was revised and reissued¹ in conjunction with the Board's decision in the domestic phase of the Supplemental Air Service Proceeding, Docket 13795 et al.² In order to correspond with the scope of authority granted to supplemental air carriers in that decision, the regulation as then adopted pertains only to authorizations to perform interstate air transportation.³

To correspond with authorizations being awarded as a result of the Board's final decision in the foreign and overseas phase of the Supplemental case,⁴ which is being issued concurrently herewith, we are amending Part 208 to expand its coverage to certificated supplemental overseas and foreign air transportation. In view of the fact that the regulatory problems with respect to such authority were dealt with by the Board in the above-mentioned proceeding, further notice and public procedure on the amendments involved herein are unnecessary and not in the public interest. Accordingly, the Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208), effective November 26, 1966, as follows:

1. Amend the table of contents by adding § 208.32a and by revising § 208.33 to read as follows:

Sec.
208.32a Flight delays and substitute air transportation (foreign).
208.33 Flight delays and substitute air transportation (interstate and overseas).

¹ Regulation ER-454, adopted on Mar. 11, 1966, and published in 31 F.R. 4771.

² Order E-23350.

³ Between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia.

⁴ Order E-24237.

2. Amend § 208.3 by revising paragraphs (c) and (t) thereof to read as follows:

§ 208.3 Definitions.

(c) "Supplemental air transportation" (other than operations subject to Part 295 of this subchapter) means charter flights in air transportation performed pursuant to (1) an interim certificate or authorization issued under section 7 of Public Law 87-528, or (2) a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia (exclusive of air transportation within the State of Alaska) or in foreign or overseas supplemental air transportation.

(t) "Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for the Department of Defense and when the performance of such air transportation is not to take place during a period longer than 3 weeks.

3. Amend § 208.32(d) to read as follows:

§ 208.32 Tariffs and terms of service.

(d) Each and every contract for a charter to be operated hereunder shall incorporate the provisions of §§ 208.10 through 208.15, inclusive, and 208.32a, 208.33, and 208.33a, where applicable, concerning insurance and substitute transportation.

4. Add a new § 208.32a entitled "Flight delays and substitute air transportation (foreign)" to read as follows:

§ 208.32a Flight delays and substitute air transportation (foreign).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in foreign air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) *Substitute air transportation.* (1) On all charter flights, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 48th hour following the time scheduled for the departure of such flight, it shall provide substitute trans-

portation in accordance with the provisions of this paragraph.

(2) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than 48 hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other carrier or foreign air carrier.

(3) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of 48 hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(4) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this paragraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(b) *Incidental expenses.* (1) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 6th hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this paragraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(2) Such payments shall be made at the rate of \$16 for each full 24-hour period of delay following the scheduled departure time. However, the sum of \$8 shall be paid for each passenger delayed 6 hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of \$8 shall be paid for each passenger delayed in installments of \$4 for the first and second succeeding 6-hour period of delay, or any fractional part thereof. If the delay continues beyond

⁵ Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of \$4 for each further 6-hour period of delay, or any fractional part thereof: *Provided, however, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of paragraph (a) of this section.*

5. Amend the title of § 208.33 to read as follows:

§ 208.33 Flight delays and substitute air transportation (interstate and overseas).

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 401(d)(3), 401(n), 407, 417, Federal Aviation Act, 76 Stat. 143, 49 U.S.C. 1371; 76 Stat. 144, 49 U.S.C. 1371; 72 Stat. 766, 49 U.S.C. 1377; 76 Stat. 145, 49 U.S.C. 1387; and sec. 7, Public Law 87-528, 76 Stat. 146)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-10805; Filed, Oct. 4, 1966;
8:48 a.m.]

[Reg. ER-475]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Redefinition of "Charter Flight" To Include Inclusive Tour Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

The Board has determined in the Reopened Transatlantic Charter Investigation (All-expense Tour Phase), Docket 11908, et al., to grant inclusive tour charter authority to Capitol Airways, Inc., Saturn Airways, Inc., and any supplemental air carrier subsequently certificated in the transatlantic market in that proceeding.¹ Such authority involves the charter of supplemental carrier aircraft to tour operators who in turn sell the inclusive tours to individual members of the general public.² It therefore becomes necessary to contemporaneously expand the definition of "charter flight," as contained in Part 295 of the Economic Regulations, to include inclusive tour charters.³ Inasmuch as the question of whether such charters should be authorized in the transatlantic market has been fully litigated in Docket 11908, et al., we believe

that further notice and public procedure on this amendment are unnecessary and not in the public interest.

Accordingly, the Board hereby amends Part 295 of its Economic Regulations effective November 26, 1966, as follows:

1. By amending § 295.2(b) to read as follows:

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

(b) "Charter flight" means air transportation performed by a direct air carrier on a time, mileage, or trip basis where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage—

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency);

(ii) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services); or

(iii) By a tour operator as defined by Part 378 of this chapter;

or (2) one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services).

With the consent of the charterer, the direct air carrier may utilize any unused space for the transportation of the carrier's own personnel and property.

2. By revising § 295.5(a) to read as follows:

§ 295.5 Records and record retention.

(a) Prior to performing any supplemental air transportation pursuant to this part, the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information" attached hereto and made a part hereof: *Provided, That this requirement shall not apply to inclusive tour charters.*

(Sec. 204(a), Federal Aviation Act of 1958; 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(d)(3), 401(n); 76 Stat. 143, 144; 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-10806; Filed, Oct. 4, 1966;
8:48 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-16]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

Expansion of Coverage to Overseas and Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

Part 378 of the Board's Special Regulations (14 CFR Part 378), which contains the regulatory provisions governing the operation of inclusive tour charters, was originally issued¹ in conjunction with the Board's decision in the domestic phase of the Supplemental Air Service Proceeding, Docket 13795, et al.² In order to correspond with the scope of authority granted to supplemental air carriers in that decision, the regulation as then adopted pertains only to inclusive tours in interstate air transportation.

To correspond with authorizations being awarded as a result of the Board's final decisions in the foreign and overseas phase of the Supplemental case³ and in the Reopened Transatlantic Charter Investigation (All-Expense Tour Phase), Docket 11908, et al.,⁴ which are being issued concurrently herewith, we are amending Part 378 to expand its coverage to inclusive tours in overseas and foreign air transportation. In view of the fact that the regulatory problems with respect to such authority were dealt with by the Board in the above-mentioned proceedings, and because parties to the rule making were heretofore given the opportunity to comment on this matter,⁵ further notice and public procedure on the amendments involved herein are unnecessary and not in the public interest.

Accordingly, the Board hereby amends Part 378 of its Special Regulations effective November 26, 1966, as follows:

1. By revising § 378.1 to read as follows:

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers and tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general

¹ Regulation No. SPR-14, adopted Mar. 11, 1966, and published in 31 F.R. 4779.

² Order E-23350.

³ Order E-24237.

⁴ Order E-24240.

⁵ Part 378 as originally proposed pertained to interstate and overseas air transportation (Notice of Proposed Rule Making SPDR-6, Jan. 5, 1965, 30 F.R. 281). Moreover, the proposed regulation was amended to cover foreign air transportation (Supplemental Notice of Proposed Rule Making, SPDR-6B, Oct. 11, 1965, 30 F.R. 13077). Comments concerning both of these notices were received, as set forth in SPR-14, supra, and have been considered by the Board.

public utilizing aircraft chartered from supplemental air carriers. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provision of any of the Board's regulations, unless the context so requires.

2. By revising § 378.2(a) to read as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Inclusive tour charter" means the charter of an entire aircraft by a tour operator for the carriage by a supplemental air carrier of persons traveling in air transportation on inclusive tours.

(Secs. 101(3), 204(a), 401, 409, 414, Federal Aviation Act of 1958, as amended (72 Stat. 737; 49 U.S.C. 1301; 72 Stat. 743; 49 U.S.C. 1324; 72 Stat. 754 as amended by 76 Stat. 143; 49 U.S.C. 1371; 72 Stat. 768; 49 U.S.C. 1379; 72 Stat. 770; 49 U.S.C. 1384) and sec. 7, Public Law 87-528 (76 Stat. 146; 49 U.S.C. 1371))

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-10807; Filed, Oct. 4, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Propylene Glycol Mono- and Diesters of Fats and Fatty Acids as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing propylene glycol mono- and diesters of fats and fatty acids as an optional ingredient for use in or in conjunction with shortening in bread:

No comments were received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of June 17, 1966 (31 F.R. 8497), and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner

of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 17.1 (a) (1) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(1) Shortening, in which or in conjunction with which may be used one or any combination of two or more of the following:

(i) Lecithin, hydroxylated lecithin complying with the provisions of § 121.1027 of this chapter (either of which may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained).

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of § 121.1113 of this chapter, or a combination of two or more of these. The total weight of these ingredients used does not exceed 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, the amount does not exceed 10 percent by weight of the combination.

Because of cross-references, this amendment to the standard for bread (§ 17.1) has the effect of making the subject substance a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2-17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections.

Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10814; Filed, Oct. 4, 1966; 8:49 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Orange Juice Products; Further Postponement of Certain Labeling Requirements

An order was published in the FEDERAL REGISTER of December 31, 1965 (30 F.R. 17164), postponing the labeling requirements for orange juice products prescribed by § 27.107 (d) and (e) and § 27.111 (c) and (d) until September 30, 1966.

The Commissioner of Food and Drugs has received a request from the Florida Canners Association, Post Office Box 780, Winter Haven, Fla. 33881, on behalf of producers of pasteurized orange juice and packers of concentrated orange juice and orange juice from concentrate, to further postpone the above-cited labeling requirements until December 31, 1966. A copy of the request is on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

The Association states that due to unforeseen, uncontrollable factors, (i.e., market conditions and acts of nature), producers and packers have large inventories of caps and juice products bearing caps and labels which, unless the subject labeling requirements are postponed, will become obsolete resulting in significant economic loss.

Good reason therefor appearing: *It is ordered*, That the labeling requirements prescribed by § 27.107 (d) and (e) and by § 27.111 (c) and (d) be further postponed until December 31, 1966, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 30, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-10868; Filed, Oct. 4, 1966; 8:52 a.m.]

PART 51—CANNED VEGETABLES**Identity Standards Regarding Optional Use of Butter as Seasoning Ingredient for Certain Canned Vegetables***Correction*

In F.R. Doc. 66-10638, appearing at page 12715 of the issue for Thursday, September 29, 1966, the heading for § 51.1 should read as follows:

§ 51.1 Canned peas; identity; label statement of optional ingredients.

**Title 43—PUBLIC LANDS:
INTERIOR****Chapter II—Bureau of Land Management, Department of the Interior****APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 4097]

[Wyoming 0325194]

WYOMING**Partial Revocation of Reclamation Project Withdrawal**

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental order of December 29, 1938, withdrawing lands for the Upper Snake River Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 118 W.,
Sec. 28, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 480 acres in the Bridger National Forest, of which the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 28, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 33, are withdrawn for water power purposes.

2. At 10 a.m. on November 4, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, and the provisions of existing withdrawals.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10780; Filed, Oct. 4, 1966;
8:46 a.m.]

[Public Land Order 4098]

[New Mexico 191]

NEW MEXICO**Partial Revocation of Public Water Reserve 107**

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 843; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN**GROUP I—PATENTED LANDS**

T. 34 S., R. 22 W.,
Sec. 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

GROUP II—UNPATENTED LANDS

T. 23 S., R. 16 W.,
Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 34 S., R. 22 W.,
Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14, lot 1.

The areas described aggregate 160 acres of patented lands and 193.19 acres of public domain.

The lands in T. 23 S., R. 16 W. are located in extreme southern Grant County, some 10 miles east of Lordsburg, N. Mex. The soils are sandy loams in texture and of medium to shallow depth. Vegetal cover consists of tobosa grass with scattered yucca. The lands in T. 34 S., R. 22 W. are located in the extreme southwestern corner of Hidalgo County, some 75 miles southwest of Lordsburg, N. Mex. The terrain is rough and the soils are shallow to medium in depth. Vegetal cover consists of oak and mesquite brush with curly mesquite grass and scattered cacti on the slopes to sycamore and oak trees in the canyon floor.

2. At 10 a.m. on November 4, 1966, the public domain, identified as Group II above, shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 4, 1966, shall be considered as simultaneously filed at the that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open for location for nonmetalliferous minerals at 10 a.m. on November 4, 1966. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land shall be addressed to Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10781; Filed, Oct. 4, 1966;
8:46 a.m.]

[Public Land Order 4099]

[Arizona 08582, 035718]

ARIZONA**Partial Revocation of National Forest Administrative Site Withdrawals**

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1195 of July 25, 1955, and the Departmental order of July 10, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN**COCONINO NATIONAL FOREST**

Arizona 035718

T. 17 N., R. 6 E.,
Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Arizona 08582

T. 21 N., R. 7 E.,
Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 8.13 acres in Coconino County.

2. At 10 a.m., on November 4, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10782; Filed, Oct. 4, 1966;
8:46 a.m.]

[Public Land Order 4100]

[BLM 080779]

LOUISIANA**Addition to Breton National Wildlife Refuge and Revocation of Executive Order of September 24, 1947**

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and added to and made a part of the Breton National Wildlife Refuge:

CHANDELEUR ISLANDS

That part of the islands lying north of a line bearing N. 73°30' E., and S. 73°30' W., through a point that is S. 36° E., 3 miles distant from Chandeleur Lighthouse (the geographic position of which lighthouse is latitude 30°02.9' N., and longitude 88°52.3' W., from Greenwich Meridian).

The area described contains approximately 1,920 acres.

2. The Executive Order of September 24, 1947, reserving Chandeleur Island for lighthouse purposes, is hereby revoked.

All the lands are a part of the Breton National Wildlife Refuge.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10783; Filed, Oct. 4, 1966;
8:46 a.m.]

[Public Land Order 4101]

[Washington 03124]

WASHINGTON

Withdrawal for Flood Control

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved under jurisdiction of the Secretary of the Interior in aid of programs of the Corps of Engineers, Department of the Army, for construction, operation, and maintenance of the John Day Lock and Dam Project:

WILLAMETTE MERIDIAN

T. 5 N., R. 25 E.,
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$, that part lying south of the existing right-of-way line of Washington State Highway 8 E.

The area described contains 9.21 acres in Benton County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10784; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4102]

[Utah 0149649]

UTAH

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for a recreation area of the Department of Agriculture:

ASHLEY NATIONAL FOREST

SALT LAKE MERIDIAN

Dowd Springs Picnic Area and Rest Stop

T. 2 N., R. 20 E.,

Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 40 acres in Daggett County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10785; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4103]

[ES-0704]

ARKANSAS

Withdrawal for Protection of National Forest Scenic Trail

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for protection of the Choctaw Trail:

FIFTH PRINCIPAL MERIDIAN

OUACHITA NATIONAL FOREST

Choctaw Trail (Skyline Drive)

T. 1 S., R. 30 W.,

Sec. 30, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 31, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 1 S., R. 31 W.,

Sec. 7, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 17, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 1 S., R. 32 W.,

Sec. 4, S3/4S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 8, N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 9, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 11, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 12, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 685.38 acres in Polk County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10786; Filed, Oct. 4, 1966; 8:47 a.m.]

[Public Land Order 4104]

[Arizona 09390]

ARIZONA

Partial Revocation of National Forest Roadside Zone Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 3152 of July 30, 1963, and Public Land Order No. 3584 of March 31, 1965, withdrawing national forest lands as road side zones, are hereby revoked so far as they affect the following described land:

GILA AND SALT RIVER MERIDIAN

A strip of land 300 feet on each side of the centerline of the following roads through the subdivision listed below:

U.S. Highways 89 and 89A, Roadside Zone

T. 21 N., R. 8 E.,

Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains approximately 40 acres in Coconino County. The land is patented.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10787; Filed, Oct. 4, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and
Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations Regarding Quotas, Allotments, Normal Yields, and Referendum on Quotas for 1967 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1967 crop of rice, to determine and proclaim the national acreage allotment for the 1967 crop of rice, to apportion among States and counties the national acreage allotment for the 1967 crop of rice, to establish county normal yields for the 1967 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1967 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1966 the Secretary determines that the total supply of rice for the 1966-67 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1966, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1967. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1967 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1962 through 1966, produce an amount of rice adequate, together with the estimated carryover from the 1966-67 marketing year, to make available a supply for the 1967-68 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1966.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1967 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the

act. Under this provision, the national acreage allotment of rice for 1967 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1-July 31.

Section 353(a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1967 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under sec. 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1967 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the 5 calendar years, 1962 through 1966, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the

producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area", respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1967 but who have not produced rice in the State in any one of the years, 1962 through 1966, on the basis of the applicable apportionment factor set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rice is to be planted during 1967 but on which rice was not planted during any of the years, 1962 through 1966, on the basis of the applicable apportionment factors set forth in said section 353. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c)(2) of section 353 of the act either is not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area," wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned

among the States and the county acreage allotments shall be apportioned to farms on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1967 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1962 through 1966 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1962 through 1966 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1962 through 1966 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that any case in which the acreage planted to rice on any farm in any year is less than the rice acreage allotment for the farm for such year, the entire acreage allotment for such farm for such year shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in such year, if, except for federally owned land, an acreage equal to or greater than 75 per centum of the farm acreage allotment for such year or for either of the 2 immediately preceding years was actually planted to rice in such year or was regarded as planted to rice under the soil bank program.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the acreage reserve or conservation reserve program shall be considered as rice

acreage for the purpose of establishing future farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended. Section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, as amended, authorizes the Secretary, to the extent he deems it desirable to carry out the purposes of the cropland conversion program, to provide any cropland conversion agreement for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage and allotment history applicable to the land covered by the agreement for the purposes of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

Section 602 (g) of the Food and Agriculture Act of 1965 (Public Law 89-321) provides that, notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops in order to establish or maintain vegetative cover or other approved practices for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program. This section also repeals section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, as amended, referred to above, but preserves all rights accruing thereunder to persons who entered into contracts or agreements prior to such repeal.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1967 crop of rice, including national, State, and county reserves, and announcing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 29, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10849; Filed, Oct. 4, 1966; 8:52 a.m.]

Consumer and Marketing Service

[7 CFR Part 948]

[Area 1]

IRISH POTATOES GROWN IN COLORADO

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 948.253 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1967, will amount to \$500.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one cent (\$0.01) per hundredweight of potatoes grown in Area No. 1 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1967, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10845; Filed, Oct. 4, 1966; 8:51 a.m.]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON
AND WASHINGTONNotice of Proposed Free and Restricted
Percentages for 1966-67 Fiscal
Year

Notice is hereby given of a proposal to establish, for the 1966-67 fiscal year, beginning August 1, 1966, free and restricted percentages of 52 and 48 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Filbert Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (inshell weight basis) for the 1966-67 fiscal year.

(1) Production of 22.20 million pounds;

(2) Total requirements for 1966 crop merchantable filberts of 9.39 million pounds, which is the sum of an inshell trade demand of 9.50 million pounds and provision for inshell handler carry-over on July 31, 1967, of 1.3 million pounds, less the inshell handlers carry-over on August 1, 1966, of 1.41 million pounds not subject to regulation; and

(3) A total supply of merchantable filberts subject to regulation of 18.22 million pounds.

On the basis of the foregoing estimates, free and restricted percentages of 52 percent and 48 percent, respectively, appear to be appropriate for the 1966-67 season.

The proposal is as follows:

§ 982.216 Free and restricted percentages for merchantable filberts during the 1966-67 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1966:

Free percentage.....	52
Restricted percentage.....	48

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-10844; Filed, Oct. 4, 1966;
8:51 a.m.]

[7 CFR Part 1038]

[Docket No. AO 194-A14]

MILK IN ROCK RIVER VALLEY
MARKETING AREADecision on Proposed Amendments to
Tentative Marketing Agreement
and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rockford, Ill., September 21, 1966, pursuant to notice thereof issued September 14, 1966 (31 F.R. 12104).

The material issues on the record of the hearing related to:

1. The percentage of total Grade A milk receipts which must be sold in the marketing area on routes to qualify as a pool plant.

2. Whether an emergency exists with respect to issue No. 1 which requires the elimination of a recommended decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The percentage of total Grade A milk receipts which must be made as route disposition in the marketing area to qualify a plant as a pool plant should be increased from 10 percent to 25 percent.

As a consequence of the termination of the Chicago milk order on May 1, 1966, three plants became regulated as pool plants by the Rock River Valley milk order. Although their principal sales area is the territory previously regulated by the Chicago milk order, their disposition in the Rock River Valley marketing area is sufficient to qualify them as pool plants under this order. All three of these plants are operated by the same handler. Two of the plants qualified because of their disposition on routes in the Rock River Valley marketing area and the other qualified because 50 percent or more of its Grade A milk receipts was shipped to the plants making route disposition in the marketing area.

Each of the two distributing plants, which qualifies as a pool plant under the order by reason of having 10 percent of its total Grade A milk receipts disposed of on routes in the marketing area, has less than 20 percent of its total Grade A milk receipts so disposed. The witness for the handler who operates these three plants and the representatives of the producer cooperatives which supply the major part of his milk requirements testified that they anticipate each of these plants would be regulated by the Milwaukee order if relieved of regulation under this order. Further, each of them testified in support of the proposal to increase the requirements for pool plant status which relates to the percentage of sales made in the marketing area. There was no opposition to this proposal.

The handler who operates these three plants also operates five other plants which formerly were regulated under the Chicago order and now are regulated under the Milwaukee order. About 2,000 dairy farmers supply these eight plants with their fluid milk requirements. These dairy farmers are located in the States of Illinois and Wisconsin and are interspersed with one another. Prior to the termination of the Chicago order these eight plants paid the same uniform price to producers except for adjustments due to plant location. Also, Chicago was and continues to be his primary market for fluid milk sales.

Under present conditions with five of these plants regulated under Milwaukee and three under Rock River Valley the uniform blend prices to producers vary considerably even though the class prices at these locations are the same under both orders. The Rock River Valley order provides for the marketwide blending of returns to producers while the Milwaukee order provides for individual-handler blending of returns. Plants regulated under the Rock River Valley order utilize in the aggregate a much higher proportion of their receipts in Class I use than does this handler at the five plants regulated under the Milwaukee order. Consequently, since the termination of the Chicago order, this handler's payment to his Rock River Valley producers has averaged 22 cents per hundredweight more than to his Milwaukee producers. For May and June milk the Rock River Valley producers received 17 cents and 13 cents per hundredweight, respectively, more than the Milwaukee producers. However, in July and August this difference widened to 26 cents and 30 cents, respectively, in favor of the Rock River Valley producers.

Since this handler's utilization at the three plants regulated by the Rock River Valley order is approximately the same as the market average utilization by all Rock River Valley handlers, the removal of these plants from the market pool would not affect the uniform price significantly. Hence, producers who supply handlers which have served the Rock River Valley market historically would not be affected by a change in the regulated status of these three plants.

If all eight plants of this handler had been regulated under the Milwaukee order the price to all of his producers would have been uniform, except for any adjustment due to plant location. This would restore the alignment of prices paid to his producers that existed prior to the termination of the Chicago order. Since this handler has one primary sales area and all his producers supply that one area, it is appropriate that they share equally in the handler's sales of Class I and Class II milk.

Although the proponents testified that it is their intent that each of the plants relieved of full regulation by the Rock River Valley order will become regulated by the Milwaukee order, regulation under that order will depend on each plant's performance in relation to that market. The producer proponents and the han-

handler affected recognized the possibility that one or more of the affected plants might not be fully regulated under any order. If that occurred, such a plant would still be partially regulated under the Rock River Valley order. As a partially regulated plant, the operator would have the option of either making a payment on Class I sales made inside the marketing area at a rate equal to the difference between the Class I and blend prices or paying its own producers according to its use of milk based on Rock River Valley class prices.

The proposed requirement for pool plant qualification based on route sales in the marketing area equal to 25 percent of a plant's total Grade A receipts will fully regulate only those handlers whose principal sales area is encompassed by the Rock River Valley marketing area. All handlers regulated prior to May 1, 1966, on the basis of their route disposition in the marketing area have at least 50 percent of their total Grade A milk receipts disposed of as Class I sales in the area. The increased pooling requirement will remove from pool status those plants whose primary sales area for fluid milk products is in another area. By confining pool status to plants which dispose of 25 percent or more of their Grade A receipts in the Rock River Valley marketing area, orderly marketing will be achieved within this marketing area and appropriate partial regulation will apply to plants with relatively small sales in the area.

2. Emergency action: The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in the market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would delay unnecessarily the removal of the price disparity which has developed.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendment. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

The amendment contained in the attached order would cause a redistribution of funds among producers. Such an amendment should not be made without giving notice to the persons affected. Thus, at this late date, it should not be made effective on milk delivered during September 1966. However, to correct the disparity in prices to producers as soon as possible the order should be amended effective October 1, 1966.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions was filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Rock River Valley Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the Rock River Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1966, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Rock River Valley marketing

area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 30, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Rock River Valley Marketing Area

§ 1038.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rock River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Rock River Valley marketing area

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1038.11(a) is revised to read as follows:

§ 1038.11 Pool plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 25 percent of such receipts is disposed of in the marketing area on routes.

[F.R. Doc. 66-10846; Filed, Oct. 4, 1966; 8:52 a.m.]

[7 CFR Ch. XI]

[CRPA Docket No. 1]

COTTON RESEARCH AND PROMOTION

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate orders (7 CFR Part 1205), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed order on cotton research and promotion. Any order that may result from this proceeding will be effective pursuant to the provisions of the Cotton Research and Promotion Act (80 Stat. 279), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. To be considered, exceptions must be filed not later than October 14, 1966. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the order is based was held in Memphis, Tenn., on August 22-24, Dallas, Tex., on August 25-26, Phoenix, Ariz., on August 29-30, and Atlanta, Ga., on September 1-2, pursuant to a notice of hearing which was published in the FEDERAL REGISTER on August 5, 1966 (31 F.R. 10532). The notice contained a proposed cotton research and promotion order prepared and submitted to the Secretary of Agriculture by the National Cotton Council of America.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed program to effectuate the declared policy of the act;

(3) The specific terms and provisions of the order, including:

(a) Definitions of the commodity, cotton-producing States and regions, producer, cotton handlers, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance, and procedures of a Cotton Board, which shall be the administrative agency for the program;

(c) Powers and duties of the Cotton Board, including authority and procedures for the Cotton Board to establish and carry out plans or projects for advertising and sales promotion of cotton and its products and research and development projects and studies with respect to cotton and its products;

(d) Authority for the Cotton Board to incur expenses and to designate handlers to collect assessments at the rate of \$1 per bale of cotton handled and procedures applicable to producer refunds;

(e) Establishment of reporting and related recordkeeping requirements; and

(f) Additional terms and conditions as set forth in the notice of hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Since 1959, about 14 to 15 million bales of cotton have been produced annually on approximately a half-million farms located in all southern States from Virginia to California. Approximately 50 percent of the crop is grown in States located in the southwestern and western part of the country, about 35 percent in southcentral area States, and only about 15 percent in States in the southeast, where the textile mill industry is concentrated. Exports of cotton from the United States since 1959 have ranged from about 7.2 million bales in the 1959 marketing year to about 2.9 million bales in the 1965 marketing year. Thus, it is necessary to transport a large proportion of the crop across State lines to domestic mills or to ports for export. The yarns, woven goods, and other products of domestic mills are shipped to manufacturers of cotton apparel and goods, located principally in the industrial Northeastern and Mid-Atlantic States, or to foreign manufacturers. The consumer products made of cotton are packaged, stored, and shipped to outlets in all of the 50 States, or to foreign outlets. It is readily apparent that cotton moves in large part in the channels of interstate and foreign commerce and any cotton which does not move in such channels directly burdens or affects interstate commerce in cotton and cotton products. Hence, it is concluded that all cotton produced and handled in the United States is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.

(2) In the years since World War II, U.S. cotton and the products thereof have been confronted with intensive competition, both at home and abroad,

from other fibers, primarily man-made fibers, and from foreign-grown cotton. The great inroads on the market and uses for U.S. cotton which have been made by man-made fibers have been largely the result of extensive research and promotion of such fibers and their products which have not been effectively matched by cotton research and promotion. The production and marketing of cotton by numerous individual farmers makes it difficult to develop and carry out adequate and coordinated programs of research and promotion necessary to the maintenance and improvement of the competitive position of, and market for, cotton. Without an effective and coordinated method for assuring cooperative and collective action in providing for and financing such programs, cotton farmers are unable adequately to provide or obtain the research and promotion necessary to develop, maintain and improve markets for cotton.

The order would tend to effectuate the declared policy of the act by authorizing and enabling the establishment of an orderly procedure for the development, financing through the collection of \$1 per bale on all cotton marketed in the United States, and carrying out an effective and continuous coordinated program of research and promotion designed to strengthen cotton's competitive position and to develop, maintain and expand domestic and foreign markets and uses for U.S. cotton.

(3) (a) "Secretary" should be defined to include the Secretary of Agriculture of the United States, and in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is or who may hereafter be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal reference for the statutory authority pursuant to which the order is to be operative and to make it unnecessary to refer to the citation whenever the word "act" is used.

"Person" should be defined as it is in the act to ensure that when it is used in the order it has the same meaning.

"Cotton" should be defined as all upland cotton harvested in the United States, including, except for purposes of the \$1 per bale assessment, the cottonseed of such cotton and the products derived from such cotton and its seed.

"Fiscal period" should be defined as the 12-month budgetary period and means the calendar year unless the Cotton Board, with the approval of the Secretary, decides that some other 12-month period would be more suitable for budgetary purposes.

"Cotton Board" should be defined as the administrative body established by the order to administer the provisions of the order.

"Producer" should be defined as meaning any person who shares in a cotton crop actually harvested on a farm, or in the proceeds thereof, as an owner of the farm, cash tenant, landlords of a

share tenant, share tenant, or share-cropper. Under this definition a person who purchases a crop of cotton in the field prior to harvesting is not considered the "producer" of that crop.

"Handler" should be defined as any person who handles cotton, including the Commodity Credit Corporation. Certain obligations relating to collection of assessments and reporting will be placed on handlers designated by the Cotton Board pursuant to regulations issued by the Board.

"Handle" should be defined to mean to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton. This definition is to so define "handle" as to assure that all upland cotton grown in the United States is subject to the order. Failure to include all upland cotton would impair the efficacy of the order to effectuate the purpose of the act.

"United States" should be defined as it is in the act.

With reference to the definition of "Cotton-producing State," section 17(f) of the act defines that term as meaning any State in which the average annual production of cotton during the 5 years 1960-64 was 20,000 bales or more, except that any State producing cotton whose production during such period was less than such amount shall under regulations prescribed by the Secretary be combined with another State or States producing cotton in such manner that such average annual production of such combination of States totaled 20,000 bales or more, and the term "cotton-producing State" shall include any such combination of States. It is recognized that less than 20,000 bales are produced annually in each of the States of Florida, Nevada, Illinois, Virginia, and Kentucky. These States should be combined with adjacent States so as to include every State which produced cotton during the statutory period within a specified "cotton-producing State." The States and combinations of States should be as follows:

Alabama-Florida.	New Mexico.
Arizona.	North Carolina-
Arkansas.	Virginia.
California-Nevada.	Oklahoma.
Georgia.	South Carolina.
Louisiana.	Tennessee-Kentucky.
Mississippi.	Texas.
Missouri-Illinois.	

These combinations of States are logical and reasonable because they recognize that for purposes of representation on the Cotton Board the interests and concerns of cotton producers in adjacent areas are more likely to be similar than would be the case if those areas were widely removed from one another.

"Marketing" should be defined as it is in the act.

"Cotton-producer organization" should be defined as any organization which has been certified by the Secretary pursuant to the provision of the order governing such certification. It is necessary to define this term because cotton-producer organizations have a right under the act to nominate members and alternate members of the Cotton

Board and a right to select the governing body of the organization or association which will contract with the Cotton Board to develop and carry out the research and promotion program.

"Contracting organization or association" should be defined as the organization or association with which the Cotton Board has entered into a contract or agreement for research and promotion pursuant to the provisions of the act and of the order.

"Cotton-producing region" should be defined in terms of four regions, each containing specified cotton-producing States grouped because of their geographical proximity and common interests, as follows: Southeast Region: Alabama-Florida, Georgia, North Carolina-Virginia, and South Carolina; Midsouth Region: Arkansas, Louisiana, Mississippi, Missouri-Illinois, and Tennessee-Kentucky; Southwest Region: Oklahoma and Texas; Western Region: Arizona, California-Nevada, and New Mexico. Use of these regions will help insure balanced and experienced representation on the Cotton Board for all cotton producers at all times.

"Marketing year" should be defined in the order as the 12-month period ending on July 31 because this is the normal marketing year for cotton programs. Any termination or suspension of the order under section 9(b) of the act is required to be made effective at the end of the marketing year in which the referendum is held.

"Part" should be defined to mean the cotton research and promotion order and all rules, regulations and supplementary orders issued pursuant to the act and the order. The order itself should constitute a subpart of such part. This use of such terms is in conformity with the practices of the Office of the Federal Register.

(b) There should be established a Cotton Board to administer the terms and provisions of the order. The Cotton Board should be composed of representatives of cotton producers, each of whom should have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing State; or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible producer organizations, from nominations made by such producers in a manner directed by the Secretary. The provision for an alternate for each Board member is designed to give assurance that the producers in each cotton-producing State will at all times have a qualified person available to represent their State on the Board.

Each cotton-producing State should be represented on the Board by at least one member, as is required by the act. Provision should be made for an additional member for each 1 million bales or major fraction (more than one-half) thereof of cotton produced in the State and marketed above 1 million bales during the period to be used for determining Board membership. This period

will be specified in the Secretary's regulations. This provision is intended to carry out the act's provision that the representation of cotton producers on the Board for each cotton-producing State shall reflect, to the extent practicable, the proportion which that State's marketings of cotton bears to the total marketings of cotton in the United States.

These membership provisions will provide a Cotton Board of about 20 members which should be adequate to represent producer interests throughout the Cotton Belt without being too large or unwieldy.

The initial members of the Cotton Board and their alternates should be selected to represent the cotton-producing States in each of the cotton-producing regions for terms expiring on December 31, 1968, 1969, or 1970, so that, as nearly as practicable, the terms of one-third of the members and their alternates from cotton-producing States in any such region expire each year. Except for these initial members and alternates, the term of office should be 3 years. This will provide an adequate period to enable members and alternates to gain experience and be in a position to make a greater contribution to the Board and to the producer interests of their States and regions. The staggering of the expiration dates will assure that approximately two-thirds of the members and alternates representing each region will be experienced, which is important to continuity in the administration of the order, and it will provide the opportunity for reasonable rotation of Board members. Each member and alternate member of the Cotton Board should serve until his successor is selected and has qualified in order to ensure a full complement of members and alternates at all times.

Eligible producer organizations within each cotton-producing State should be required to caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member of the Cotton Board to be selected to represent the cotton producers of such cotton-producing State. The requirement to caucus is necessary in order to provide maximum opportunity for agreement among the nominating producer organizations upon the smallest possible number of nominees from each cotton-producing State, so that the ultimate selection by the Secretary will be from persons who have been nominated on the basis of their capability and willingness to represent the entire producer interest of the State. The nominations should be made within such period of time and in such manner as the Secretary prescribes. The period of time for submitting nominations should be adequate to permit the eligible producer organizations to comply with the requirement that they caucus with a view to reaching joint agreement on nominees. The term "qualified person" is necessary in order to permit rejection of any nominees by the Secretary who may be found to be clearly disqualified from performing as a Board member or alternate, e.g., lack of mental or physical capacity, con-

viction of a crime, or performance of other acts clearly in conflict with performance of duties. If joint (unanimous) agreement is not reached with respect to the nominees, each eligible producer organization should have the right to nominate two qualified persons for any position on which there was no agreement. Since all eligible producer organizations are required to caucus for the purpose of reaching joint agreement with respect to nominees, participation in the caucusing should be a condition precedent to the exercise of the right to submit separate nominees. This provision is necessary in order to assure attendance at caucuses and to encourage full deliberation and agreement.

From the nominations which are submitted to him, the Secretary should be required to select the members of the Cotton Board and an alternate for each such member on the basis of the representation herein prescribed.

Any person selected by the Secretary as a member or as an alternate member of the Cotton Board should be required to qualify by filing a written acceptance with the Secretary promptly after being notified of such selection. This is a necessary requirement to assure that any person selected has consented to accept the responsibilities of office.

Any vacancy occasioned by the failure of any person selected as a member or alternate member of the Cotton Board to qualify, or by the death, removal, resignation, or disqualification of any member or alternate member of the Board, should be filled by nominating and selecting a successor for the unexpired term in the manner provided for the nomination and selection of other Board members and alternates. This provision is necessary to assure maximum producer control of the composition of Board membership at all times. The word "disqualification" should be interpreted as having reference to circumstances of the kind which would have precluded a determination that the person was a "qualified person" to be selected as a member or alternate member of the Cotton Board.

There should be provision for an alternate member of the Cotton Board, during the absence of the member for whom he is the alternate, to act in the place and in the stead of such member and to perform such other duties as the Board may assign in furtherance of its activities. In the event of the death, removal, resignation, or disqualification of a member, his alternate should serve in his place until a successor for such member is selected and qualified. In the event both a member of the Cotton Board and his alternate are unable to attend a Board meeting, the Board should be authorized to designate any other alternate member from the same cotton-producing State or region to serve in such member's place and stead at such meeting. These provisions are necessary in order to assure that full representation will be enjoyed by every cotton-producing State and region at every meeting of the Cotton Board, in the person either of a duly

nominated and selected alternate from the same State, or if not available, from the cotton-producing region of which that State is a part.

At an assembled meeting of the Cotton Board, all votes should be cast in person and a majority of the members, or alternates acting for members, should constitute a quorum. Any action of the Board should require the concurring votes of at least a majority of those present and voting. In order to facilitate the transaction of routine and noncontroversial business by the Board without entailing the expense of attendance at assembled meetings, provision should be made for the Board to take action upon the concurring votes of a majority of its members by mail, telegraph, or telephone. In order to provide a written record of any action taken by telephone, each member should promptly confirm his vote in writing.

Evidence was presented at the hearing that members of the Cotton Board, and alternates when acting as members, should be willing to serve without compensation. However, since they will incur certain expenses in connection with their Board duties, provision should be included in the order for reimbursement of these necessary expenses, as approved by the Board.

(c) The act provides in section 7(a) for the selection by the Secretary of a Cotton Board and defining its powers and duties which include only specified powers. These powers should be enumerated in the order and thus would serve to notify the Board and other interested persons as to the extent of its powers. To enable the Secretary to discharge his responsibilities under the act, the order should make explicit that the rule making power of the Cotton Board is subject to his approval.

In administering a program such as herein set forth, the Cotton Board would have many duties. To assist the Board in carrying out its responsibilities, it is desirable that its important duties be set forth in the order.

In order to carry out its business in an orderly manner, the Board should select from among its members a chairman and such other officers as it deems necessary and should define their duties. The Board should also have authority to appoint or employ such persons as it may need to carry out its operational functions, and to determine their compensation and duties. The Board's staff should be held to a minimum so that the maximum amount of funds available may go directly into research and promotion.

It is the duty of the Cotton Board, as provided in the act, to enter into contracts or agreements for cotton research and promotion with a contracting organization or association whose nature and duties are specified in section 7(g) of the act. These contracts or agreements require the approval of the Secretary. Any such contract or agreement is required to contain certain provisions: that the contracting organization shall submit annually to the Cotton Board a pro-

gram of research, advertising, and sales promotion projects, together with a budget showing the estimated cost of such projects; that any such projects shall become effective upon approval by the Secretary; that the contracting organization shall keep accurate records of all its transactions; that it shall make annual reports to the Cotton Board of activities carried out; that it shall make an accounting for funds received and expended; and that it shall make such other reports as the Secretary may require. The governing body of the contracting organization will consist of cotton producers selected after the order becomes effective by the cotton producer organizations certified by the Secretary pursuant to section 14 of the act. The producers of each cotton-producing State should to the extent practicable have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of each State bears to the total cotton marketed by the producers of all cotton-producing States. Such an organization should be a separate entity and should not be a part of, or affiliated with, another organization. While the contracting organization has primary responsibility for the cotton research and promotion projects, it is subject at all times to the approval and supervision of the Cotton Board and the Secretary and should be subject to such controls and safeguards, including audits, as will enable the Cotton Board and the Secretary to fulfill their responsibilities under the act. For example, transfers of funds from one project to another should require the approval of the Cotton Board and the Secretary, in order that their approval of the projects themselves may continue to be meaningful.

As provided in section 7 of the act, the Cotton Board should be required to review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organization or association, together with the Board's recommendations with respect to the approval thereof by the Secretary. So, too, the Cotton Board should be required to submit to the Secretary for his approval budgets, including reasonable reserves, on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including probable costs of advertising and promotion and research and development projects as estimated in the budget or budgets submitted to it by the contracting organization or association, with the Board's recommendations with respect thereto. The "reasonable reserve" should include set asides to meet anticipated requests by producers for refunds and to maintain a cushion to assure the continued operation of the program in accordance with commitments.

The act also requires the Cotton Board to maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe, and to make appropriate ac-

counting with respect to the receipt and disbursement of all funds entrusted to it.

It is desirable to repeat these various statutory provisions in the order for ready reference.

The Cotton Board should be required to cause its books to be audited by a competent public accountant at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit to the Secretary. This is desirable as a matter of sound business practice.

The Cotton Board should be required to give the Secretary the same notice of meetings of the Board as is given to members in order that his representative may attend such meetings. The ultimate determination as to whether activities carried out under the act will effectuate its purposes is the statutory responsibility of the Secretary and such a requirement is necessary to facilitate his discharge of this responsibility.

The Cotton Board should have the duty to act as intermediary between the Secretary and any producer or handler. Initial consideration by the Board of any such matters is desirable, since the Board is charged with the administration of the terms of the order and will have readily available to it any facts or information which might be needed to evaluate and resolve any questions or problems which may be presented.

The Cotton Board should be required to submit to the Secretary such information as he may request. Section 7(f) of the act requires the Board to submit such reports as he may prescribe.

The Cotton Board should in the manner prescribed in section 7(g) of the act establish or provide for: (1) The establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products, which plans or projects shall be directed toward increasing the general demand for cotton or its products in accordance with section 6(a) of the act; and (2) the establishment and carrying on of research and development projects and studies with respect to the production, ginning, processing, distribution, or utilization of cotton and its products in accordance with section 6(b) of the act, to the end that the marketing and utilization of cotton may be encouraged, expanded, improved, or made more efficient. This provision is necessary because the provisions of sections 6 (a) and (b) of the act are merely permissive, whereas the proposed order authorizes both research and promotion activities.

Research and promotion activities are authorized both in the United States and in foreign countries. However, research activities under the order should not duplicate or replace the programs already being carried out, or which may hereafter be carried out, by the U.S. Department of Agriculture, the land-grant colleges, or private groups.

(d) The record shows that in carrying out its responsibilities it will be necessary for the Cotton Board to incur certain expenses for its proper maintenance and functioning. The Cotton Board should be authorized to incur such expenses as

the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of the act and order, and that the funds to cover such expenses shall be paid from assessments received pursuant to the order. These expenses should be distinguished from expenses incidental to enforcement of the order, conducting referenda, or for personnel of the Department of Agriculture, which are not payable out of assessment funds.

Section 7 of the act requires the inclusion, *inter alia*, in the order of the following provision: The producer or other person for whom the cotton is being handled shall pay to the handler of cotton designated by the Cotton Board pursuant to regulations issued under the order and such handler of cotton shall collect from the producer or other person for whom the cotton, including cotton owned by the handler is being handled, and shall pay to the Cotton Board, an assessment prescribed by the order, on the basis of bales of cotton handled, for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under the order, during any period specified by him. To facilitate the collection and payment of such assessments, the Cotton Board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures utilized in any State or area, except that no more than one such assessment shall be made on any bale of cotton. The rate of assessment prescribed by the order shall be \$1 per bale of cotton handled.

The record evidence indicates that the assessment is applicable to all cotton handled. It is thus applicable to all cotton sold or marketed. Inasmuch, as the great bulk of cotton produced is sold or marketed, as a general matter it is applicable to all cotton produced.

The Cotton Board designates the "collecting" handler. The act confers on the Cotton Board the power to designate the handler or handlers responsible for collecting and paying over to the Board the producer assessments. This enables the Cotton Board to develop and carry out the most effective and practical system of collection and to make any changes which may be necessary in the future to meet any new or changed conditions. This it must do by regulation. The intent of the act is that the assessments are to be borne directly or indirectly by the producer of the cotton and therefore he is the one authorized to obtain a refund thereof and the order so provides. Nevertheless, the failure or refusal of a handler designated by the Cotton Board to collect assessments from producers and pay over to the Cotton Board such assessments will not excuse or exempt such handler from making full payment to the Cotton Board for all cotton handled.

The designated handler who actually collects from the producer and the han-

dler designated by the Cotton Board to collect and pay over the assessment to the Cotton Board may or may not be the same person. However, the Board should give paramount consideration in the matter of handler designation to the facilitation of collection and payment.

There are differences in marketing practices and procedures in different States or areas. The Cotton Board may designate different handlers or classes of handlers to recognize such differences, if to do so will facilitate collection and payment and is otherwise feasible.

The record shows that there are a number of feasible methods or points of collection. The evidence shows the desirability of collection procedures which will minimize the amount of paper work, records and expense involved in the collection and remitting processes; the need for a procedure to provide producers with evidence that payment has been made; and the need for prompt collection and remission of the funds to the Cotton Board.

Section 11 of the act provides that any cotton producer against whose cotton any assessment is made under authority of the act and collected from him and who is not in favor of supporting the research and promotion program as provided for in the order shall have the right to demand and receive from the Cotton Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. The act also provides that any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period, not less than 90 days from the date of collection, prescribed by the Board and approved by the Secretary, and that any such refund shall be made within 60 days after demand therefor. The record shows that this provision makes it voluntary with the producer whether he desires to support the program and pay the dollar per bale assessment. The record is also clear that the decision of whether to participate or not to participate is for the producer to decide and that the Board should take appropriate action to prevent any attempt by any handler or organization to attempt to defeat the program by influencing refund requests. The act appropriately requires that any producer desiring a refund shall make the request personally. It should be entirely independent of and not at the place of business of the handler collecting the \$1 per bale on his cotton because the intense competition for business among handlers could easily defeat the purpose of the act and order.

The record evidence indicates that the refund procedure should be made as simple as possible. The proof of payment should not be onerous; it should not place an undue burden on the producer. Perhaps he need only show that he sold, or ginned, or otherwise marketed his cotton. Or perhaps the assessment procedure will provide for the giving of a simple receipt showing payment to all producers. In any event, the

procedure of securing a refund should be spelled out in regulations issued by the Cotton Board. Application forms for refunds should be made readily available to any producer upon written request to the Board. The Board may also want to consider making such forms available at a government office in each cotton-producing county. Certainly, no regulation should contain any impossible, complex, or even onerous condition. The assessment and refund procedure should provide every producer of cotton sold or marketed with simple proof of payment satisfactory to the Cotton Board and the entitlement to refund on simple application. No interest shall be allowed on such refund.

Section 7(h) of the act provides that no funds collected by the Cotton Board under the order shall in any manner be used for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the order. Funds collected from producers by assessment should be used only in the furtherance of cotton research and promotion. The provision should be repeated in the order for purposes of emphasis.

(e) The section of the order on reports should provide that each handler subject to the order may be required to report to the Cotton Board periodically such information as is required by regulations, which information may include but not be limited to, the following: (1) Number of bales handled; (2) number of bales on which an assessment was collected; (3) name and address of person from whom he has collected the assessment on each bale handled; (4) date collection was made on each bale handled. This provision is necessary to assure that each handler, whether or not a collecting handler, may be required to make such report as may be necessary for the effective administration of the order by the Cotton Board in accordance with the provisions of section 6(c) of the act.

The order should provide that each handler subject to the order shall maintain and make available for inspection by the Cotton Board and the Secretary such books and records as are necessary to carry out the provisions of the order and regulations issued thereunder, including such records as are necessary to verify any reports required, and that such records shall be retained for at least 2 years beyond the marketing year of their applicability. The requirement that records be retained for 2 years beyond the marketing year of their applicability is necessary to provide a reasonable period for access to original records to verify any matter pertaining to the operation of the program.

Further details on reports, books, and records would be prescribed in the regulations issued after the Cotton Board has designated the handler or handlers responsible for collecting the producer assessments. The hearing record shows clearly the desirability of collection and reporting procedures which (1) would minimize the amount of paperwork, records, and expense involved in the collection and remitting processes, and (2)

provide for prompt collection and remission of the funds to the Cotton Board.

Section 6(c) of the act provides that all information obtained from the books, records, or reports of handlers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving the order. It further provides that the foregoing provision shall not be deemed to prohibit: (1) The issuance of general statements based upon the reports of a number of handlers subject to the order, which statements do not identify the information furnished by any person; or (2) the publication by direction of the Secretary of the name of any person violating the order, together with a statement of the particular provisions of the order violated by such person. This provision should be included in the order to assure the confidentiality of information acquired by the Secretary and the Cotton Board, e.g., that required to be reported by handlers under the order. In addition, the order should provide that all information with respect to refunds made to individual producers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board. Any producer has a right under the act and order to request a refund of any assessment paid by him and he should be able to exercise this right without public disclosure. This would not preclude the Cotton Board or the Secretary from issuing general statements with respect thereto, e.g., volume of refunds in a county, area, or State, if such statements do not identify refunds made to any producer and would serve a useful purpose in appraising or administering the program.

(f) Section 14 of the act prescribes certain information to be submitted to the Secretary by cotton producer organizations in order that a determination and certification can be made with respect to the eligibility of each such organization to participate in the making of nominations for members and alternate members of the Cotton Board. The information that is required to be submitted should be set forth in the order for the benefit of cotton producer organizations and other interested parties.

Section 9(a) of the act provides that the Secretary shall, whenever he finds the order or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of the order or such provision thereof. This provision should be included in the order to apprise cotton producers and other interested parties of the circumstances under which the Secretary is obligated to suspend the order or any provision of the order.

Section 9(b) of the act provides that the Secretary may conduct a referendum

at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving the order, to determine whether cotton producers favor the termination or suspension of the order, and that he shall suspend or terminate the order at the end of the marketing year whenever he determines that suspension or termination of the order is approved or favored by a majority of the producers of cotton voting in the referendum who, during a representative period determined by the Secretary have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum. This assures to producers the right to terminate or suspend the order if they so desire. This provision should be included in the order to apprise cotton producers of the procedure available to them to cause the termination or suspension of the order.

Provision should be included that upon the termination of the order the Cotton Board would recommend not more than five of its members to the Secretary to serve as trustees, for the purpose of liquidating the affairs of the Cotton Board. Such persons, upon designation by the Secretary, should become trustees of all of the funds and property then in the possession or under control of the Board, including claims, liquidated or potential, for any funds unpaid or property not delivered, or any other claim existing at the time of such termination. The said trustees should (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Cotton Board under any existing contracts or agreements; (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title, right and interest to all of the funds, property, and claims vested in the Board or the trustees. Any person to whom funds, property, or claims are transferred or delivered should be subject to the same obligation imposed upon the Cotton Board and upon the trustees. Any residual funds not required to defray the necessary expenses of liquidation should be turned over to the Secretary to be disposed of, in the manner or to the extent practicable, in the interest of continuing one or more of the cotton research and promotion programs previously authorized.

Such proceedings after termination would establish an orderly and economical liquidation procedure in the event of termination of the order and assure cotton producers that any funds left after defraying expenses of liquidation would be used for essentially the same purposes for which collected.

Provision should be made in the order that unless otherwise expressly provided by the Secretary, the termination of the

order or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of the order or any regulation issued thereunder, or (b) release or extinguish any violation of the order or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation. This provision should be included to make it clear that rights, duties, obligations, and liabilities which arise under the order or regulations will be determined by the provision of the order and regulations then in effect and will not be affected by later termination or amendment of the order or regulations.

The order should provide that no member or alternate member of the Cotton Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member of alternate, except for acts of dishonesty or wilful misconduct. This provision is necessary to protect members and alternate members of the Cotton Board from personal liability when they are performing their duties conscientiously. Otherwise, it might be difficult to obtain competent personnel to serve.

The order should provide that if any provision of the order is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this order or the applicability thereof to other persons or circumstances shall not be affected thereby. In the event any provision of the order should be found invalid, it is the intent of this savings clause to permit the program to operate insofar as practicable under the remaining provisions.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons could, not later than September 13, 1966, file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based on evidence received at the hearing. That time was later extended to September 14. Briefs were filed by or on behalf of: (1) The National Cotton Council of America; and (2) Robert B. Delano, C. H. DeVaney, J. D. Hays, Marvin L. Morrison, and Boswell Stevens.

Each point included in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the recommended decision.

General findings. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; and

(2) All cotton produced and handled in the United States is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.

Recommended order. The order hereinafter set forth is recommended as the detailed and appropriate means by which the foregoing conclusions may be implemented.

Any order that may be issued pursuant to the act requires approval of cotton producers in a referendum. Section 8 of the act provides that no order issued shall be effective unless the Secretary determines that the issuance of such order is favored by not less than two-thirds of the producers voting in such referendum, or by a majority of producers voting if that majority produced at least two-thirds of the cotton represented in the referendum.

If a proposed order is approved by the Secretary and subsequently by cotton producers in a referendum, it is contemplated that the \$1 per bale assessment will start at the beginning of the ginning season for the 1967 crop.

DEFINITIONS

§ 1205.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1205.302 Act.

"Act" means the Cotton Research and Promotion Act (Public Law 89-502, 89th Congress, approved July 13, 1966, 80 Stat. 279).

§ 1205.303 Person.

"Person" means any individual, partnership, corporation, association, or any other entity.

§ 1205.304 Cotton.

"Cotton" means all upland cotton harvested in the United States, and except as used in §§ 1205.308, 1205.331, and 1205.332, includes cottonseed of such cotton and the products derived from such cotton and its seed.

§ 1205.305 Fiscal period.

"Fiscal period" is the 12-months budgetary period and means the calendar year unless the Cotton Board, with the approval of the Secretary, selects some other 12-months budgetary period.

§ 1205.306 Cotton Board.

"Cotton Board" means the administrative body established pursuant to § 1205.318.

§ 1205.307 Producer.

"Producer" means any person who shares in a cotton crop actually har-

vested on a farm, or in the proceeds thereof, as an owner of the farm, cash tenant, landlord of a share tenant, share tenant, or sharecropper.

§ 1205.308 Handler.

"Handler" means any person who handles cotton, including the Commodity Credit Corporation.

§ 1205.309 Handle.

"Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

§ 1205.310 United States.

"United States" means the 50 States of the United States of America.

§ 1205.311 Cotton-producing State.

"Cotton-producing State" means each of the following States and combinations of States:

Alabama-Florida;	New Mexico;
Arizona;	North Carolina-
Arkansas;	Virginia;
California-Nevada;	Oklahoma;
Georgia;	South Carolina;
Louisiana;	Tennessee-Ken-
Mississippi;	tucky
Missouri-Illinois;	Texas.

§ 1205.312 Marketing.

"Marketing" includes the sale of cotton or the pledging of cotton to the Commodity Credit Corporation as collateral for a price support loan.

§ 1205.313 Cotton-producer organization.

"Cotton-producer organization" means any organization which has been certified by the Secretary pursuant to § 1205.337.

§ 1205.314 Contracting organization or association.

"Contracting organization or association" means the organization or association with which the Cotton Board has entered into a contract or agreement pursuant to § 1205.328(c).

§ 1205.315 Cotton-producing region.

"Cotton-producing region" means each of the following groups of cotton-producing States:

- (a) Southeast Region: Alabama-Florida, Georgia, North Carolina-Virginia, and South Carolina;
- (b) Midsouth Region: Arkansas, Louisiana, Mississippi, Missouri-Illinois, and Tennessee-Kentucky;
- (c) Southwest Region: Oklahoma and Texas;
- (d) Western Region: Arizona, California-Nevada, and New Mexico.

§ 1205.316 Marketing year.

"Marketing year" means a consecutive 12-month period ending on July 31.

§ 1205.317 Part and subpart.

"Part" means the cotton research and promotion order and all rules, regulations and supplemental orders issued pursuant to the act and the order, and the aforesaid order shall be a "subpart" of such part.

COTTON BOARD

§ 1205.318 Establishment and membership.

There is hereby established a Cotton Board composed of representatives of cotton producers, each of whom shall have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing State, as certified pursuant to § 1205.337, or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible producer organizations, from nominations made by producers in the manner authorized by the Secretary. Each cotton-producing State shall be represented by at least one member and by an additional member for each 1 million bales or major fraction (more than one-half) thereof of cotton produced in the State and marketed above 1 million bales during the period specified in the regulations for determining Board membership.

§ 1205.319 Term of office.

The members of the Board and their alternates shall serve for terms of 3 years, but the initial members and alternates shall be selected to represent the cotton-producing States in each of the cotton-producing regions for terms expiring on December 31, 1968, 1969, or 1970, so that, as nearly as practicable, the terms of one-third of the members and their alternates from cotton-producing States in any such region expire each year. Each member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1205.320 Nominations.

All nominations authorized under § 1205.318 shall be made within such period of time and in such manner as the Secretary shall prescribe. The eligible producer organizations within each cotton-producing State, as certified pursuant to § 1205.337, shall caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be selected to represent the cotton producers of such cotton-producing State. If joint agreement is not reached with respect to the nominees for any such position each such organization may nominate two qualified persons for any position on which there was no agreement.

§ 1205.321 Selection.

From the nominations made pursuant to §§ 1205.318 and 1205.320 the Secretary shall select the members of the Board and an alternate for each such member on the basis of the representation provided for in §§ 1205.318 and 1205.319.

§ 1205.322 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1205.323 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and selected in the manner specified in §§ 1205.318, 1205.320, and 1205.321.

§ 1205.324 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and qualified. In the event both a member of the Board and his alternate are unable to attend a Board meeting, the Board may designate any other alternate member from the same cotton-producing State or region to serve in such member's place and stead at such meeting.

§ 1205.325 Procedure.

A majority of the members of the Board, or alternates acting for members, shall constitute a quorum and any action of the Board shall require the concurring votes of at least a majority of those present and voting. At assembled meetings all votes shall be cast in person. For routine and noncontroversial matters which do not require deliberation and the exchange of views, the Board may also take action upon the concurring votes of a majority of its members by mail, telegraph or telephone, but any such action by telephone shall be confirmed promptly in writing.

§ 1205.326 Compensation and reimbursement.

The members of the Board, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the Board, incurred by them in the performance of their duties under this subpart.

§ 1205.327 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) Subject to the approval of the Secretary, to make rules and regulations to effectuate the terms and provisions of this subpart including the designation of the handler responsible for collecting the producer assessment authorized by § 1205.331, which designation may be of different handlers or classes of handlers to recognize differences in marketing practices in any State or area;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 1205.328 Duties.

The Board shall have the following duties:

(a) To select from among its members a chairman and such other officers as may be necessary for the conduct of its business, and to define their duties;

(b) To appoint or employ such persons as it may deem necessary and to determine the compensation and to define the duties of each;

(c) With the approval of the Secretary, to enter into contracts or agreements for the development and submission to it of research and promotion plans or projects authorized by § 1205.329, and for the carrying out of such plans or projects when approved by the Secretary, and for the payment of the costs thereof with funds collected pursuant to § 1205.331, with an organization or association whose governing body consists of cotton producers selected by the cotton producer organizations certified by the Secretary under § 1205.337, in such manner that the producers of each cotton-producing State will, to the extent practicable, have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of such State bears to the total cotton marketed by the producers of all cotton-producing States, subject to adjustments to reflect lack of participation in the program by reason of refunds under § 1205.332. Any such contract or agreement shall provide that such contracting organization or association shall develop and submit annually to the Cotton Board, for the purpose of review and making recommendations to the Secretary, a program of research, advertising, and sales promotion projects, together with a budget, or budgets, which shall show the estimated cost to be incurred for such projects, and that any such projects shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contracting organization shall keep accurate records of all its transactions, which shall be available to the Secretary and Board on demand, and make an annual report to the Cotton Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(d) To review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organization or association, together with its recommendations with respect to the approval thereof by the Secretary;

(e) To submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of advertising and promotion and research and development projects as estimated in the budget or budgets submitted to it by the contracting organization or association, with the Board's recommendations with respect thereto;

(f) To maintain such books and records and prepare and submit such reports from time to time to the Secretary as he

may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) To cause its books to be audited by a competent public accountant at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit to the Secretary;

(h) To give the Secretary the same notice of meetings of the Board as is given to members in order that his representative may attend such meetings;

(i) To act as intermediary between the Secretary and any producer or handler;

(j) To submit to the Secretary such information as he may request.

RESEARCH AND PROMOTION

§ 1205.329 Research and promotion.

The Cotton Board shall in the manner prescribed in § 1205.328(c) establish or provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products, which plans or projects shall be directed toward increasing the general demand for cotton or its products in accordance with section 6(a) of the act;

(b) The establishment and carrying on of research and development projects and studies with respect to the production, ginning, processing, distribution, or utilization of cotton and its products in accordance with section 6(b) of the act, to the end that the marketing and utilization of cotton may be encouraged, expanded, improved, or made more efficient.

EXPENSES AND ASSESSMENTS

§ 1205.330 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. The funds to cover such expenses shall be paid from assessments received pursuant to § 1205.331.

§ 1205.331 Assessments.

Each cotton producer or other person for whom cotton is being handled shall pay to the handler thereof designated by the Cotton Board pursuant to regulations issued by the Board and such handler shall collect from the producer or other person for whom the cotton, including cotton owned by the handler, is being handled, and shall pay to the Cotton Board, at such times and in such manner as prescribed by regulations issued by the Board, an assessment at the rate of \$1 per bale of cotton handled, for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under this subpart, except that no more than one such assessment shall be made on any bale of cotton.

§ 1205.332 Producer refunds.

Any cotton producer against whose cotton any assessment is made under the authority of the act and collected from him and who is not in favor of supporting the research and promotion program as provided for in this subpart shall have the right to demand and receive from the Cotton Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. Any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary. Such time period shall give the producer at least 90 days from the date of collection to submit the refund form to the Board. Any such refund shall be made within 60 days after demand therefor.

§ 1205.333 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1205.334 Reports.

Each handler subject to this subpart may be required to report to the Cotton Board periodically such information as is required by regulations, which information may include but not be limited to, the following:

- (a) Number of bales handled;
- (b) Number of bales on which an assessment was collected;
- (c) Name and address of person from whom he has collected the assessment on each bale handled;
- (d) Date collection was made on each bale handled.

§ 1205.335 Books and records.

Each handler subject to this subpart shall maintain and make available for inspection by the Cotton Board and the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least 2 years beyond the marketing year of their applicability.

§ 1205.336 Confidential treatment.

(a) All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving this subpart. Nothing in this § 1205.336 shall be deemed to prohibit (1) the issuance of

general statements based upon the reports of a number of handlers subject to this subpart, which statements do not identify the information furnished by any person, or (2) the publication by direction of the Secretary, of the name of any person violating this subpart, together with a statement of the particular provisions of this subpart violated by such person.

(b) All information with respect to refunds made to individual producers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board.

CERTIFICATION OF COTTON PRODUCER ORGANIZATION

§ 1205.337 Certification of cotton producer organization.

Any cotton producer organization within a cotton-producing State may request the Secretary for certification of eligibility to participate in nominating members and alternate members to represent such State on the Cotton Board. Such eligibility shall be based in addition to other available information upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including the following:

(a) Geographic territory within the State covered by the organization's active membership;

(b) Nature and size of the organization's active membership in the State, proportion of total of such active membership accounted for by farmers, a map showing the cotton-producing counties in such State in which the organization has members, the volume of cotton produced in each such county, the number of cotton producers in each such county, and the size of the organization's active cotton producer membership in each such county;

(c) The extent to which the cotton producer membership of such organization is represented in setting the organization's policies;

(d) Evidence of stability and permanency of the organization;

(e) Sources from which the organization's operating funds are derived;

(f) Functions of the organization; and

(g) The organization's ability and willingness to further the aims and objectives of the act.

The primary consideration in determining the eligibility of an organization shall be whether its cotton farmer membership consists of a sufficiently large number of the cotton producers who produce a relatively significant volume of cotton to reasonably warrant its participation in the nomination of members for the Cotton Board. Any cotton producer organization found eligible by the Secretary under this § 1205.337 will be certified by the Secretary, and his determination as to eligibility is final.

MISCELLANEOUS

§ 1205.338 Suspension and termination.

(a) The Secretary will, whenever he finds that this subpart or any provision

thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving this subpart, to determine whether cotton producers favor the termination or suspension of this subpart, and he shall suspend or terminate such subpart at the end of the marketing year whenever he determines that its suspension or termination is approved or favored by a majority of the producers of cotton voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum.

§ 1205.339 Proceedings after termination.

(a) Upon the termination of this subpart the Cotton Board shall recommend not more than five of its members to the Secretary to serve as trustees, for the purpose of liquidating the affairs of the Cotton Board. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Cotton Board under any contracts or agreements entered into by it pursuant to § 1205.328(c); (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this § 1205.339.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this § 1205.339 shall be subject to the same obligation imposed upon the Cotton Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practicable, in the interest of continuing one or more of the cotton research or promotion programs hitherto authorized.

§ 1205.340 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not

(a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder, or (b) release or extinguish any violation of this subpart or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1205.341 Personal liability.

No member or alternate member of the Cotton Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or alternate, except for acts of dishonesty or wilful misconduct.

§ 1205.342 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

Dated: September 30, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-10847; Filed, Oct. 4, 1966;
8:52 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 12]

COFFEE IMPORT QUOTAS

Imports from Nonmember Countries of International Coffee Agreement of 1962

The Department of the Treasury has been informed by the Department of State that the International Coffee Council on September 6, 1966, approved Resolution No. 117 applying the limitations of Article 45(2) of the International Coffee Agreement of 1962 (14 UST 1911) to imports of coffee produced in nonmember countries as soon as practicable after October 1, 1966. Pursuant thereto annual imports of coffee into the United States from nonmember countries of the International Coffee Organization will be limited to a quantity not in excess of the average annual imports from those countries for the years 1960, 1961, and 1962.

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority conferred upon the President by section 2, subsection (1) of the International Coffee Agreement Act of 1965 (19 U.S.C. 1356a(1)), which authority was delegated to the Secretary of the Treasury by Executive Order No. 11229, dated

June 14, 1965 (30 F.R. 7741) it is proposed to add a new section to the Customs Regulations designated as § 12.71 to provide for the Administration of the quota provisions along lines requested by the Department of State.

The terms of the proposed amendment, in tentative form, are as follows:

Part 12 of the Customs Regulations is amended by adding new § 12.71 as follows:

§ 12.71 Import quotas on coffee produced in nonmember countries of the International Coffee Organization.

(a) The following import quotas for the 12-month period beginning on November 1 in any year on coffee, expressed in pounds of green coffee, produced in nonmember countries of the International Coffee Organization are established pursuant to article 45(2) of the International Coffee Agreement for the following countries:

Country	Quota in pounds of green coffee
Bolivia	1,850,800
Guinea	1,454,200
Honduras	28,026,400
Kenya	11,765,800
Liberia	2,511,800
Paraguay	2,644,000
Yemen	1,850,800

(b) All coffee not specifically identified as a product of or shipment from a member country (and therefore accompanied by a certificate of origin or certificate of reexport) and not charged to the quota of one of the countries listed in paragraph (a) of this section shall be charged to an annual basket quota of 6,610,000 pounds of green coffee. Coffee from any one of the countries named in paragraph (a) of this section shall be charged to the basket quota after the specific quota for that country has been filled.

(c) Coffee in any of the forms covered by items 160.10, 160.20, and 160.21, Tariff Schedules of the United States, are chargeable to the above quotas. In converting from one form of coffee to another, the following factors prescribed in Article 2 of the International Coffee Agreement shall be employed:

- 1 pound of roasted coffee equals 1.19 pounds of green coffee.
- 1 pound of soluble coffee equals 3.00 pounds of green coffee.
- 1 pound of coffee berries equals 0.50 pound of green coffee.
- 1 pound of parchment coffee equals 0.80 pound of green coffee.
- 1 pound of the dried coffee solids contained in liquid coffee equals 3.00 pounds of green coffee.

(d) The following shipments will not be chargeable to import quotas:

(1) Shipments of 27 pounds or less of green or other crude coffee; 23 pounds or less of roasted coffee; or 9 pounds or less of soluble coffee.

(2) Coffee covered by a certificate of reexport issued by a member country through which such coffee has been shipped to the United States.

(3) Coffee imported into Puerto Rico or coffee grown in Puerto Rico and shipped to other areas of the United States.

It is proposed to apply the quotas to coffee entered, or withdrawn from warehouse, for consumption on and after November 1, 1966. However, coffee shipped to the United States prior to the date of the publication of this notice in the FEDERAL REGISTER and arriving in the United States after November 1, 1966, will not be subject to the quota restrictions set out above.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved October 3, 1966.

TRUE DAVIS,
Assistant Secretary
of the Treasury.

[F.R. Doc. 66-10905; Filed, Oct. 4, 1966;
11:03 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Proposed Revision of Form

The Board of Governors is considering the adoption of a revision of Form F.R.Y-5¹ for use by a bank holding company in registering with the Board pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841ff).

¹ Filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System or to any Federal Reserve Bank.

The proposed revised form, like its predecessor, is designed to assure that a bank holding company furnish in its registration statement the information required by section 5(a) of the Act (12 U.S.C. 1844).

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 31, 1966.

Dated at Washington, D.C., this 28th day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10776; Filed, Oct. 4 1966;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16068]

MULTIPLE OWNERSHIP OF TELE- VISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. Comments and reply comments in this proceeding are now due October 3,

1966, and December 1, 1966. On September 21, 1966, National Broadcasting Co., Inc. filed a petition requesting an extension of time to file comments to November 1, 1966 (Columbia Broadcasting System, Inc. filed a statement in support of the request). It is stated that petitioner wishes additional time to study the voluminous report recently filed (in preliminary form) by United Research, Inc. The petition also states that counsel for the Council For Television Development (the group financing the United Research study) has no objection to the requested extension although it intends to file its comments by October 3.

2. It appears that good cause exists for the extension, and that it will not materially delay disposition of the proceeding. Accordingly, it is ordered, This 29th day of September 1966, that the time for filing comments herein is extended to and including November 1, 1966, and the time for filing reply comments herein is extended to and including December 5, 1966; and the petition of National Broadcasting Co., Inc., is granted.

3. This action is taken pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10842; Filed, Oct. 4, 1966;
8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

DRIED FISH

Importation; Available Certifications by Government of Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity: Fish, dried.

MARGARET W. SCHWARTZ,
Director,

Office of Foreign Assets Control.

[F.R. Doc. 66-10865; Filed, Oct. 4, 1966;
8:52 a.m.]

T. 43 S., R. 14 W.,
Sec. 1;
Sec. 4, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 9, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 19, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 22, N $\frac{1}{2}$;
Secs. 25, 26;
Sec. 27, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 28, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 29, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 30, E $\frac{1}{2}$;
Sec. 31, lots 5, 6, NE $\frac{1}{4}$;
Secs. 33, 34, 35.

T. 42 S., R. 15 W.,
Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 19, lot 1, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 42 S., R. 15 W.,
Sec. 7, lots 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 11, lot 11;
Sec. 14, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Secs. 26, 27, 34, 35.

T. 41 S., R. 16 W.,
Sec. 30, lot 1;
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 42 S., R. 16 W.,
Sec. 7, lots 1-6 inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$
NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 9, lots 1-5, inclusive;
Sec. 17, lots 3-8 inclusive;
Sec. 18, lots 6-14, SE $\frac{1}{4}$;
Sec. 21, lots 1-4, 6-8, inclusive, SW $\frac{1}{4}$
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 25, lots 7, 8;
Sec. 26, lot 4;
Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 43 S., R. 16 W.,
Sec. 12, lots 3, 4, 9, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 42 S., R. 17 W.,
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

The areas described aggregate 16,920.-
17 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2311, such lands, at 10 a.m. on October 30, will be relieved of the segregative effect of the above-mentioned application.

R. D. NIELSON,
State Director.

[F.R. Doc. 66-10802; Filed, Oct. 4, 1966;
8:48 a.m.]

Fish and Wildlife Service

[Docket No. C-249]

FREDERICK N. WEDEL

Notice of Loan Application

Frederick N. Wedel, Post Office Box 193, Bodega Bay, Calif. 94923, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 40.9-foot registered length wood vessel to engage in the fishery for salmon and Dungeness crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and

Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,

Bureau of Commercial Fisheries.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10798; Filed, Oct. 4, 1966;
8:47 a.m.]

[Docket No. B-392]

SALVATORE AND PROVIDENZA CURCURI

Notice of Loan Application

Salvatore and Providenza Curcuro, 33 Hodgkins Street, Gloucester, Mass. 01930, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 90-foot registered length wood vessel to engage in the fishery for groundfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operations of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10799; Filed, Oct. 4, 1966;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management UTAH

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Reclamation application, U-069117, for withdrawal and reservation of lands for damsites, reservoirs, and potential farm units in connection with the Dixie Project, was published as F.R. Doc. No. 62-1042, on pages 952-3 of the issue for February 1, 1962. The applicant agency has canceled its application insofar as it affects the following described lands:

SALT LAKE MERIDIAN

T. 41 S., R. 13 W.,
Sec. 27, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 42 S., R. 13 W.,
Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, lots 1-4, inclusive;
Sec. 15, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 27, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 29, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 30, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 31, lots 7 to 12, inclusive, SE $\frac{1}{4}$;
Sec. 34, E $\frac{1}{2}$ W $\frac{1}{2}$.

T. 43 S., R. 13 W.,
Sec. 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 6, lots 1-12, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$.

T. 41 S., R. 14 W.,
Sec. 34, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, lots 1-4, inclusive, E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 42 S., R. 14 S.,
Sec. 3, lots 2, 3, 8;
Sec. 4, lots 1, 3, 4, 9, 10, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 8, lots 1-4 inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.

DEPARTMENT OF STATE

Agency for International Development ASSOCIATE ASSISTANT ADMINISTRATOR FOR PRIVATE ENTERPRISE

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961, I hereby delegate the following functions:

To the Associate Assistant Administrator for Private Enterprise, authority under sections 221(b) (1) and 222(b) (2) of the Foreign Assistance Act of 1961 to authorize and issue all Specific Risk Investment Guaranties and the Extended Risk Guaranty now pending issuance in connection with the Siam Kraft Paper Co., Ltd., paper mill project in Thailand.

This delegation of authority shall be effective immediately.

Dated: September 27, 1966.

WILLIAM S. GAUD,
Administrator, Agency for
International Development.

[F.R. Doc. 66-10797; Filed, Oct. 4, 1966;
8:47 a.m.]

Office of the Secretary

[Delegation of Authority 111; Public Notice
250]

LEGAL ADVISER AND DEPUTY LEGAL ADVISERS

Delegation of Authority To Determine and Certify to Secretary of Treasury Certain Claims

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 5 U.S.C. 151c) I hereby delegate to the Legal Adviser and the Deputy Legal Advisers the authority vested in the Secretary of State by the Act of February 27, 1896, Ch. 34, 29 Stat. 32, 31 U.S.C. 547, to determine the amounts due claimants from funds held in trust for citizens of the United States or others, which have been received by the Secretary of State from foreign governments, and certify the same to the Secretary of the Treasury.

This delegation of authority shall be effective immediately.

Dated: September 26, 1966.

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-10825; Filed, Oct. 4, 1966;
8:50 a.m.]

DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

Food and Drug Administration CHAS. PFIZER & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 6J2016) has been filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, proposing the issuance of a regulation to provide for the safe use of a milk-clotting enzyme, derived from *Endothia parasitica* by a pure culture fermentation process, in cheese production.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10816; Filed, Oct. 4, 1966;
8:49 a.m.]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), notice is given that a petition (PP 7F0532) has been filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing the establishment of tolerances for residues of the insecticide 1,2-dibromo-2,2-dichloroethyl dimethyl phosphate in or on raw agricultural commodities, as follows:

3 parts per million in or on chard, grapefruit, lemons, oranges, spinach, tangerines, and turnip tops.

1 part per million in or on broccoli, brussels sprouts, cabbage, cauliflower, lettuce, and strawberries.

0.5 part per million in or on beans (succulent and dry forms), cucumbers, eggplants, melons (cantaloupes, honey dew, muskmelons, watermelons, and others), peas (succulent and dry forms), peppers, pumpkins, rice, soybeans (succulent and dry forms), summer squash, tomatoes, and winter squash.

The analytical methods proposed in the petition for determining residues of this insecticide are that of microcoulometric gas chromatography and electron capture gas chromatography.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10817; Filed, Oct. 4, 1966;
8:49 a.m.]

UNION CARBIDE CORP.

Notice of Extension of Temporary Tolerance

A temporary tolerance of 1 part per million for residues of the insecticide *exo-3-chloro-endo-6-cyano-2-norbornanone O-(methylcarbamoyl) oxime* in or on apples and pears, which was established at the request of Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25303, expired August 25, 1966, and the company has re-

quested a 1-year extension to permit additional tests.

The Commissioner of Food and Drugs has determined that extension of this temporary tolerance will protect the public health; therefore, an extension has been granted which will expire August 25, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346 (j)), and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10818; Filed, Oct. 4, 1966;
8:49 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 3B1065) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of phosphate esters of the reaction product of nonylphenol condensed with 9 or 50 moles of ethylene oxide, as optional components of food-packaging adhesives.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10819; Filed, Oct. 4, 1966;
8:49 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 7B2073) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2527 *Antistatic and/or antifogging agents in food-packaging materials* to provide for the safe use of the following substances as antistatic and/or antifogging agents in polyolefin, polyvinyl chloride, and polystyrene food-contact articles:

Phosphate ester of the reaction product of nonylphenol condensed with 9 moles of ethylene oxide.

Phosphate esters of the reaction product of tridecyl alcohol condensed with 6 or 9 moles of ethylene oxide.

Phosphate ester of the reaction product of lauryl alcohol condensed with 4 moles of ethylene oxide.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10820; Filed, Oct. 4, 1966;
8:50 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 7B2074) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2536 *Filters, resin-bonded* to provide for the safe use of the phosphate ester of the reaction product of nonylphenol condensed with 9 moles of ethylene oxide, as an optional adjuvant substance in the production of resin-bonded filters used in producing, manufacturing, processing, and preparing food.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10821; Filed, Oct. 4, 1966;
8:50 a.m.]

NORSE CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Disodium EDTA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 6A2018) has been filed by Norse Chemical Corp., 2121 Norse Avenue, Cudahy, Wis. 53110, proposing an amendment to § 121.1056 *Disodium EDTA* to provide for the safe use of disodium EDTA as a sequestering agent in aqueous solutions of artificial sweeteners which are generally recognized as safe.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10822; Filed, Oct. 4, 1966;
8:50 a.m.]

SYNTEX LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additive Chlormadinone Acetate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Syntex Laboratories, Inc., 701 Welch Road, Palo Alto, Calif. 94304, has withdrawn its petition (FAP 5D1634) notice of which was published in the FEDERAL REGISTER of January 22, 1965 (30 F.R. 727), proposing the issuance of a regulation to provide for the safe use of chlormadinone acetate (6-chloro- Δ^4 -17-acetoxypregesterone) in the feed of beef and dairy heifers and beef cows for the synchronization of estrus (heat).

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10823; Filed, Oct. 4, 1966;
8:50 a.m.]

WESTERN DAIRY PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additive Stannic Oxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Western Dairy Products, Inc., 118 World Trade Center, San Francisco, Calif. 94111, has withdrawn its petition (FAP 5A1789), notice of which was published in the FEDERAL REGISTER of July 30, 1965 (30 F.R. 9551), proposing the issuance of a regulation to provide for the safe use of stannic oxide as a tracer at a level of 0.1 percent in sodium caseinate used in cooked comminuted meat products.

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10824; Filed, Oct. 4, 1966;
8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-156]

UNIVERSITY OF WISCONSIN

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-74. The amendment authorizes the University of Wisconsin to receive and possess, but not to use, 3.75 kilograms of contained uranium 235 in modified TRIGA type fuel elements, as described in the licensee's ap-

plication for license amendment dated July 13, 1966.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated July 13, 1966, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of September 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. R-74; Amdt. 7]

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, paragraph 2.B. of License No. R-74, as amended, issued to the University of Wisconsin, is hereby amended to read as follows:

"B. Pursuant to the Act and Title 10, CFR, Ch. 1, Part 70, 'Special Nuclear Material,' to receive, possess and use in connection with the operation of the reactor 16 grams of plutonium contained in plutonium-beryllium neutron sources and up to 7.0 kilograms of contained uranium 235; and to receive and possess, but not to use 3.75 kilograms of contained uranium 235 in modified TRIGA type fuel element bundles; and"

Date of issuance: September 20, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10759; Filed, Oct. 4, 1966;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17037]

AIR EXPRESS CHARGE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 3, 1966, is postponed to October 17, 1966, 10 a.m., e.d.s.t., Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., September 30, 1966.

[SEAL] MILTON H. SHAPIRO;
Hearing Examiner.

[F.R. Doc. 66-10808; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17613]

ALOHA AND HAWAIIAN SHOW CAUSE ORDER¹

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 1, 1966, at 10 a.m., e.d.s.t., Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., September 29, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10809; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17657]

EXECUTIVE JET AVIATION, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 13, 1966, at 10 a.m., e.d.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., September 29, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10810; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17727]

W.A.A.C. (NIGERIA) LTD.

Notice of Prehearing Conference

Application for renewal of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

¹ Order E-24066, August 11, 1966.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 12, 1966, at 10 a.m., e.d.s.t., Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 30, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10811; Filed, Oct. 4, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16864; FCC 66M-1307]

ARTHUR POWELL WILLIAMS

Order Continuing Prehearing Conference

In re application of Arthur Powell Williams; Docket No. 16864, File No. BR-1852; for renewal of license of Station KLAU, Las Vegas, Nev.

On the unopposed oral request of counsel for applicant: *It is ordered*, This 28th day of September 1966, that the prehearing conference is rescheduled from October 5 to October 14, 1966, at 9 a.m., in Washington, D.C.

Released: September 29, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10833; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 16879-16881, FCC 66M-1306]

AUDUBON BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Audubon Broadcasting Corp., Westwego, La.; Docket No. 16879, File No. BP-17113; Holmes Broadcasting, Inc., Westwego, La.; Docket No. 16880, File No. BP-17114; West Jefferson Broadcasting, Inc., Gretna, La.; Docket No. 16881, File No. BP-17115; for construction permits.

It is ordered, This 26th day of September 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 14, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 13, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: September 29, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10834; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 15668, 15708; FCC 66R-373]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Memorandum Opinion and Order Enlarging Issues

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill.; Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill.; Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

1. The above-captioned applicants seek construction permits for a new UHF television broadcast station to operate on Channel 38 in Chicago, Ill. By order (FCC 64-961, released Oct. 23, 1964) Chicagoland TV Co.'s (Chicagoland) application was designated for comparative hearing with the applications of Kaiser Industries Corp. and Warner Bros. Pictures, Inc.¹ Subsequently, by order (FCC 64-1076, released Nov. 20, 1964) the mutually exclusive application of the Chicago Federation of Labor and Industrial Union Council (Federation) was consolidated for hearing with the previously designated applications. Presently before the Board is a petition to enlarge issues filed July 18, 1966, by Federation.² The petition seeks addition of issues to determine (a) whether there is reasonable assurance that Chicagoland's proposed antenna site will be available; (b) whether the application of Chicagoland is a contingent application; (c) whether Chicagoland misrepresented its true intentions with respect to its proposed antenna location, structure and cost; and (d) whether Chicagoland has been so negligent, careless and inept in the prosecution of its application as to seriously reflect upon its ability to fulfill the duties and responsibilities of a Commission licensee.

2. The instant petition was filed more than 18 months after the hearing issues were first published in the FEDERAL REGISTER. Accordingly, "good cause" for the untimely filing of the petition must be shown before the Board may consider the

¹ The application of Kaiser Industries Corp. was dismissed by the Hearing Examiner in a memorandum opinion and order (FCC 64M-1278) released Dec. 23, 1964. The application of Warner Bros. Pictures, Inc., was dismissed by order of the Hearing Examiner (FCC 65M-296), released Mar. 15, 1965.

² Also before the Board are the Broadcast Bureau's comments, filed Aug. 3, 1966; opposition, filed Aug. 5, 1966, by Chicagoland; reply, filed Aug. 15, 1966, by Federation; motion for leave to file supplement to opposition to petition to enlarge issues and supplement to opposition to petition to enlarge issues, filed Aug. 10, 1966, by Chicagoland; supplement to reply to opposition to petition to enlarge issues, filed Sept. 1, 1966, by Federation; comments on supplement to reply to opposition to petition to enlarge issues, filed Sept. 13, 1966, by Chicagoland; and reply to Chicagoland's "comments on supplement to reply to opposition to petition to enlarge issues," filed Sept. 19, 1966, by Chicagoland. The latter three pleadings were neither requested nor authorized pursuant to Rule 1.294(d), and will not be considered.

merits of the allegations contained therein. Federation maintains that the facts giving rise to the requested issues were not fully disclosed until the June 24, 1966, cross-examination of Frederick Livingston, one of Chicagoland's partners; that the transcript of this testimony (which Federation alleges is inconsistent with the earlier testimony of Chicagoland's other partner, Thomas L. Davis) was not available until the first week in July; and that its petition was filed promptly thereafter. Our review of the record supports Federation's assertion that Livingston's testimony is essential to its requests. Under these circumstances we are satisfied that Federation has shown good cause for the late filing of its petition. *Flower City Television Corp., FCC 62R-39, 24 RR 242.*

3. Briefly stated, Federation's request for a site availability issue is premised upon its allegations: (a) That the antenna site specified in Chicagoland's application (the Kemper Building) has been leased to Essaness TV Associates (Essaness), permittee of Channel 44 in Chicago, for a period of 5 years commencing January 1, 1967; (b) that the Commission recently granted Essaness' application modifying its construction permit to specify its transmitter and antenna sites at the same location proposed by Chicagoland; (c) that Essaness has not agreed to share its facilities with Chicagoland; and (d) that in the event its application is granted, Chicagoland cannot commence operations as proposed in its application unless and until Essaness moves its antenna site and Chicagoland acquires that site. Chicagoland does not contest these allegations but argues that it proposed a site with reasonable assurance, made in good faith, that it will be available for the intended purpose. In support of its position Chicagoland states: (a) That Essaness intends to move its antenna and transmitter to the Hancock Building when that building becomes ready for the erection of television towers in the fall of 1967; (b) that Essaness has agreed to permit Chicagoland to assume its lease with the owners of the Kemper Building as of the time Essaness moves to the Hancock Building; and (c) that Chicagoland will not need the Kemper Building site before Essaness' contemplated move to the Hancock Building. In support of its contentions Chicagoland submitted a letter agreement between itself and Essaness evidencing Essaness' willingness to allow Chicagoland to assume the unexpired portion of its lease of the Kemper Building site, "if the space is not then needed by Essaness * * * and subject to the approval of the lessor and the FCC,"³ and a letter from the rental agent of the Kemper Building advising Chicagoland that if Essaness moves, they would consider an arrangement whereby Chicagoland could occupy the site.

4. From the foregoing facts it is evident that the availability of Chicagoland's proposed antenna site is conditioned upon completion of the Hancock Building;⁴ Essaness' move to the Hancock Building; and Commission approval of the relocation of Essaness' transmitter and antenna sites to that building. Livingston's testimony indicates Chicagoland has no alternative antenna site and that it would not be able to commence operations as proposed in its application until Essaness moves from the Kemper Building. Because of the serious questions raised by these contingencies the Board sees no alternative but to add the site availability issue.⁵

5. Our addition of the site availability issue obviates the need for an issue to determine whether Chicagoland's application is of a contingent nature since, as noted by the Broadcast Bureau,⁶ the failure of Chicagoland to prevail on the site availability issue would result in the denial of its application.

6. Federation's request for misrepresentation and ineptness issues is based on its contentions: (a) That Chicagoland's partners gave inconsistent testimony in response to questions whether Chicagoland proposed an arrangement whereby it would "stack" its antenna with that of Essaness, and whether it had ever received a cost estimate for such a stacked antenna; (b) that Chicagoland failed to disclose its application was of a contingent nature;⁷ (c) that Chicagoland's partners were lacking in candor when they stated that RCA's deferred payment letter of June 17, 1966, included \$20,000 for the installation of the stacked antenna, since the quotation letter from the rigging company giving the \$20,000 estimate is dated June 20, 1966; (d) that Chicagoland failed to advise the Commission of its plan to rely on a stacked antenna; (e) that Chicagoland failed to include in its cost estimate the erection and installation of its antenna (as proposed in its application); and (f) that Chicagoland did not comply with section II paragraph 22 of FCC Form 301 when it failed to submit a copy of the Essaness lease assumption agreement with its application.

7. We have reviewed these allegations in light of the responsive pleadings and the record, and are of the opinion that addition of the misrepresentation and ineptness issues is not warranted. At a

³ The record contains a letter from Sudler & Co., rental agents for the Hancock Building, which states that the building will be available on or about Jan. 1, 1968.

⁴ Chicagoland's argument that it will not need the Kemper Building site until 1968 is premised upon its projection of the duration of this proceeding and fails to take into account any possibility of a disposition thereof prior to 1968.

⁵ The Bureau supports Federation's request for a site availability issue, but believes that the evidence does not support addition of the misrepresentation and ineptness issues.

⁶ Whether Chicagoland's application is contingent is dependent in large measure upon the resolution of the site availability issues and until that is determined, this allegation cannot serve as a basis for the addition of the other issues.

hearing session held in May 1966, Davis indicated considerable uncertainty as to what Chicagoland's antenna proposal would be if it received a construction permit prior to the time Essaness moved from the Kemper Building. Counsel for Chicagoland stated on the record that under such circumstances Chicagoland would install its antenna as originally proposed in its application and would mount the Essaness antenna above it in a stacked arrangement. Subsequently, on July 24, 1966, Livingston testified that based on his earlier conversations with Essaness' president he thought Chicagoland would be able to share the Kemper Building facilities but that it was later determined that such an interim arrangement would not be necessary. There is no evidence contradicting Chicagoland's claim that the stacked antenna arrangement was only a contingent plan and that it was discarded between the time Davis testified and the time of Livingston's testimony. Viewed in this light there is no material inconsistency between the partners' testimony concerning Chicagoland's plan for a stacked antenna.

8. At the May 17, 1966, hearing session it was discovered that Chicagoland had failed to include the cost of installing its antenna (as proposed in its application) in its preoperation expenses. On May 18, 1966, Davis testified that on the previous evening he contacted RCA and obtained a cost estimate of \$20,000 which he believed included the stacked antenna. Subsequently, Livingston testified that Chicagoland had never obtained a cost estimate for the stacked antenna from RCA, but that at RCA's suggestion this cost was obtained from a rigging company and added to the RCA equipment letter dated June 17, 1966.⁸ Chicagoland admits the existence of some inconsistency in the testimony of its partners but maintains that it resulted from a misunderstanding on the part of Davis, who thought the original \$20,000 estimate from RCA included the stacked antenna, and that Chicagoland never intended to deceive the Commission. While the record evidences some confusion on the part of Chicagoland's partners regarding the antenna cost estimates, we do not believe these deficiencies to be of such magnitude or made with deceptive purposes as to warrant the addition of either a misrepresentation or an ineptness issue.⁹

Accordingly, it is ordered, This 29th day of September 1966, that the motion for leave to file supplement to opposition to enlarge issues, filed August 10, 1966, by Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., is granted; and

⁸ This information was obtained on June 17, 1966 and conveyed to RCA on that date. Subsequently, the rigging company confirmed the estimate in a letter dated June 20, 1966. The foregoing explains the alleged lack of "candor" charged by Federation.

⁹ We agree with Chicagoland that par. 22 of sec. II, FCC Form 301 pertains to the disclosure of contracts relating to the ownership and control of proposed stations and does not require the disclosure or submission of agreements pertaining to proposed antenna sites.

³ The letter agreement submitted with the opposition was unsigned. On Aug. 10, 1966, a supplement to its opposition in order to submit a signed copy of the agreement. Chicagoland's motion will be granted.

It is further ordered, That the petition to enlarge issues filed July 18, 1966, by Chicago Federation of Labor and Industrial Union Council, is granted to the extent indicated herein, and is denied in all other respects; and that the issues in this proceeding are enlarged by addition of the following issue:

To determine whether there is reasonable assurance that the antenna site proposed by Frederick B. Livingston and Thomas L. Davis, doing business as Chl-cagoland TV Co., will be available for its proposed use.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹⁰

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10835; Filed, Oct. 4, 1966;
8:51 a.m.]

[Docket Nos. 16340, 16341; FCC 66R-372]

EDGEFIELD-SALUDA RADIO CO. (WJES) AND WQIZ, INC. (WQIZ)

Memorandum Opinion and Order Enlarging Issues

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C.; Docket No. 16340, File No. BP-16489; WQIZ, Inc. (WQIZ), Saint George, S.C.; Docket No. 16341, File No. BP-16625; for construction permits.

1. Each of the above applicants presently operates an AM station in its respective community. Each is seeking herein a change of frequency (to 810 kc/s) and increased power. The applications are mutually exclusive, and the principal issue designated is which of the two should be preferred under section 307(b) of the Act. The designation order was released on December 8, 1965; evidentiary hearings were held on March 8 and 9, 1966; the record was closed on the latter date; and, on June 6, 1966, the Hearing Examiner released an initial decision, FCC 66D-30, proposing to grant the application of WQIZ, Inc. (WQIZ), and deny the application of the Edgefield-Saluda Radio Co. (WJES).

2. On May 31, 1966, prior to the release of the initial decision but well after the record was closed, WJES filed the subject petition to enlarge issues.¹ This petition,² filed more than 5 months after designation and more than 2 months after the closing of the record, is clearly late. Moreover, as urged by WQIZ and the

Bureau, petitioner's showing of good cause for its tardiness is wholly unconvincing since it is clear to the Board that with the exercise of due diligence, petitioner could have obtained its "newly discovered" evidence shortly after January 20, 1966, when the hearing exhibits were exchanged. Accordingly, no portion of the petition may be granted unless the likelihood of proving the respective allegations therein is so substantial as to outweigh the public interest benefits inherent in the orderly and fair administration of the Commission's business. Cf. West Central Ohio Broadcasters, Inc., FCC 66R-344, released September 8, 1966.³ It is stressed at the outset that petitioner's burden in the instant case is a heavy one; this is so not only because of the lateness of the petition, but also because additional issues would be warranted only if they are of a disqualifying nature. Thus, the principal question here is which of two communities is more deserving of the facilities sought; consequently allegations not going to matters disqualifying in nature are irrelevant to the disposition of the proceeding.

3. In all, petitioner seeks the addition of six factual issues against WQIZ, most of which have "character" overtones. In general, petitioner requests issues to determine whether its opponent has (a) made misrepresentations and failed to disclose material facts; (b) prosecuted the subject application in bad faith; (c) operated Station WQIZ at substantial variance from the operation represented to the Commission; (d) operated Station WQIZ in a manner inimical to the town of St. George, S.C.; and (e) operated Station WQIZ unattended contrary to the provisions of § 73.93 of the rules. Additionally, petitioner seeks a technical issue concerning WQIZ's antenna system. The requested issues will be treated *seriatim*.

4. In contending for an issue to determine whether WQIZ has been operating "inimicable to the interests of the town of St. George, S.C.," petitioner relies upon (a) various copies of articles and editorials from the Times, a weekly news-

¹⁰ Board Member Pincock dissenting.
¹ The following pleadings are also before the Board: (a) Opposition, filed on July 15, 1966, by WQIZ; (b) Broadcast Bureau's comments, filed on July 15, 1966; (c) reply to (b), filed on Aug. 3, 1966, by WQIZ; and (d) reply to (a) and (b), filed on Aug. 4, 1966, by WJES.
² Although WJES has not labeled its petition a petition to reopen the record, a request for such relief—in light of the closing of the record—is inherent in its request for enlargement of the issues.
³ In the past where petitions were filed late and no good cause was shown, the Board has often followed a practice of denying the petition on procedural grounds and, where appropriate, allowing the relief requested on the Board's own motion. We believe it would improve and expedite our disposition of these untimely petitions to modify this approach and, in cases where the public interest demands that the merits of such a deficient petition be considered, to initiate a practice of considering the late-filed petition to the extent that serious public interest questions are raised. However, we will act favorably on such petitions only when the petition satisfies the likelihood test set forth above. As stated in *Valley Telecasting Co. v. FCC*, 118 U.S. App. D.C. 410, 336 F. 2d 914, 917 (1965), wherein the court of appeals indicated that allegations of injury to the public could be measured by a more exacting standard if such allegations were not raised at an appropriate stage of the proceeding, "[o]rderness, expedition, and finality in the adjudicatory process are appropriate weights in the scale, as reflecting a public policy which has authentic claims of its own."

paper owned by Clarence E. Jones, the president and sole owner of WQIZ; and (b) two letters, signed by Jones, from the face of which it can be contended that Jones bears certain religious prejudices. As to (a), as pointed out by the Broadcast Bureau in its comments, no showing has been made that WQIZ has discriminated against local merchants either in the allotment of broadcast time or in the assessment of charges for services; that WQIZ has broadcast programs or editorialized in a manner defamatory to the members of any religious or racial group; or that WQIZ has not afforded opportunity for the presentation of opposing viewpoints on controversial matters. Nor are there any factual allegations, supported by affidavits of persons with knowledge, that WQIZ is not meeting the needs and interests of the residents of St. George.⁴ As to (b), Jones, in an affidavit submitted with WQIZ's opposition, states that he wrote the letters submitted by WJES when overly tired and under an emotional strain, that he regrets these actions, and that he harbors no feelings of prejudice or religious bigotry. This explanation is accepted by the Board.

5. Despite the admonition of section 1.65 of the Rules requiring applicants to submit amendments within 30 days if the information contained in the application is no longer substantially accurate, WQIZ has failed, WJES contends, to report substantial and significant changes in the WQIZ operation. Although WQIZ's application states that it has and will have a staff consisting of six fulltime employees and one part time employee, WQIZ has reduced its staff to one fulltime employee—Jones—and one part time employee. This fact was discovered, WJES states, by Franklin D. R. McClure, a partner in WJES, on a visit to St. George on May 11, 1966. With respect to hours of operation, WJES alleges that although WQIZ's application indicates that the hours of operation will be the same as that shown in the WQIZ license—from local sunrise to local sunset—during the months of March and April 1966, WQIZ went off the air at 4 p.m. each day, thus denying the locality of an outlet during an important part of the broadcast day. WJES also alleges that significant changes in WQIZ's programming have been unreported to the Commission. It points out that the WQIZ application states that there will be no change in programming from that originally proposed for its present facilities, and that the original application indicates that its wire presentations would total 13.13 percent. In addition WQIZ indicated in that application that it had a contract with United Press International Teletype News Service. However, WJES states, McClure, on a visit to St. George on April

⁴ In response to the above charges, WQIZ submitted a list of various public service programs broadcast by the station and a list of numerous organizations and groups for which WQIZ has broadcast non-commercial spot announcements. WQIZ also submitted a statement signed by 30 St. George businessmen expressing support for the station.

14, 1966, determined that no wire programming was being carried on Station WQIZ, and McClure "has reason to believe" that this situation existed for at least several months before March 1966; moreover, it is contended, WQIZ's news programs consisted only of reading from a Charleston, S.C., newspaper. Further lack of candor by WQIZ is shown, WJES asserts, by the length of time it took for WQIZ to inform the Commission of certain changes in the antenna ground system of its station. WQIZ's original application, which was granted on April 19, 1962, indicated that WQIZ was to utilize easements and place the ground system on land adjacent to that owned by Jones. An easement for the land was obtained on August 14, 1961, but on August 19, 1961, this easement was released and Jones agreed to remove his ground wires from the property; in June of 1964, Jones advised the Commission that he was utilizing a ground system within the WQIZ property. An affidavit from McClure attests to personal knowledge of the foregoing facts.

6. In response to these allegations, Jones, in his affidavit, concedes that the station no longer has a six-man staff, but states that it is his "hope and expectation" that if the subject application is granted, the staff will be enlarged to its previous size. Jones also concedes that WQIZ does not presently have teletype news services, but states that he continues to propose such news service if his application is granted. With respect to WQIZ's ground system, Jones states that the release of easement was executed simply to protect the owner of the property, that it was never exercised, that the location of the ground system was as shown in the application, and that when the ground system was subsequently moved, it was done pursuant to Commission consent.

7. No showing has been made that WQIZ's ground system was moved without Commission consent, and Jones' explanation of the release of easement is adequate. However, WQIZ neither denies nor explains the allegations concerning the reduction of its hours of operation. With regard to its staff and programming, while WQIZ apparently intends to operate in the manner proposed in its application, there have been significant changes in past and existing operations which WQIZ has failed to report. There is no indication of when these changes occurred or how long they have been in effect. Commission policy requires licensees to report significant changes in programming. Report and order, FCC 65-686, 5 RR 2d 1773, 1776. Additionally, since WQIZ's application makes specific representations with regard to its existing and proposed operations, serious questions are raised as to whether WQIZ has failed to comply with § 1.65 of the rules. Moreover, if these changes had already been made at the time WQIZ filed its subject application, a question of misrepresentation would be present. Issues inquiring into these matters appear warranted and will therefore be added.

8. WJES alleges that WQIZ's 810 kc/s proposal appears to be designed as an inducement for profitable sale rather than operation. In support of this allegation, WJES submitted a "notice of private sale," signed by Jones, wherein reference to its pending application is made, and a letter, signed by Jones on January 22, 1966, to a prospective buyer which also mentions the pending application. The Broadcast Bureau, in its comments, supports the addition of a trafficking issue, contending that a clause in the notice of private sale which states that the "contract is binding on a buyer only if the 5 kw. application is approved" conditions the sale on the outcome of the instant proceeding, and raises substantial questions as to whether Jones intends to construct the proposed facilities and whether he has prosecuted the pending application for the purpose of selling the station at an increased price. Jones, in his affidavit, concedes that he has, in the past, attempted to sell Station WQIZ. However, Jones points out that he has owned the station for over three years, and states that the subject application was not filed for the purpose of selling the station, that the existence of the application had no connection with the proposed sale, and that he has discontinued his efforts to sell the station. In its reply, WQIZ states that the language contained in the notice of sale, relied upon by the Bureau, refers only to the contract for the purchase of new equipment, not the contract for the sale of the station.

9. The Board agrees with the Bureau that if a substantial question were raised as to whether WQIZ filed the subject application merely for the purpose of selling the station at an enhanced price, a trafficking issue would be warranted. See *Edina Corp.*, FCC 66R-238, 4 FCC 2d 36, 61. However, there is no allegation, supported by affidavits of persons with knowledge, that Jones intended to sell the station at the time he filed the application or that WQIZ does not intend to construct its proposed facilities and operate thereon indefinitely. The mere fact that Jones attempted to sell the station and mentioned the subject proposal while the application was pending is not sufficient to raise questions as to his intent in applying for improved facilities, particularly in view of Jones' unequivocal denial that the subject application had anything to do with the attempt to sell the station, and the fact that he no longer has the station on the market.⁵ Cf. *Central Broadcasting Corporation*, FCC 66R-117, 3 FCC 2d 115.

10. WJES alleges that Station WQIZ is being operated completely unattended, contrary to the Commission's rules. WJES states that on May 11, 1966, Jones met McClure at a restaurant, and gave him a guided tour of the station; that during that tour McClure saw no other person at the station except Jones' wife, who unlocked the door and entered the

building, presumably to make a half-hourly reading; that Jones told McClure that the station was being operated by "automation," from 3 to 5 p.m.; and that during the tour, Jones turned on the lights in the control room and turned them off when the two departed. Jones, in his affidavit, denies the allegation that WQIZ has been operated on an unattended basis, contending that the studio and transmitter of WQIZ are located in the same building with the residence of Jones and wife; that, although McClure did not see her, Mrs. Jones was in the building monitoring the station from the control room and was never outside the building;⁶ and that although Jones turned off lights in certain rooms, the lights in the transmitter and control rooms, which are adjacent to each other, were left on so that Mrs. Jones could properly perform the duties of an operator. McClure, in an affidavit submitted with WJES's reply, again states that the lights in the control room were turned off and Mrs. Jones was not in the room.

11. Section 73.93 of the Commission's rules requires a licensed operator to be in charge of the transmitting apparatus and to be on duty at the transmitter location, if remote control is not authorized. The affidavits submitted are conflicting as to whether this rule was being complied with. In view of this conflict and because of the interrelationship of this matter and the allegations concerning WQIZ's programming and staffing changes, hearing issues to determine whether WQIZ has operated unattended will be added.

12. WJES asserts that WQIZ will not be able to achieve the minimum radiation efficiency of 175 mv/m per 1 kilowatt of power, as required by § 73.189 of the rules. In support of this contention, petitioner submitted an engineering affidavit to the effect that the proposed WQIZ antenna is capable of radiating no more than 171.5 mv/m per kilowatt. In response, WQIZ submitted an engineering affidavit showing that the antenna would develop a field of 174 mv/m or 175.2 mv/m, depending upon which of the petitioner's two estimated no-loss field strengths are used. As pointed out by the Bureau in its comments, the designation order contains a condition requiring that before program tests are authorized, WQIZ shall submit sufficient field intensity measurement data to establish that the proposed antenna system complies with the minimum efficiency requirements of section 73.189 of the rules. Thus, the Commission was aware of this problem at the time of designation. Moreover, even if petitioner's contention that WQIZ's proposed antenna system would only develop 171.5 mv/m is accurate, the amount of departure is only 2 percent below the minimum required field, and it is not beyond the realm of possibility that the minimum value can be attained, depending upon the manner in which the antenna system is constructed and adjusted.

⁵ The Board agrees with WQIZ that the notice of sale did not make the sale of the station conditional on the outcome of the instant proceeding.

⁶ Mrs. Jones, in an affidavit, substantiates these allegations.

13. WJES contends that the burden of proceeding with the introduction of evidence and the burden of proof should be placed upon WQIZ with regard to any added issues. Since the pertinent information raised by the issues added herein is peculiarly within the knowledge of WQIZ, it will be given the burden of proof on these issues. However, since the additional issues relate to serious questions of conduct and resulted from charges made by WJES, WJES will have the burden of proceeding with the initial presentation of evidence. See D & E Broadcasting Co., 1 FCC 2d 78, 5 RR 2d 475 (1965); and Elyria-Lorain Broadcasting Co., FCC 65-857, 6 RR 2d 191 (1965).

Accordingly, it is ordered, This 28th day of September 1966, That the petition of the Edgefield-Saluda Radio Co. to enlarge hearing issues, filed on May 31, 1966, is granted to the extent indicated herein, and denied in all other respects; that this proceeding is remanded to the Hearing Examiner for a reopening of the record, further hearing, and the preparation of a supplemental initial decision consistent with this opinion; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether there has been with respect to Station WQIZ (and, if so, the attendant facts and circumstances) unattended operation, reduction in hours of operation, reduction in staff, and/or substantial changes in programming of WQIZ; and to determine in connection therewith whether WQIZ, Inc., has misrepresented its operation to the Commission in its application, pleadings or testimony, has failed to report significant changes in operation contrary to the provisions of § 1.65 of the rules and/or the Commission's policy requiring licensees to report substantial changes in programming, and/or has operated Station WQIZ in a manner contrary to the provisions of § 73.93 of the Commission's rules;

(b) To determine in light of the evidence adduced under the foregoing issue, whether WQIZ, Inc., possesses the requisite qualifications to be a Commission licensee.

It is further ordered, That the Edgefield-Saluda Radio Co. is directed to proceed with the initial presentation of evidence with respect to the issues added herein, WQIZ, Inc., then to proceed with the introduction of its evidence and to have the burden of proof with respect to the added issues.

Released: September 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10836; Filed, Oct. 4, 1966;
8:51 a.m.]

⁷ Board Member Kessler concurring in the result only and Board Member Nelson absent.

[Docket Nos. 16340, 16341; FCC 66M-1310]

EDGEFIELD-SALUDA RADIO CO. (WJES) AND WQIZ, INC. (WQIZ)

Order Scheduling Prehearing Conference

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C.; Docket No. 16340, File No. BP-16489; WQIZ, Inc. (WQIZ), Saint George, S.C.; Docket No. 16341, File No. BP-16625; for construction permits.

The Hearing Examiner having under consideration the memorandum opinion and order of the Review Board in the above-entitled proceeding, released September 28, 1966 (FCC 66R-372), remanding the proceeding to the Hearing Examiner for reopening of the record, further hearing on enlarged issues, and preparation of a supplemental initial decision;

It is ordered, This 29th day of September 1966, that the record herein is hereby reopened and that a prehearing conference is hereby scheduled to convene at 10 a.m., October 14, 1966, at the Commission's offices, Washington, D.C.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10837; Filed, Oct. 4, 1966;
8:51 a.m.]

[Docket No. 16889; FCC 66-863]

HAWAIIAN PARADISE PARK CORP. AND FRIENDLY BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Hawaiian Paradise Park Corp. (Assignor); and Friendly Broadcasting Co. (Assignee); Docket No. 16889, BALCT-293, BALTS-185; for assignment of licenses of Stations KTRG-TV and KUT-67, Honolulu, Hawaii.

At a session of the Federal Communications Commission held at its office in Washington, D.C., on the 28th day of September 1966.

1. The Commission has before it the above application as amended. It requests the assignment of the license of Station KTRG-TV, Honolulu, Hawaii, from the Hawaiian Paradise Park Corp. to the Friendly Broadcasting Co.

2. Examination of the application indicates that the assignee proposes a major change in the program format to that of a substantial amount of Japanese programming with a limited amount of other foreign language programming. This proposal raises a number of substantial and material questions of fact to be resolved by the hearing which we are ordering. Some of these questions are:

(1) The adequacy of the assignee's survey to support the proposed programming.
(2) The need and interest of the station's principal community and service area for the proposed programming.

3. There are other questions to be resolved at the hearing. Such an application presents difficult problems of control and supervision. In this regard, we note that the Eaton stations have a history of rule violations, and that this history raises a question of the adequacy of the supervision and control of the operation of the Eaton stations.

4. In light of this past history and of the proposed programming at KTRG and of the distance of the facility from Eaton's principal business address (Washington, D.C.), substantial and material questions of fact remain as to the assignee's proposals for control and supervision of the KTRG television facilities.

5. The Commission finds that except as indicated by the issues specified below, the assignee is legally, technically, and financially qualified to operate Station KTRG as proposed. However, in view of the outstanding substantial and material questions of fact previously mentioned, the Commission is unable to find that a grant of the aforementioned application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below.

6. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the adequacy of the assignee's survey of needs and whether this survey of needs supports the assignee's proposed programming.

2. To determine the adequacy of assignee's proposed measures for control and supervision at KTRG.

3. To determine whether a grant of the above application will serve the public interest, convenience, and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicants herein, pursuant to § 1221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of

such notice as required by § 1.594(g) of the rules.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10838; Filed, Oct. 4, 1966;
8:51 a.m.]

[Docket No. 16663; FCC 66M-1303]

LAMAR LIFE INSURANCE CO.

Order Scheduling Prehearing Conference

In re applications of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of television station WLBT and auxiliary services, Jackson, Miss.

Upon the Hearing Examiner's own motion; *It is ordered*, This 29th day of September 1966, that there will be a prehearing conference in this proceeding on October 10, 1966, 9:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 29, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10839; Filed, Oct. 4, 1966;
8:51 a.m.]

[Docket Nos. 16301, 16312; FCC 66M-1309]

SAWNEE BROADCASTING CO. (WSNE) AND HALL COUNTY BROADCASTING CO. (WLBA)

Order Scheduling Further Prehearing Conference

In re applications of John T. Pittard, trading as Sawnee Broadcasting Co. (WSNE), Cumming, Ga.; Docket No. 16301, File No. BP-16375; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co. (WLBA), Gainesville, Ga.; Docket No. 16312, File No. BP-16606; for construction permits.

A further prehearing conference in the above-entitled proceeding will be held on Thursday, October 13, 1966, beginning at 9 a.m., in the offices of the Commission, Washington, D.C.

The matters to be considered will include but will not be limited to (1) the type and scope of the exhibits which Hall County Broadcasting Co. (WLBA) will offer in response to the financial issues adopted by the Review Board in its corrected memorandum opinion and order adopted September 22, 1966, released September 27, 1966; (2) the date for the exchange of such exhibits; and (3) the date for further evidentiary hearing.

¹ Commissioner Hyde dissenting and Commissioner Lee absent.

It is so ordered, This the 29th day of September 1966.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10840; Filed, Oct. 4, 1966;
8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-49; 1st Supp. Order]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Household Goods Investigation

By order of August 23, 1966, the Commission on its own motion instituted an investigation to determine whether the rates maintained by the North Atlantic Mediterranean Freight Conference and its member lines on the movement of household goods for the Department of State in relation to those applicable to the movement of household goods shipped in the Conference trade by the military are contrary to sections 16, 17, and 18(b) (5), Shipping Act, 1916; and whether the maintenance of such rates and the failure of the Conference and its member lines to act upon the request of the Department of State for rate adjustments constitute a violation of section 15 of said Act.

On August 26, 1966, the Waterman Steamship Corp. was admitted to membership in the North Atlantic Mediterranean Freight Conference and on that date the Conference tariff was revised to name said carrier as a participant therein.

Now therefore *it is ordered*, That the Waterman Steamship Corp., 19 Rector Street, New York, N.Y. 10006, be named as a respondent in this proceeding, that notice of this order be published in the FEDERAL REGISTER and that a copy thereof and all other notices in this proceeding be served upon all respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-10812; Filed, Oct. 4, 1966;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CS67-1—CS67-3]

J. C. BARNES OIL CO., ET AL.

Findings and Order

SEPTEMBER 27, 1966.

J. C. Barnes Oil Co. (Operator), Docket No. CS67-1; Adobe Oil Co., Docket No. CS67-2; and Leonard Latch, et al., Docket No. CS67-3; findings and order after statutory hearing issuing small producer certificates of public convenience

and necessity, terminating certificates, severing and terminating proceeding, and canceling FPC gas rate schedules.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications and in the Appendix hereto.

Applicants' presently effective certificates and FPC gas rate schedules for sales from the Permian Basin area to be continued under small producer certificates are listed in the Appendix hereto. The certificates will be terminated and the rate schedules canceled.

Applicant in Docket No. CS67-1 proposes to continue a sale made pursuant to J. C. Barnes (Operator), et al., FPC Gas Rate Schedule No. 4 which was heretofore unconditionally authorized to be made at a rate in excess of the area base rate prescribed in Opinion No. 468. J. C. Barnes filed a notice of change in rate under his FPC Gas Rate Schedule No. 4 which change is suspended in Docket No. RI63-296.¹ Applicant in Docket No. CS67-3 has heretofore filed an increase in rate under his FPC Gas Rate Schedule No. 1 which was suspended in Docket No. RI60-328² and is effective subject to refund. The proceeding in Docket No. RI63-296 will be terminated and Applicants' other rate proceeding will remain pending.

After due notice no petition to intervene, notice of intervention or protest to the granting of the applications has been received.

At a hearing held on September 22, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon commencement of service under the authorization hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein and in the Appendix hereto, will be made in interstate commerce subject to the jurisdiction of

¹ Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1, et al.

² Consolidated in the initial proceeding in Docket No. AR61-1, et al.

the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) Applicants are or will be independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants for sales of natural gas from the Permian Basin, which sales will be continued under the small producer certificates issued hereinafter should be terminated, and the related FPC gas rate schedules should be cancelled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI63-296 should be severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al., and terminated.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the Appendix hereto and in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly.

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area,

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act, and

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued herein shall be effective on the date of this order.

(F) The proceeding pending in Docket No. RI63-296 is severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR 61-1, et al., and terminated.

(G) The issuance and termination of certificates and the cancellation of rate schedules herein shall not relieve Applicants from compliance with orders which have been or may be issued in Applicants' pending rate proceedings and in Docket Nos. AR 61-1, et al., including refund obligations, and from the submission of refund reports for sales made at rates in excess of the applicable area base rates between September 1, 1965, and the date of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule No.	Terminated certificate docket No.
CS67-1, 7-25-66	J. C. Barnes Oil Co. (Operator).	13 14	G-7103. ² G-14334. ⁴
CS67-2, 7-20-66	Adobe Oil Co.		
CS67-3, 7-5-66	Leonard Latch, et al.	1	G-19443.

¹ On file as J. C. Barnes, et al., FPC Gas Rate Schedule No. 3.

² Certificate issued to J. C. Barnes, et al.

³ On file as J. C. Barnes (Operator), et al., FPC Gas Rate Schedule No. 4. An increased rate under this rate schedule is suspended in Docket No. RI63-296.

⁴ Certificate issued to J. C. Barnes (Operator), et al.

⁵ An increased rate under this rate schedule is in effect subject to refund in Docket No. RI60-328.

[F.R. Doc. 66-10767; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-67]

CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-67 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a gas pipeline, the installation and operation of metering, regulating, and other appurtenant facilities, and the sale and delivery of natural gas to the Gas Service Co. (Gas Service) for resale and distribution by Gas Service to consumers in and about the cities of Ash Grove, Walnut Grove, and Willard, Mo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to tap its 16-inch pipeline in the NE¼ of sec. 22, T. 28 N., R. 23 W., Greene County, Mo.; to construct and operate approximately 27 miles of 6- and 4-inch pipeline from the tap location to the vicinity of the communities to be served; to install and operate metering, regulating, and appurtenant facilities at three locations along this pipeline and to there sell and deliver gas to Gas Service for such resale and distribution.

The third year peak day and annual natural gas requirement is estimated to be 968 Mcf and 108,500 Mcf, 14.73 p.s.i.a., respectively.

The total estimated cost of the proposed facilities is \$469,400, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure,

a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10768; Filed, Oct. 4, 1966;
8:45 a.m.]

[Docket No. CP67-74]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 21, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-74 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities necessary to augment certain existing facilities utilized for the receipt and transportation of gas in the Wasson area of Yoakum County, Tex., as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states that the proposed facilities will implement the receipt and utilization at its Wasson plant of an additional 33 M³ cf/d of gas under an amended contract between Applicant and Shell Oil Co. and Coltexo Corp.

The facilities for which Applicant seeks certificate authorization to construct and operate consist of approximately 1.1 miles of 20-inch O.D. pipeline, 0.6 mile of 10¾-inch O.D. pipeline, one (1) 20-inch O.D. and one (1) 10¾-inch O.D. check meter. Applicant also proposes to construct and operate, under authority of § 2.55(a) of the Commission's general policy and interpretations, additional purification and dehydration facilities to provide an increase of 33 M³ cf/d design inlet capacity in its existing Wasson plant.

The total estimated cost of Applicant's proposed construction is \$3,010,559, and will be financed out of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Fed-

eral Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10769; Filed, Oct. 4, 1966;
8:45 a.m.]

[Docket No. CP67-68]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two measuring stations for the receipt and transportation of natural gas to be purchased from Petroleum Management, Inc., produced from the Buckner Field, Richland Parish, La., and Joe G. Strahan, produced from the Richland Field Area in Richland, Caldwell, Ouachita, and Franklin Parishes, La.

The total estimated cost of the proposed facilities is \$3,547, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to inter-

vene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10770; Filed, Oct. 4, 1966;
8:45 a.m.]

[Docket No. CP67-66]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-66 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by §157.7(b) of the regulations under the act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the calendar year 1967 and operate meter stations, lateral pipelines, and taps on Applicant's existing natural gas transmission system to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from an independent producer or other similar seller authorized by the Commission to make a sale to the Applicant for resale in interstate commerce.

The application states that the facilities for which authorization is sought are required in order to enable Applicant to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas located in the vicinity of its system.

Total estimated cost of Applicant's proposed construction is not to exceed \$2,000,000, with no single project expenditure to exceed \$500,000, and will be financed with funds on hand for construction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time re-

quired herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10771; Filed, Oct. 4, 1966;
8:45 a.m.]

[Docket No. RP67-10]

TEXAS GAS TRANSMISSION CORP. Notice of Proposed Changes in Rates and Charges

SEPTEMBER 27, 1966.

Pursuant to § 2.59 of the Commission's rules (18 CFR 2.59), notice is hereby given that on September 23, 1966, Texas Gas Transmission Corp. filed stipulation as to rates which reflect its proposed changes reducing rates and charges in each rate schedule presently in effect. The proposed decrease aggregates approximately \$4,238,000 based upon estimated 1966 billing quantities and represents primarily the reduction in Federal income tax resulting from the company's flow-through of its use of liberalized depreciation as a tax deduction. The reduced rates are proposed to become effective October 1, 1966.

The stipulation also provides for filing of net rate reductions by Texas Gas to give effect to reductions in the rates of its suppliers, effective on October 1, 1966, and for flow-through of refunds received from its suppliers.

The stipulation further provides that Texas Gas will not effectuate an increase in any of the jurisdictional rates being reduced herein prior to July 1, 1968, after statutory suspension, if any.

Copies of the proposed rate changes and the agreement have been served by Texas Gas upon its customers and State Commissions.

Comments may be filed with the Commission on or before October 20, 1966.

JOSEPH H. GUTRIDE,
Secretary.

F.R. Doc. 66-10772; Filed, Oct. 4, 1966;
8:45 a.m.]

[Docket No. CP67-71]

TEXAS GAS TRANSMISSION CORP. Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 19, 1966, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the con-

struction of facilities in Haywood County, Tenn. for the transportation in interstate commerce for sale for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate one side valve and a positive meter in Haywood County, Tenn., which will establish a new delivery point for an existing customer, the city of Brownsville, Tenn. (Brownsville), for resale in the community of Providence, Haywood County, Tenn. (Providence).

The estimated annual and peak day requirements for Providence are 1,800 Mcf and 20 Mcf, respectively. The application states that no increase in the contract demand of Brownsville is proposed for this service.

The total estimated cost of the proposed facilities is \$2,470, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10773; Filed, Oct. 4, 1966;
8:46 a.m.]

[Docket Nos. CP67-72, CP67-73]

TEXAS GAS UTILITIES CO.

Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 19, 1966, Texas Gas Utilities Co. (Applicant), Post Office Drawer 521, Corpus Christi, Tex. 78403, filed in Docket No. CP67-72 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the exportation of natural gas to the Republic of Mexico. Concurrently with the above-mentioned application Applicant filed in Docket No. CP67-73 an application for a Presidential Permit pursuant to Executive Order No.

10485, dated September 3, 1953, authorizing the maintenance and operation of facilities to export gas at the international boundary between the United States of America and the Republic of Mexico. The proposals involved are more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

Applicant states that its predecessor in interest, Border Pipe Line Co. (Border), presently sells and delivers natural gas to American Smelting & Refining Co. (American) for exportation pursuant to authority granted both Border and American by the Commission in Docket No. G-228, on October 10, 1942, and maintains and operates facilities to export gas by authority of a Presidential Permit also issued by the Commission in Docket No. G-228 on October 10, 1942. American transports the gas into Mexico for use by its subsidiary, Compania Mineral Asarco, S. A.

Applicant further states that pursuant to an assignment, dated June 29, 1966, Border assigned and conveyed its interest to Applicant in the sale to American.

Applicant specifically seeks authorization to continue the sale and delivery of natural gas to American for exportation to Mexico at a point on the international boundary approximately 7 miles south of Laredo, Tex., as described above. The application states that the natural gas used in the exportation will come from fields in the State of Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10774; Filed, Oct. 4, 1966;
8:46 a.m.]

[Docket Nos. CP67-69, CP67-70]

UNITED GAS DISTRIBUTION CO. Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, United Gas Distribution Co. (Applicant), Post Office Box 2461, Houston, Tex. 77001, filed in Docket No. CP67-69 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the exportation of natural gas to the Republic of Mexico. Concurrently with the above application, Applicant has also filed in Docket No. CP67-70 an application for a permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the operation and maintenance of facilities on the international border between the United States and Mexico for the exportation of natural gas to Mexico. The proposals involved are more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

Applicant proposes, subject to the approval of the Securities and Exchange Commission, to take over the Distribution Division of United Gas Corp. (United). The application states that on August 9, 1966, Applicant and United entered into a form of purchase agreement wherein United agreed to sell and Applicant agreed to purchase United's Distribution Division, including all properties, records, and contracts pertaining to the exportation of gas for which authorization is here sought.

The application states that United, subsequent to the enactment of the Natural Gas Act in 1938, pursuant to section 3 of said Act, applied for authorization to continue the exportation of natural gas to Compania de Gas Nuevo Laredo, S.A. (CGNL) for sale for resale in the city of Nuevo Laredo, Mexico, which exportation and sale had been conducted by United and the predecessors of United since 1923. The Commission granted authorization in Docket No. G-103 on September 10, 1940 (2 FPC 803). United also applied for and obtained the requisite Presidential permit which was dated July 9, 1940. Subsequently, upon the execution of a new contract between United and CGNL a new authorization and permit were granted on January 26, 1945, 4 FPC 840, and November 29, 1944, respectively, in Docket No. G-103.

Specifically, Applicant proposes to operate and maintain facilities at the international border with Mexico between Laredo, Tex., and Nuevo Laredo, Mexico. Applicant states that all the gas supplies for CGNL will come from fields located in the State of Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10775; Filed, Oct. 4, 1966;
8:46 a.m.]

**GENERAL SERVICES ADMINIS-
TRATION**

[Wildlife Order 78]

**PORTION OF KINGSBURY ORDNANCE
PLANT, LA PORTE, IND.**

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Chicago Regional Office, dated June 7, 1966, the property comprising 747.735 acres and 41 buildings, identified as a portion of the former Kingsbury Ordnance Plant, La Porte, Ind., and more particularly described in the conveyance document has been transferred

by deed effective June 6, 1966, to the State of Indiana.

2. The above identified property was transferred to the State of Indiana for the use and benefit of the Department of Natural Resources for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: September 27, 1966.

CURTIS A. ROOS,
*Acting Assistant Commissioner
for Property Disposal, Prop-
erty Management and Dis-
posal Service.*

[F.R. Doc. 66-10813; Filed, Oct. 4, 1966;
8:48 a.m.]

**SECURITIES AND EXCHANGE
COMMISSION**

[File No. 1-3421]

**CONTINENTAL VENDING MACHINE
CORP.**

Order Suspending Trading

SEPTEMBER 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 29, 1966, through October 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10791; Filed, Oct. 4, 1966;
8:47 a.m.]

[NY-4393]

FIRST STANDARD CORP.

Order Suspending Trading

SEPTEMBER 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of First Standard Corp. otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934 that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period Sep-

tember 29, 1966, through October 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10792; Filed, Oct. 4, 1966;
8:47 a.m.]

[File No. 70-4417]

MISSISSIPPI POWER & LIGHT CO.

**Notice of Proposed Issue and Sale
of First Mortgage Bonds and Trans-
fer of Portion of Earned Surplus to
Common Capital Stock Account**

SEPTEMBER 28, 1966.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), P.O. Box 1640, Jackson, Miss. 39205, an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, \$7,000,000 principal amount of First Mortgage Bonds, ----- percent Series due November 1, 1996. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated September 1, 1944, between Mississippi and Irving Trust Co. and Fredrick G. Herbst (E. J. McCabe, Successor), Trustees, as heretofore supplemented and as to be further supplemented by a Ninth Supplemental Indenture to be dated November 1, 1966.

The net proceeds from the sale of the bonds will be used (i) to retire short-term notes to banks made or to be made by Mississippi as temporary financing of its current construction program, estimated at about \$51,900,000 for the year 1966 of which about \$37,085,000 has been expended through July 31, 1966, and (ii) for other corporate purposes.

As of July 31, 1966, the earned surplus of Mississippi amounted to \$14,413,792. Mississippi proposes to transfer \$6,200,000 of its earned surplus to its common Capital Stock Account thereby increasing the stated value of its 3,100,000 outstanding shares of no par common stock from \$49,600,000 to \$55,800,000.

Fees and expenses relating to the proposed sale of bonds are estimated at \$45,000, including legal fees of \$17,500 and accountant's fees of \$2,500. The fee of counsel for the underwriters, to be paid by the successful bidders, is esti-

mated at \$6,000. Fees and expenses which may become payable in connection with the proposed increase in stated capital are expected to be nominal, and no special fees will be paid to regularly retained counsel.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 21, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10793; Filed, Oct. 4, 1966;
8:47 a.m.]

[812-1999]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During an Underwriting

SEPTEMBER 28, 1966.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to \$1 million principal amount convertible subordinated debentures due 1986 ("the debentures") which Sanders Associates, Inc. ("the Issuer"), proposes to issue. The proposed purchase is a portion of an offering of \$17,500,000 principal amount of debentures expected to be offered to the public as soon as the

registration statement on Form S-1 of the Issuer, filed September 13, 1966, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 1.20 percent of the Applicant's assets as of September 9, 1966, and that the investment of the Applicant in all securities of the Issuer will represent approximately 1.95 percent of the Applicant's assets as of September 9, 1966.

Notice is further given that any interested person may, not later than October 10, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the

basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10794; Filed, Oct. 4, 1966;
8:47 a.m.]

[File No. 70-4416]

NEW ENGLAND ELECTRIC SYSTEM, ET AL.

Notice of Proposed Increase in Authorized Amounts of Promissory Notes Issued by Subsidiary Companies to Banks and/or to Holding Company

SEPTEMBER 28, 1966.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, and certain of its public-utility subsidiary companies ("the borrowing companies"), namely, Massachusetts Electric Co. ("Mass Electric"), New England Power Co. ("NEPCO"), Central Massachusetts Gas Co. ("Central"), Mystic Valley Gas Co. ("Mystic Valley") and Wachusett Gas Co. ("Wachusett"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12 of the Act and Rules 42(b)(2), 45 and 50(a)(2) and (3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The Commission on February 23, 1966 (Holding Company Act Release No. 15410), authorized the borrowing companies, among other subsidiary companies of NEES, to issue to banks and/or to NEES, not later than December 31, 1966, their short-term notes in a maximum aggregate amount outstanding at any one time of \$44,765,000. It is now proposed that the borrowing companies will issue \$5 million additional amount of such notes not later than such date, for interim financing of construction expenditures, or reimbursement of their treasuries for expenditures for such purpose, as follows:

Mass Electric.....	¹ \$1,500,000
NEPCO	¹ 3,000,000
Central	² 100,000
Mystic Valley.....	² 300,000
Wachusett	² 100,000
	<hr/> \$5,000,000

¹ Notes to be issued to: NEES and/or The First National Bank of Boston, Mass.

² Notes to be issued to: First National City Bank, New York, N.Y.

Each proposed note will bear interest at not in excess of the prime rate (currently 6 percent per annum) in effect at

the time of issue, will mature on or prior to March 31, 1967, and will be prepayable at any time, in whole or in part, without premium, and in all respects will contain the same terms and conditions as the notes heretofore authorized by the Commission.

Incidental services in connection with the proposed issuance of notes will be performed at actual cost by New England Power Service Co., an associate service company; such cost is estimated not to exceed \$200 for each company.

It is stated that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than October 19, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 66-10795; Filed, Oct. 4, 1966;
8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the ef-

fective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Adamsville Shirt Mfg. Co., Adamsville, Tenn.; 9-8-66 to 9-7-67 (ladies' blouses).

The Arrow Co., division of Cluett, Peabody & Co., Inc., Albertville, Ala.; 9-8-66 to 9-7-67 (men's shirts).

The Bennettsville Co., Division of Florence Manufacturing Co., Inc., 200 Rogers Street, Bennettsville, S.C.; 9-12-66 to 9-11-67; 10 learners (ladies' dresses).

Glenn Berry Manufacturers, Inc., 126 North River Street, Commerce, Okla.; 9-20-66 to 9-19-67 (men's army fatigues).

Gross Galesburg Co., Chariton, Iowa; 9-19-66 to 9-18-67 (men's outerwear jackets).

Industrial Garment Manufacturing Co., Route No. 2, Palestine, Tex.; 9-12-66 to 9-11-67 (men's work pants).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; 9-8-66 to 9-7-67 (men's and boys' slacks).

Henry I. Siegel Co., Inc., Fulton, Ky.; 9-24-66 to 9-23-67 (men's and boys' pants).

Stapleton Garment Co., Stapleton, Ga.; 9-23-66 to 9-22-67 (men's trousers and ladies' slacks).

Levi Strauss & Co., 802½ West Erwin Street, Tyler, Tex.; 9-12-66 to 9-11-67 (men's and boys' jeans).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; 9-30-66 to 9-29-67 (men's slacks).

Williamson-Dickie Manufacturing Co., Post Office Box 377, Bainbridge, Ga.; 9-12-66 to 9-11-67 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

The Arrow Co., Division of Cluett, Peabody & Co., Inc., Albertville, Ala.; 9-8-66 to 3-7-67; 60 learners (men's shirts).

Macon Garment Co., Red Boiling Springs, Tenn.; 9-12-66 to 3-11-67; 80 learners (men's pants).

Prairie Manufacturing Co., East Prairie, Mo.; 9-12-66 to 3-11-67; 20 learners (men's and boys' pants).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; 9-12-66 to 3-11-67; 10 learners (men's slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended)

Good Luck Glove Co., Rosiclare, Ill.; 9-12-66 to 3-11-67; 100 learners for plant expansion purposes (work gloves).

St. Johnsbury Glovers, Inc., 18 Railroad Street, St. Johnsbury, Vt.; 9-21-66 to 9-20-67; 10 learners for normal labor turnover purposes (knit and leather gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended)

Beauty Maid Mills, Inc., Post Office Box 631, Statesville, N.C.; 9-9-66 to 9-8-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties, gowns, and slips).

Sierra Lingerie Co., 300 West 12th Street, Ogden, Utah; 8-25-66 to 2-24-67; 15 learners for plant expansion purposes (ladies' and children's panties).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended)

Bissinger's, Inc., 205 West Fourth Street, Cincinnati, Ohio; 9-6-66 to 1-31-67; 10 learners for plant expansion purposes in the occupation of candy creations assembler, for a learning period of 320 hours at the rate of \$1.15 an hour (candy creations).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below:

Southwestern Union College, Keene, Tex.; 9-7-66 to 8-31-67; authorizing the employment of: (1) 6 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, camera and plate room technician and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of \$1.10 an hour for the first 500 hours and \$1.15 an hour for the remaining 500 hours; and (2) 2 student-workers in the clerical occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of \$1.10 an hour for the first 240 hours and \$1.15 an hour for the remaining 240 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 66-10789; Filed, Oct. 4, 1966;
8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of \$1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

Crest Stores Co., variety stores from 9-17-66 to 9-16-67: Boone, N.C.; Brevard, N.C.; North Wilkesboro, N.C.

Eagle Stores Co., Inc., variety stores: 222 Sunset Avenue, Asheboro, N.C. (9-15-66 to 9-14-67); 1-11 West Main Street, Martinsville, Va. (9-3-66 to 9-2-67).

W. T. Grant Co., variety stores: 77-85 Congress Street, Rumford, Maine (9-12-66 to 9-11-67); No. 5, New Bedford, Mass. (9-12-66 to 9-11-67); 8 Airport Plaza, Hazlet, N.J. (9-14-66 to 9-13-67); 1113 Washington Pike, Ridgeville, Pa. (9-15-66 to 9-14-67); Crampton-Ingram Shopping Center, Pittsburgh, Pa. (9-16-66 to 9-15-67); 345 Market Street, Unbury, Pa. (9-3-66 to 9-2-67).

Harry's Food Stores, Inc., food store; 135 Whig, San Angelo, Tex.; 9-12-66 to 9-2-67. Harts Super Markets, food store; No. 1, Ransom, Mo.; 9-3-66 to 9-2-67.

S. S. Kresge Co., variety stores: No. 305, Chicago, Ill. (9-3-66 to 9-2-67); No. 549, Lansing, Mich. (9-14-66 to 9-13-67); No. 573, Ypsilanti, Mich. (9-6-66 to 9-5-67); No. 520, Minneapolis, Minn. (9-3-66 to 9-2-67); No. 4567, Cleveland, Ohio (9-16-66 to 9-15-67); No. 644, Dayton, Ohio (9-21-66 to 9-20-67).

McCrory-McLellan-Green Stores, variety stores: No. 1135, Louisville, Ky. (9-3-66 to 9-2-67); No. 1202, Baltimore, Md. (9-16-66 to 9-15-67); No. 664, Lynn, Mass. (9-27-66 to 9-26-67); No. 506, Ypsilanti, Mich. (9-9-66 to 8-8-67); No. 1059, Portsmouth, Ohio (9-6-66 to 9-5-67); No. 317, East York, Pa. (9-14-66 to 9-13-67); No. 325, Fairless Hills, Pa. (9-14-66 to 9-13-67); No. 139, Bristol, Tenn. (9-3-66 to 9-2-67).

Morgan & Lindsey, Inc., variety stores from 3-66 to 9-2-67: No. 3090, Arabi, La.; No. 65, Baton Rouge, La.; No. 3083, Morgan City, La.; No. 3057, New Orleans, La.; No.

3068, New Orleans, La.; No. 3019, Ruston, La.; No. 3086, Sulphur, La.; No. 3050, West Monroe, La.; No. 3084, Hattiesburg, Miss.; No. 3051, Jackson, Miss.; No. 3082, Laurel, Miss.

G. C. Murphy Co., variety stores: No. 134, Baltimore, Md. (9-12-66 to 9-11-67); No. 147, Baltimore, Md. (9-12-66 to 9-11-67); No. 238, Baltimore, Md. (9-12-66 to 9-11-67); No. 267, Baltimore, Md. (9-12-66 to 9-11-67); No. 268, Glen Burnie, Md. (9-12-66 to 9-11-67); No. 271, Bethlehem, Pa. (9-12-66 to 9-11-67); No. 108, Mercer, Pa. (9-13-66 to 9-12-67).

J. J. Newberry Co., variety stores: 11 Dexter Avenue, Montgomery, Ala. (9-8-66 to 9-7-67); No. 425, Atlanta, Ga. (9-23-66 to 9-22-67); No. 237, Winchester, Ky. (9-1-66 to 8-31-67); No. 360, Alma, Mich. (9-12-66 to 9-11-67); No. 244, Okmulgee, Okla. (9-14-66 to 9-13-67); 110 East State Street, Kennett Square, Pa. (9-13-66 to 9-12-67); No. 509, Houston, Tex. (9-16-66 to 9-15-67).

Rayless Department Stores, Inc., department stores: 835-941 Broad Street, Augusta, Ga. (9-15-66 to 9-14-67); 342 North Main Street, Hendersonville, N.C. (9-17-66 to 9-16-67); 220-227 Main Street, Salisbury, N.C. (9-17-66 to 9-16-67); 312-320 East Broad Street, Richmond, Va. (9-3-66 to 9-2-67).

Rockford Dry Goods Co., department store; State and Main Streets, Rockford, Ill.; 9-14-66 to 9-13-67.

Skinner, Chamberlain & Co., department store; 225 South Broadway, Albert Lea, Minn.; 9-3-66 to 9-2-67.

Sunshine Department Stores, Inc., department store; 795 Marietta Street NW., Atlanta, Ga.; 9-15-66 to 9-14-67.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of \$1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Branson Heights Supermarket, Inc., food store; No. 2, Branson, Mo.; stock boy, bag boy, clean-up boy; 10 percent for each month; 9-3-66 to 9-2-67.

Eagle Stores Co. variety store; No. 27, Collinsville, Va.; sales clerk, stock clerk; 10 percent for each month; 9-3-66 to 9-2-67.

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, cashier, except as otherwise indicated: No. 599, Mableton, Ga. (sales clerk, between 0.2 percent and 10 percent, 9-14-66 to 9-13-67); No. 1131, Baltimore, Md. (between 7.4 percent and 10 percent, 9-12-66 to 9-11-67); No. 902, Barre, Vt. (between 3.5 percent and 10 percent, 9-12-66 to 9-11-67).

H.E.B. Food Store, food stores for the occupations of bottle boy, package boy, sack boy, 10 percent for each month, from 9-12-66 to 9-11-67; No. 108, Corpus Christi, Tex.; No. 100, Laredo, Tex.

Hested Stores Co., variety store; Sterling, Colo.; sales clerk, stock clerk; between 3.1 percent and 10 percent; 9-19-66 to 9-18-67.

S. S. Kresge Co., variety stores for the occupation of sales clerk: No. 4019, Champaign, Ill. (between 3.9 percent and 10 percent, 9-3-66 to 9-2-67); No. 780, Midland, Tex. (between 0.8 percent and 4.5 percent, 9-13-66 to 9-12-67); 1135 Market Street, Wheeling,

W. Va. (10 percent for each month, 9-3-66 to 9-2-67).

McCrory-McLellan-Green Stores, variety stores: No. 3501, Northport, Ala. (sales clerk, stock clerk, between 6.6 percent and 10 percent, 9-6-66 to 9-2-67); No. 709, Sierra Vista, Ariz. (sales clerk, stock clerk, office clerk, between 4.3 percent and 10 percent, 9-14-66 to 9-13-67); No. 331, East Dover, Del. (sales clerk, cashier, between 4.0 percent and 10 percent, 9-15-66 to 9-14-67); No. 354, Salisbury, Md. (sales clerk, between 1.1 percent and 10 percent, 9-14-66 to 9-13-67).

Morgan & Lindsey, Inc., variety stores for the occupations of sales clerk, stock clerk: No. 3046, Alexandria, La. (between 6.0 percent and 10 percent, 9-16-66 to 9-15-67); No. 3085, Gulfport, Miss. (between 4.2 percent and 10 percent, 9-3-66 to 9-2-67); No. 3107, Picayune, Miss. (between 4.3 percent and 10 percent, 9-3-66 to 9-2-67).

Neisner Brothers, Inc., variety stores for the occupations of sales clerk, stock clerk, office clerk: No. 135, Arcadia, Fla. (between 9.8 percent and 10 percent, 9-16-66 to 9-15-67); No. 80, Deltona, Fla. (between 7.7 percent and 10 percent, 9-19-66 to 9-18-67); No. 79, South Miami, Fla. (10 percent for each month, 9-19-66 to 9-18-67); No. 314, Newton, N.J. (between 0.9 percent and 10 percent, 9-19-66 to 9-18-67); No. 307, Williamsport, Pa. (between 0.8 percent and 10 percent, 9-12-66 to 9-11-67).

Wade's Super Market, Inc., food store; Dublin, Va.; bag boy, checker, stock clerk, carry-out boy, wrapper; between 2.7 percent and 10 percent, 9-3-66 to 9-2-67.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Pursuant to the provisions of 29 CFR 519.9, any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 26th day of September 1966.

ROBERT G. GRONEWALD,
*Authorized Representative
of the Administrator.*

[F.R. Doc. 66-10790; Filed, Oct. 4, 1966; 8:47 a.m.]

[Administrative Order 595]

REGIONAL DIRECTORS ET AL.

Authorization To Grant or Deny Certificates

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.), and the minimum wage determinations and regulations of the Secretary of Labor there-

under (41 CFR Parts 50-201 and 202), I hereby:

A. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing employment of full-time students, student-learners, apprentices, handicapped persons, and handicapped clients in sheltered workshops, as provided in 29 CFR Parts 519, 520, 521, 524, and 525 and as provided in 41 CFR Parts 50-201 and 202 and to take such other action as may be necessary or appropriate therewith: (1) The Regional Directors and Deputy Regional Directors within their respective regions, (2) the District Directors within their respective districts, and (3) the Regional Director and Assistant Regional Director for Puerto Rico and the Virgin Islands.

B. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of full-time students, learners, and student-workers at special minimum wage rates as provided in 29 CFR Parts 519, 522, and 527 and pursuant to 41 CFR Part 50-202 and to take such other action as may be necessary or appropriate in connection therewith: (1) The Assistant Administrator for Wage Determinations and Regulations, (2) the Director of the Division of Wage Determinations, and (3) the Chief of the Branch of Special Minimum Wages.

C. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of learners at special minimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith: The Regional Director and Assistant Regional Director for Puerto Rico and the Virgin Islands.

D. Revoke and withdraw Administrative Order No. 579 (28 F.R. 11524).

All other authority to grant or deny applications for, or to sign or issue certificates pursuant to section 14 of the Fair Labor Standards Act of 1938 is hereby revoked and withdrawn.

Part 528 of Title 29 of the Code of Federal Regulations, which authorizes certain officers to effect premature termination of certificates issued under 29 CFR Parts 519, 520, 521, 522, 523, 524, and 527, is unaffected by this administrative order.

Signed at Washington, D.C., this 30th day of September 1966.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 66-10850; Filed, Oct. 4, 1966;
8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 972]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 30, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER* issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 117574 (Sub-No. 151) (Amendment), filed May 17, 1966, published *FEDERAL REGISTER* issue of June 23, 1966, amended September 23, 1966, and republished as amended, this issue. Applicant: *DAILY EXPRESS, INC.*, Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and (3) *parts, attachments, and accessories* for use in the installation and operation of items named in (1) and (2) above, from St. Bethlehem, Tenn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, North Carolina, and the District of Columbia. NOTE: The purpose of this republication is to change the origin point shown as Clarksville, Tenn., in the previous publication to St. Bethlehem, Tenn., which point is 4 miles out of Clarksville. Common control may be involved.

HEARING: Remains as assigned October 24, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Earl S. Dowell.

No. MC 59728 (Sub-No. 15) (Republication), filed May 6, 1966, published *FEDERAL REGISTER* issue of May 26, 1966, and republished, this issue. Applicant: *MORRISON MOTOR FREIGHT, INC.*, 1100 East Jenkins Boulevard, Akron, Ohio 44306. By application filed May 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign com-

merce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Indianapolis, Ind., and the Indiana State line; over Interstate Highway 74, serving no intermediate points, as an alternate route for operating convenience only, and serving the termini for the purpose of joinder only. An order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served September 26, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Indianapolis, Ind., to points in that part of Ohio, on and south of U.S. Highway 40, and subject to the restriction that such authority shall not be severable by sale or otherwise, from the authority set forth in applicant's present certificate No. MC 59728 (Sub-No. 7); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127915 (Sub-No. 1) (Republication), filed March 4, 1966, published *FEDERAL REGISTER* issue of April 7, 1966, and republished, this issue. Applicant: *C & W TRUCKING, INC.*, 2017 East Colfax Avenue, Denver, Colo. Applicant's representative: Raymond B. Danks, 401 First National Bank Building, Denver, Colo. By application filed March 4, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over regular routes, of potatoes and snack food and their containers, for the account of Red Seal, Inc., of Denver, Colo., and Cheyenne, Wyo., over U.S. Highways 85 and 87, serving no intermediate points. An order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served September 27, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of food

stuffs from Denver, Colo., to Cheyenne, Wyo., and returned shipments of the above commodities from Cheyenne, Wyo., to Denver, Colo., under a continuing contract with Red Star, Inc., of Denver, Colo., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 906 (Sub-No. 40) (Notice of filing of petition for waiver of Rule 1.101(e) of the Commission's general rules of practice for leave to file this petition for removal of a restriction in the certificate), filed July 13, 1966. Petitioner: CONSOLIDATED FORWARDING CO., INC., St. Louis, Mo. Petitioner's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW, Washington, D.C. 20005. Petitioner holds authority in MC 906 (Sub-No. 40) to conduct operations as a motor common carrier, transporting, as follows: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Restriction: The service authorized herein is restricted against service in traffic that originates or is handled through interchange at point in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and is destined to points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, or on similar movements in the reverse direction. Between Kansas City, Kans., and Marshall, Mo.: From Kansas City over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to Higginsville, Mo., and thence over Missouri Highway 20 to Marshall, and return over the same route.

Service is authorized without restriction to and from all intermediate points; intermediate and off-route points in Wyandotte County, Kans.; off-route points in that part of Missouri bounded by a line beginning at Sweet Springs and extending along Missouri Highway 127 to junction Missouri Highway 20, thence along Missouri Highway 20 to junction Missouri Highway 13, thence along Missouri Highway 13 to the Blackwater River, thence along the Blackwater River to Missouri Highway 127, and thence along Missouri Highway 127 to the point

of beginning; off-route points in that part of Johnson County, Mo., north of the Blackwater River, including points on the indicated portions of the highways specified in describing the foregoing off-route point areas; and the off-route points of Mayview, Lexington, and Mount Leonard, Mo. Service also is authorized to all other off-route points within 10 miles of Higginsville, restricted to pickup of livestock and delivery of general commodities. Between Higginsville, Mo., and St. Louis, Mo.: From Higginsville over Missouri Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to East St. Louis, and return over the same route. Service is authorized to and from the intermediate points of Concordia and Sweet Springs, Mo., and the off-route points of Warrensburg and Emma, Mo. By the instant petition, petitioner requests that the Commission waive Rule 1.101(e) of its general rules of practice, accept and grant this petition, and remove the restriction against the acceptance of traffic imposed in said certificate. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 11207 (Sub-No. 236) (Notice of filing of petition to modify or amend certificate), filed September 12, 1966. Petitioner: DEATON, INC., Birmingham, Ala. Petitioner's representative: A. Alvis Layne, 948 Pennsylvania Building, Washington, D.C. 20004. Petitioner states that in certificate MC 11207 (Sub-No. 236) effective July 27, 1966, it was authorized to transport: (1) *Cement asbestos products* (except conduit and pipe which because of size, shape, weight, or inherent character require the use of special equipment), and (2) *fittings, materials, and accessories* for the installation or transportation thereof (except in bulk), from Ragland, Ala., to points in Alabama and West Virginia. By the instant petition, petitioner seeks to add to the present commodity description, "*Plastic pipe and pipe fittings in mixed loads with cement asbestos products.*" Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109538 (Notice of filing of petition for modification of certificate), filed May 3, 1966. Petitioner: CHIPPEWA MOTOR FREIGHT, INC., Eau Claire, Wis. Petitioner's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. By petition filed May 3, 1966, petitioner requests the Commission to modify its certificate issued March 17, 1950, to specifically name certain communities, in the general area of Minneapolis-St. Paul, Minn. Petitioner is successor to A. G. Henneman, doing business as A. G. Henneman Transfer, No. MC 56169, pursuant to successive finance applications in MC-FC 22238 and MC-FC 27175. In MC

56169 Sub. No. 2 a certificate was recommended to be issued to A. G. Henneman Transfer to serve the following communities in Minnesota: Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, in intermediate or off-route service in connection with its authorized operations. Subsequent to the purchase petitioner was authorized to serve the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission. As a result of this latter authorization, and it appearing that the specifically named points above were included in the Minneapolis-St. Paul, Minn., commercial zone, a certificate was issued to petitioner in which it merely authorized service to the Minneapolis-St. Paul, Minn., commercial zone. By the instant petition, petitioner respectfully requests that the Commission modify the certificate to the end that the following communities be specifically named in Certificate No. MC 109538: Invergrove, West St. Paul, Newport, North St. Paul, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, and Fort Snelling, Minn. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 8958 (Sub-No. 20), filed September 19, 1966. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in that part of Ohio bounded by a line beginning at a point in Ohio on the east bank of the Mahoning River at a point due west of DeForest Town Line Road (County Road 69), thence due east to DeForest Town Line Road, thence east along DeForest Town Line Road (County Road 78) to Heathen-North Road (County Road 64), thence north on Heathen-North Road (County Road 64) to U.S. Highway 422, thence south on U.S. Highway 422 to northerly city limits of Girard, thence west and south along city limits of Girard to Watson-Marshall Road (County Road 60), thence north, west, and south along city limits of McDonald to junction Ohltown-McDonald Road (County Road 68),

thence southwest on Ohltown-McDonald Road (County Road 68) to Salt Springs Road (County Road 64), thence northwest on Salt Springs Road (County Road 64) to Austintown-Warren Road (County Road 67), thence north on Austin-Warren Road (County Road 67) to Brunstetter-Niles Road (County Road 68), thence east on Brunstetter-Niles Road to the east bank of the Mahoning River, thence north along the east bank of the Mahoning River to the point of beginning, on the one hand, and, on the other, points in Ohio. **NOTE:** Applicant states it would tack at any point in the base area described above enabling it to serve points in Ohio, in connection with authorized existing service between points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and Wisconsin. Applicant seeks no duplicating authority. This is a matter directly related to docket No. MC-F-9529, published *FEDERAL REGISTER* issue of September 28, 1966, wherein applicant seeks to purchase the pending certificate of registration held in MC 121238, Sub 1.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9528 (RICHARD S. WATHEN—CONTROL—BURKS—PELZ TRANSFER, INC.), published in the September 28, 1966, issue of the *FEDERAL REGISTER* on page 12693. By application filed September 26, 1966, RICHARD S. WATHEN, seeks to temporarily lease the operating rights of BURKS—PELZ TRANSFER, INC., under section 210a(b).

No. MC-F-9536. Authority sought for purchase by RALPH POZZI, CARL A. POZZI, CLINTON D. POZZI, AND WAYNE POZZI, doing business as POZZI BROS. TRANSPORTATION CO., 705 West Meeker Street, Kent, Wash. 98031, of the operating rights and property of BUCK'S AUTO FREIGHT COMPANY, INC., 1322 Cole Street, Enumclaw, Wash. 98022. Applicants' representative: Ralph Pozzi, 705 West Meeker Street, Kent, Wash. 98031. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Enumclaw, Wash., and Seattle, Wash., serving certain specified intermediate and off-route points between Enumclaw, Wash., and Tacoma, Wash., serving certain specified intermediate and off-route points between Enumclaw, Wash., and Mud Mountain Dam, Wash., serving no inter-

mediate points; and *general commodities* between Enumclaw, Wash., and Mud Mountain Dam, Wash., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9537. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Vandemark Road, Post Office Box 179, Sidney, Ohio 45365, of the operating rights and property of MAURICE F. BARRETT, doing business as PORTER'S MOTOR EXPRESS, First and Hopkins, Morrow, Ohio, and for acquisition by PAUL B. LONG, SR., also of Sidney, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Paul F. Beery, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities* excepting among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Morrow, Ohio, and Cincinnati, Ohio, serving all intermediate and certain specified off-route points, with restriction; and under a certificate of registration, in Docket No. MC-77152 Sub. No. 4, covering the transportation of property, over regular and irregular routes, as a *common carrier*, in intrastate commerce, in the State of Ohio. Vendee is authorized to operate under a certificate of registration, as a *common carrier*, in the State of Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9538. Authority sought for control by PAUL CROUSE, Carroll, Iowa, of NEBRASKA-IOWA XPRESS, INC., 525 Jones, Omaha, Nebr., through management. Applicants' attorney: William S. Rosen, 400 Minnesota Building, Saint Paul, Minn. 55101. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Douglas, Washington, and Sarpy Counties, Nebr., and Council Bluffs, Iowa; and between points in Douglas, Washington, and Sarpy Counties, Nebr., and Council Bluffs, Iowa, on the one hand, and, on the other, points in Nebraska. PAUL CROUSE holds no authority from this Commission. However, he controls CROUSE CARTAGE COMPANY, Post Office Box 151, Carroll, Iowa, which is authorized to operate as a *common carrier* in Iowa and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9541. Authority sought for purchase by P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154, of the operating rights and property of PET-CHEM TANK LINES, INC., 11 South Third Street, Hammonton, N.J., and for acquisition by FRANCIS P. MUTRIE and JAMES E. MUTRIE, both also of Waltham, Mass., of control of such rights and property through the purchase. Applicants' attorney: Harry C. Ames, Jr.,

529 Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Chemicals*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Philadelphia, Pa., to points in Delaware and New Jersey. Vendee is authorized to operate as a *common carrier* in Michigan, Minnesota, Missouri, Massachusetts, Maine, New York, Rhode Island, Connecticut, New Hampshire, Vermont, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, Ohio, Illinois, Kentucky, South Carolina, North Carolina, Indiana, Wisconsin, Georgia, California, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9542. Authority sought for purchase by CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass. 01801, of the operating rights of HART'S EXPRESS, INC., Route 5, Amsterdam Road, Scotia, N.Y., and for acquisition by ROBERT W. HOTIN, also of Burlington, Mass., of control of such rights through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: *General commodities* excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Hudson, N.Y., and Albany, N.Y., serving certain intermediate and off-route points restricted to delivery only, and serving certain intermediate and off-route points restricted to pickup only, and between Hudson, N.Y., and Chatham, N.Y., serving certain intermediate and off-route points; and under a certificate of registration in Docket No. MC-25339, Sub 4, covering the transportation of general commodities, as a *common carrier*, in intrastate commerce, in the State of New York. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). **NOTE:** Docket No. MC-114877 Sub-4, is a matter directly related. See also MC-F-9524 (COOPER-JARRETT, INC.—CONTROL—CARGO-IMPERIAL FREIGHT LINES, INC.) published in the September 14, 1966, issue of the *FEDERAL REGISTER* in page 12036.

No. MC-F-9543. Authority sought for control by CLARK TANK LINES COMPANY, INC., 1450 Beck Street, Salt Lake City, Utah, of POPELKA TRUCKING CO., Billings, Mont., and for acquisition by BOYCE R. CLARK, 2439 Michigan Avenue, Salt Lake City, Utah, of control of POPELKA TRUCKING CO. through the acquisition by CLARK TANK LINES COMPANY, INC. Applicants' attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco, Calif. Operating rights sought to be controlled: *Tile, farm machinery, oil well supplies, agricultural commodities, and emigran movables*, in truckloads, as a *common carrier*, over irregular routes, between points in Montana and Wyoming within 100 miles of Bridger, Mont.; *building brick, paving brick, hollow block, wa*

coping, blue lining, and clay pipe, in truckloads, between points in Montana and Wyoming within 100 miles of Bridger, Mont.; *building materials, fencing, fertilizer, feed, and flour*, in truckloads, between points in Montana and Wyoming within 100 miles of Bridger, Mont.; *building materials, fertilizer, and agricultural commodities*, except feed and flour, in truckloads, between certain specified points in Montana, on the one hand, and, on the other, points in Montana and Wyoming within 100 miles of Bridger, Mont.; *paving brick, clay pipe, fertilizer, building materials* except cement, and *agricultural commodities* except feed and flour, in truckloads, between Hysham and Forsyth, Mont., on the one hand, and, on the other, points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont.; *natural sodium sesquicarbonate and refined and natural soda ash*, in bulk, in tank vehicles, from Westvaco, Wyo., to Columbus, Mont.; and *contaminated shipments* of the immediately above-specified commodities, from Columbus, Mont., to Westvaco, Wyo.; *liquid animal feed ingredients*, consisting of urea, ethyl alcohol, phosphoric acid, inorganic chloride salts, water and trace minerals, in bulk, in vinyl plastic or rubber lined vehicles or in a rubber tank or container by use of a flat bed vehicle, from Crete, Nebr., to certain specified points in Montana, and Wyoming, points in that part of North Dakota west of North Dakota Highway 3, and points in that part of South Dakota west of the Missouri River; *contaminated and rejected shipments* of liquid, animal food ingredients in possession of consignee, from the immediately above destination points to Crete, Nebr.; *liquid chemical fertilizer and liquid fertilizer compound*, in bulk, in tank vehicles, from Don, Idaho, to points in Montana; *dry fertilizer and dry fertilizer compound*, in bulk, and in bags and packages, from Don, Idaho, to points in Wyoming; *dry fertilizer and dry fertilizer compound*, in bags and packages, from Don, Idaho, to certain specified points in Montana; *dry fertilizer and dry fertilizer compound*, in bulk, from Don, Idaho, to certain specified points in Montana; *dry fertilizer*, in bulk, from Don, Idaho, to certain specified points in Montana; *dry fertilizer*, from Georgetown, Idaho, to points in Montana, and certain specified points in Wyoming; *contaminated shipments* of dry fertilizer, from the immediately above destination points to Georgetown, Idaho; *dry cement*, from Trident, Mont., to certain specified points in Idaho, Wyoming, and those in that part of North Dakota on and west of U.S. Highway 83; *barite*, from Don, Idaho, to points in Montana; *sulfuric acid*, in bulk, in tank vehicles, from Riverton, Wyo., to McGregor, N. Dak., and points in Montana; *fertilizer*, other than liquid fertilizer in bulk, from the port of entry on the United States-Canada boundary line at Sweetgrass, Mont., to points in Montana and Wyoming; *poles and posts*, from Butte, Mont., to points in Wyoming and that part of Idaho in and south of

Idaho County, Idaho; *poles*, from Bozeman, Mont., to points in North Dakota, South Dakota, Wyoming, Utah, and that part of Idaho in and south of Idaho County, Idaho; *lumber*, from Clyde Park and White Sulphur Springs, Mont., to points in North Dakota, South Dakota, Minnesota, and Wisconsin; *sulphur and sulphur compounds*, dry, in bulk, from Cody, Wyo., to points in Oregon, Washington, Idaho, Montana, North Dakota, and South Dakota; *limestone, limestone products, and calcium carbonate, and compounds thereof*, dry, in bulk, from Red Lodge, Mont., to points in Oregon, Washington, Idaho, North Dakota, South Dakota, Utah, Wyoming, Colorado, and Nebraska; *alfalfa products*, dry, in bulk, from Belgrade, Mont., to points in Oregon, Washington, and Idaho; *concrete aggregates*, dry, in bulk, from the plantsite of the Montana Lightweight Aggregates Co., approximately 5 miles west of Billings, Mont., to points in Wyoming, Idaho, and Washington; *feeds, livestock and poultry*, dry, in bulk, from Sidney, Mont., to points in that part of North Dakota in and west of certain specified points; from Denver, Colo., to points in Yellowstone County, Mont.; and *wooden beams, glue laminated wooden beams, and roofdecking*, from Columbus and Missoula, Mont., to points in Colorado, Idaho, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming. CLARK TANK LINES COMPANY, INC., is authorized to operate as a common carrier in Utah, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Arizona, Oregon, Washington, North Dakota, Kansas, Nebraska, Oklahoma, South Dakota, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9539. Authority sought for continuance in control by JAMES G. ANZUONI, ALBERT A. ANZUONI, LAWRENCE A. ANZUONI, GEORGE S. ANZUONI, JOHN F. ANZUONI, AND RICHARD W. ANZUONI, 55 Kilby Street, Boston, Mass. 02109, of (1) PLYMOUTH & BROCKTON STREET RAILWAY CO., 55 Kilby Street, Boston, Mass. 02109, (2) SERVICE BUS LINE, INC., 851 Broadway, Revere, Mass., (3) MCGINN BUS COMPANY, INC., 55 Kilby Street, Boston, Mass., and (4) BRUSH HILL TRANSPORTATION COMPANY, 55 Kilby Street, Boston, Mass. 02109. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Operating rights sought to be controlled: (1) Passengers and their baggage, in the same vehicle, as a common carrier, over regular routes, between Boston, Mass., and Bourne, Mass., serving certain intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Bourne, Mass., and Hyannis, Mass., serving all intermediate points; passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Brockton and Plymouth, Mass., to points in Rhode Island, New Hampshire, and Maine, and return;

passengers, in round-trip special operations, restricted to the transportation of passengers who, at the time, are traveling from the designated destination, and return, for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at certain specified points in Massachusetts, and extending to Central Falls, R.I.; and passengers and their baggage, in special round-trip operations, beginning and ending at certain specified points in Massachusetts, and extending to certain specified points in New Hampshire, with restriction; (2) passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, as a common carrier, over irregular routes, from Boston, Mass., and points within 15 miles of Boston, to points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut, and return; and passengers, in special round-trip operations, restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at certain specified points in Massachusetts, and extending to certain specified points in New Hampshire, and Central Falls, R.I.

(3) Passengers and their baggage, during the respective racing seasons only, as a common carrier, over regular routes, between Lynn, Mass., and Salem, N.H., between Lynn, Mass., and Pawtucket, R.I., serving no intermediate points; passengers, in round-trip special operations, during the racing season at Lincoln Downs race track, over irregular routes, between Lynn, Mass., and Lincoln Downs race track, at Lincoln, R.I.; passengers and their baggage, in charter operations, from Lynn, Mass., and points within 25 miles of Lynn, to Graymoor and New York, N.Y., points in Westchester County, N.Y., and those in Maine, Vermont, New Hampshire, Rhode Island, Connecticut, and Massachusetts, and return; passengers, in special round-trip operations, restricted to the transportation of passengers, who at the time are traveling from the designated origin points to the designated destinations and return, for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at Lynn and Reading, Mass., and extending to Derry and Hudson, N.H., beginning and ending at certain specified points in Massachusetts, and extending to Pelham, N.H., beginning and ending at certain specified points in Massachusetts, and extending to St. Joseph Parish Hall, in Salem, N.H.; passengers and their baggage, in round-trip special operations, during the harness racing season, only, beginning and ending at Lynn and Salem, Mass., and extending to Salem, N.H.; and (4) in pending Docket No. MC-126667, seeking a certificate of public convenience and necessity, covering the transportation of passengers and their baggage, in special operations, consisting of round trip conducted sightseeing and pleasure

tours, as a common carrier, over irregular routes, beginning and ending at points in that part of Massachusetts on and east of Massachusetts Highway 12 and extending to all points in the Continental United States. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10827; Filed, Oct. 4, 1966;
8:50 a.m.]

[Notice 974]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 30, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for Hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply

inadvertent omissions in his written statement is permissible.

No. MC 118159 (Sub-No. 29), filed September 26, 1966. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Guymon, Okla., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner W. Elliott Nefflen.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10828; Filed, Oct. 4, 1966;
8:50 a.m.]

[Notice 415]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 30, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 22301 (Deviation No. 3), SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa 51101, filed September 22, 1966. Carrier's representative: R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa 51101. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and Interstate Highway 35 approximately 2 miles southeast of Ames, Iowa,

over Interstate Highway 35 to junction Interstate Highway 80, near Des Moines, Iowa, thence over Interstate Highway 80 to junction Interstate Highway 55, near Joliet, Ill., thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Sioux City, Iowa, over Iowa Highway 141 to Denison, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and (2) from Omaha, Nebr., over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same routes.

No. MC 59680 (Deviation No. 49), STRICKLAND TRANSPORTATION CO. INC., Post Office Box 5689, Dallas, Tex. 75222, filed September 22, 1966. Carrier proposes to operate as a common carrier by motor vehicle, of general commodities with certain exceptions, over a deviation route as follows: From Chicago, Ill. over U.S. Highway 20 to junction Alternate U.S. Highway 20, in Williams County, Ohio, thence over Alternate U.S. Highway 20 to junction U.S. Highway 20 at Perrysburg, Ohio, thence over U.S. Highway 20 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 via Calumet City, Ill., to junction U.S. Highway 6, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 107586 (Deviation No. 7), CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, filed September 23, 1966. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 45 and U.S. Highway 75 4 miles north of Corsicana, Tex., over Interstate Highway 45 to junction U.S. Highway 75 2 miles south of Corsicana, Tex. (a distance of 6 miles), (2) from junction Interstate Highway 45 and U.S. Highway 75 4 miles north of Madisonville, Tex., over Interstate Highway to junction Texas Highway 21 (an access road), thence over Texas Highway 21 to Madisonville, Tex. (a distance of 0 miles), (3) from Madisonville, Tex., over Texas Highway 21 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction Farm Road 150 (an access road), thence over Farm Road 150 to New Wave, Tex. (a distance of 40 miles), (4) from

New Waverly, Tex., over Farm Road 150 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction Farm Road 1097 (an access road), thence over Farm Road 1097 to Willis, Tex. (a distance of 8 miles), and (5) from Willis, Tex., over Farm Road 1097 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction U.S. Highway 75 3 miles south of Conroe, Tex. (a distance of 12 miles), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows:

(1) From Rhome, Tex., over Texas Highway 114 via Grapevine, Tex., to Dallas, Tex., thence over U.S. Highway 75 to Ennis, Tex., and (2) from Salt Lake City, Utah, over Alternate U.S. Highway 50 (formerly U.S. Highway 50) via Springville, Utah, to junction U.S. Highway 50, thence over U.S. Highway 50 via Grand Junction, Montrose, and Gunnison, Colo., to Salida, Colo., thence over Colorado Highway 291 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction Colorado Highway 9 at Fairplay, Colo., thence over Colorado Highway 9 to Alma, Colo., and return over Colorado Highway 9 to junction U.S. Highway 285 at Fairplay, Colo., thence over U.S. Highway 285 to Denver, Colo., thence over U.S. Highway 287 via Amarillo and Wichita Falls, Tex., to Fort Worth, Tex. (also from Wichita Falls, Tex. over U.S. Highway 281 to junction Texas Highway 199, thence over Texas Highway 199 to Fort Worth), thence over U.S. Highway 287 to Corsicana, Tex., thence over U.S. Highway 5 to Houston, Tex., and return over the same routes.

No. MC 109780 (Deviation No. 17) Cancels Deviation No. 13), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, filed September 23, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 20 and U.S. Highway 80 5 miles west of Terrell, Tex., over Interstate Highway 20 to junction Texas Highway 19, thence over Texas Highway 19 (an access road) to Canton, Tex. (a distance of 35 miles), (2) from Canton, Tex., over Texas Highway 19 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to junction U.S. Highway 69 4 miles south of Lindale, Tex. (a distance of 24 miles), (3) from junction Interstate Highway 20 and U.S. Highway 69 4 miles south of Lindale, Tex., over Interstate Highway 20 to junction U.S. Highway 271 13 miles east of Tyler, Tex. (a distance of 15 miles), (4) from junction Interstate Highway 20 and U.S. Highway 271 13 miles east of Tyler, Tex., over Interstate Highway 20 to junction U.S. Highway 259, thence over U.S. Highway 259 (an access road) to Longview, Tex. (a distance of 21

miles), (5) from junction Interstate Highway 20 and U.S. Highway 259 over Interstate Highway 20 to junction Texas Highway 149 (a distance of 6 miles), (6) from Longview, Tex., over Texas Highway 149 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Texas Highway 43 (an access road), thence over Texas Highway 43 to Marshall, Tex. (a distance of 20 miles).

(7) From junction Interstate Highway 20 and Texas Highway 43 over Interstate Highway 20 to junction Farm Road 31 (a distance of 8 miles), and (8) from Marshall, Tex., over Farm Road 31 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to Shreveport, La. (a distance of 35 miles), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Denton, Tex., over U.S. Highway 77 to junction New U.S. Highway 77 approximately 1 mile north of Carrollton, Tex., thence over New U.S. Highway 77 to Dallas, Tex. (also from said junction over old U.S. Highway 77 to Dallas), thence over U.S. Highway 175 to junction New U.S. Highway 175 approximately 6 miles east of Dallas, Tex., thence over New U.S. Highway 175 to junction old U.S. Highway 175 approximately 2 miles west of Seagoville, Tex. (also from said junction over old U.S. Highway 175 to said junction 2 miles west of Seagoville), thence over U.S. Highway 175 via Kaufman to Athens, Tex., thence over Texas Highway 19 to Palestine, Tex., (2) from Dallas, Tex., over U.S. Highway 80 via Truman, Marshall and Waskom, Tex., to Shreveport, La. (also from Dallas over Texas Highway 352 via Mesquite, Tex., to junction U.S. Highway 80); (3) from Truman, Tex., over unnumbered county road to Mesquite, Tex., (4) from Mineola, Tex., over U.S. Highway 69 via Lindale and Swan Junction, Tex., to Tyler, Tex., thence over U.S. Highway 271 to Glade-water, Tex., (5) from Wills Point, Tex., over Texas Highway 64 via Tyler to Henderson, Tex., (6) from Tyler, Tex., over Texas Highway 31 to Kilgore, Tex., and (7) from Nacogdoches, Tex., over U.S. Highway 59 to junction Texas Highway 26, thence over Texas Highway 26 via Mount Enterprise, Minden Junction, Henderson, and Kilgore, Tex., to Longview, Tex., and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10829; Filed, Oct. 4, 1966;
8:50 a.m.]

[Notice 263]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 1966.

The following are notices of filing of applications for temporary authority

under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 215 TA), filed September 28, 1966. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Temple Building, Post Office Box 2809, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 11th Floor, Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass, fibrous glass products and accessories thereto*, from Newark, Ohio, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, District of Columbia, Maryland, Virginia, West Virginia, Kentucky, Indiana, Lower Peninsula of Michigan, and Illinois, for 180 days. Supporting shipper: Owens-Corning Fiberglas Corp., Toledo, Ohio 43601. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 30837 (Sub-No. 339 TA), filed September 28, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, in truckaway service, from Athens, N.Y., to the international boundary line, between the United States and Canada, at Buffalo, N.Y., for 180 days. Supporting shipper: J. B. E. Olson Corp., 600 Old Country Road, Garden City, N.Y. 11530. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 31600 (Sub-No. 613 TA), filed September 28, 1966. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: J. F. O'Neil (same address as above). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in pressurized tank vehicles, from Middletown, Conn., to Bath, Maine, for 180 days. Supporting shipper: Bath Iron Works Corp., Bath, Maine. Send protests to: James F. Martin, Jr., District Supervisor, Interstate Commerce Commission, Room 2211-B, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 95084 (Sub-No. 57 TA) (amendment), filed September 1, 1966, published *FEDERAL REGISTER*, issue of September 9, 1966, and republished as amended this issue. Applicant: HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, parts, assemblies and attachments, and materials, equipment and supplies used in the manufacture of agricultural implements and machinery and parts*, between the plantsites and/or storage facilities of Kewanee Machinery & Conveyor Co. at Kewanee, Ill., on the one hand, and, on the other, the plantsites and/or storage facilities of Kewanee Machinery & Conveyor Co. at Kirksville, Queen City, Brashear, and La Plata, Mo., for 150 days. Supporting shipper: Kewanee Machinery & Conveyor Co., Kewanee, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, De Moines, Iowa 50309. NOTE: The purpose of this republication is to show that the application has been amended to the four Missouri locations which are all within the 25-mile radius of Kirksville, Mo., as requested in the original application. The location of the plants or facilities has now been narrowed to these four points.

No. MC 102616 (Sub-No. 809 TA), filed September 28, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum products* in cases, on specially constructed racks mounted on tank vehicles in conjunction with bulk deliveries of gasoline to service stations, from Baltimore, Md., to points in Virginia and the District of Columbia, for 180 days. Supporting shipper: Hess Oil & Chemical Corp., State Street, Perth Amboy, N.J. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 107515 (Sub-No. 557 TA), filed September 28, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, S.E., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gund-

lach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from plantsite and warehouse facilities of The Pillsbury Co., New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Missouri, Michigan, Minnesota, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 111401 (Sub-No. 210 TA), filed September 28, 1966. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. Applicant's representative: Victor R. Comstock, Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Bishop and Corpus Christi, Tex., to points in California, Tennessee, Michigan, Illinois, Georgia, Kentucky, Indiana, and Florida, for 180 days. Supporting shipper: Celanese Chemical Co., A. DeRouen, Traffic Manager, Box 2768, Corpus Christi, Tex. 78403. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 115523 (Sub-No. 131 TA) (Correction) filed September 13, 1966, published *FEDERAL REGISTER*, issue of September 21, 1966, and republished as corrected this issue. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk and in bags, from Laramie, Wyo., and a radius of 25 miles thereof, to points in Wyoming, Nebraska, North Dakota, South Dakota, Montana, Colorado, New Mexico, Arizona, Minnesota, Iowa, and Kansas, for 180 days. Supporting shipper: El Paso Products Co., Post Office Box 3986, Odessa, Tex. 79760. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111. NOTE: The purpose of this republication is to show that the above-named commodities will be transported in bulk and in bags. "In bags" was inadvertently omitted from the previous publication.

No. MC 111729 (Sub-No. 167 TA) (Correction), filed September 14, 1966, published *FEDERAL REGISTER*, issue of September 22, 1966, and republished as

corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, DeBoroise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, consisting of labels, envelopes, and packaging materials, and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Toledo, Ohio, on the one hand, and, on the other, points in Michigan, (b) between St. Louis, Mo., on the one hand, and, on the other, points in Illinois (except Olney and Jacksonville, Ill.), (c) between Alexandria, Va., and Harrisburg, Pa. (2) *Business papers, records, checks, audit and accounting media of all kinds* (excluding plant removals), (a) between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland; Arlington, Clarke, Fairfax, Frederick, Loudoun, Northampton, Prince William, and Warren Counties, Va.; and Alexandria, Va., and (b) between Baltimore, Md., on the one hand, and, on the other, points in Clarke, Fairfax, Frederick, Loudoun, Northampton, and Warren Counties, Va.; and Adams, Cumberland, Dauphin, Franklin, Lebanon, and York Counties, Pa. (3) *Blood, research samples, business papers, and accompanying documents*, between New York, N.Y., on the one hand, and, on the other, points in New London County, Conn. Supporting shippers: Magnagard, Inc., Post Office Box 7247-2930 Airport Highway, Toledo, Ohio 43615, Dynadolor Corp., 1999 Mount Read Boulevard, Post Office Box 82, Rochester, N.Y. 14601, The Apex Photographic Service, 8049 Litzinger, St. Louis, Mo., The Great Atlantic & Pacific Tea Co., Inc., Graybar Building, 420 Lexington Avenue, New York 17, N.Y., Chas. Pfizer & Co., Inc., Groton, Conn. 06340. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013. NOTE: The purpose of this republication is to correct (2) (a) above, and to add (2) (b) above, which was inadvertently omitted from previous publication.

No. MC 123844 (Sub-No. 5 TA), filed September 28, 1966. Applicant: P. SALDUTTI & SON, INC., 497 Raymond Boulevard, Post Office Box 389, Newark, N.J. 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw stock; namely, bones, skins, hides, carcasses, dead animals; meat meal, bone and fat, tallow greases, shortening and meat scrap*; loose, or in containers, or in bulk, between Elizabethtown, Pa., and points within 25 miles thereof, Fort Plains, N.Y., and points within 10 miles thereof, on the one hand, and, on the

other, Kearny, Newark, N.J., and points in New York, N.Y., commercial zone, for 180 days. Supporting shipper: The Theobald Industries, Post Office Box 72, Harrison, N.J. 07029, Kearny, N.J. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128578 TA (Correction), filed September 15, 1966, published FEDERAL REGISTER, issue of September 22, 1966, and republished as corrected this issue. Applicant: ANTHONY J. GARCIA, doing business as TONY'S TRAILER CONVOY, 2385 Table Rock Road, Medford, Oreg. 97501. Applicant's representative: Brian B. Mullen, Suite 332, Medical Center Building, Medford, Oreg. 97501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and Mobil Homes*, between points in Josephine and Jackson Counties, Oreg., and points in Siskiyou and Del Norte Counties, Calif., for 180 days. Supporting shippers: Uncle Don's Mobile City, 2972 South Pacific Highway, Medford, Oreg., Southern Oregon Trailer Mart, Inc., 4150 South Pacific Highway, Medford, Oreg. Send protests to: A. E. Odums, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204. NOTE: The purpose of this republication is to show the correct docket number assigned thereto. No. MC 128578 TA. The previous publication inadvertently gave No. MC 12857 A.

No. MC 126987 (Sub-No. 1 TA), filed September 28, 1966. Applicant: VINCENT FISTER, INC., 770-776 East Third Street, Post Office Box 355, Lexington, Ky. 40501. Applicant's representative: Louis J. Amato, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in the following Kentucky counties: Anderson, Bath, Bell, Bourbon, Boyle, Bracken, Breathitt, Carroll, Carter, Casey, Clinton, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owensley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Wayne, Whitley, Wolfe, and Woodford; restricted to shipments having a prior or subsequent movement beyond said counties, and further re-

stricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments, for 180 days. Supporting shipper: Robert M. Graham, operations manager, Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94802. Send protests to: R. W. Schneider, District Supervisor, Interstate Commerce Commission, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 127812 (Sub-No. 1 TA), filed September 28, 1966. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaging products*, from Albert Lea, Minn., to Superior, Wis., in peddle service, in combination with intrastate movements, for 150 days. Supporting shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601, Albert Lea, Minn., plant. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128610 TA, filed September 28, 1966. Applicant: ALCO SHIPPING AGENCIES BAHAMAS, LTD., Port Lauderdale, Dania, Fla. Applicant's representative: Bernard C. Pestcoe, Suite 412, City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those commodities injurious, or contaminating to other lading), from Port Lauderdale or Port Everglades, Fort Lauderdale, Fla., on the one hand, and, on the other, points and places in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by water aboard vessels owned or operated by applicant, for 180 days. Supporting shippers: Port Everglades Steel Corp., Post Office Box 13065, Fort Lauderdale, Fla. 33316, Smith, Richardson & Convoy, Inc., 3500 Northwest 62d Street, Miami, Fla. 33147, General Electric Co., Southeastern District, 3655 Northwest 71st Street, Miami, Fla. 33147, Adobe Brick & Supply Co., 2056 Scott Street, Hollywood, Fla., Dant & Russell, Inc., Port Everglades Station, Fort Lauderdale, Fla., E & I Inc., 3000 West State Road 84, Fort Lauderdale, Fla. 33312, Coronet Kitchens, Inc., 4200

Northwest 10th Avenue, Oakland Park Station, Fort Lauderdale, Fla. 33307, J. & L. Feed & Supply, Post Office Box 568, Dania, Fla., United Purveyors, Inc., Post Office Box 593, Allapattah Station, Miami, Fla. 33142, Forest Products Corp., Post Office Drawer 1341, Fort Lauderdale, Fla., East Coast Supply Corp., 2725 Hillsboro Road, West Palm Beach, Fla., Angelo's Seafood & Frozen Foods, 500 Northeast Third Street, Fort Lauderdale, Fla. 33302, Marine Construction & Engineering Co., Ltd., Freeport, Grand Bahama Island, Causeway Lumber Co., 2627 South Andrews Avenue, Fort Lauderdale, Fla., Temcort Import-Export Corp., 7 North Federal Highway, Fort Lauderdale, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10830; Filed, Oct. 4, 1966;
8:50 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order 200,
Amdt. 4]

SOUTHERN INDUSTRIAL RAILROAD, INC.

Diversion or Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 200 (Southern Industrial Railroad, Inc.) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 200 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 29, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-10831; Filed, Oct. 4, 1966;
8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

	Page		Page		Page
3 CFR		14 CFR—Continued		43 CFR	
PROCLAMATIONS:		71-----	12840, 12921, 12943	PUBLIC LAND ORDERS:	
3749-----	12935	73-----	12922, 12944	1195 (revoked in part by PLO	
EXECUTIVE ORDERS:		95-----	12944	4099)-----	12950
Sept. 24, 1847 (revoked by		208-----	12947	3152 (revoked in part by PLO	
PLO 4100)-----	12950	295-----	12948	4104)-----	12951
April 17, 1926 (revoked in part		378-----	12948	3584 (revoked in part by PLO	
by PLO 4098)-----	12950	PROPOSED RULES:		4104)-----	12951
11122 (superseded by EO		39-----	12924	4097-----	12950
11307)-----	12917	71-----	12925	4098-----	12950
11307-----	12917	73-----	12925	4099-----	12950
11308-----	12919			4100-----	12950
		16 CFR		4101-----	12951
5 CFR		13-----	12937, 12938	4102-----	12951
213-----	12833, 12937			4103-----	12951
7 CFR		18 CFR		4104-----	12951
319-----	12834	204-----	12840		
729-----	12921, 12940			45 CFR	
874-----	12940	19 CFR		6-----	12842
905-----	12835	1-----	12938	7-----	12842
908-----	12836	PROPOSED RULES:		8-----	12842
910-----	12837	12-----	12964		
958-----	12940	21 CFR		46 CFR	
1443-----	12837	8-----	12840	PROPOSED RULES:	
PROPOSED RULES:		17-----	12949	2-----	12860
730-----	12952	27-----	12949	24-----	12860
948-----	12953	51-----	12950	30-----	12860
982-----	12954	53-----	12840	70-----	12860
1005-----	12845	121-----	12841	90-----	12860
1038-----	12954	146-----	12841	110-----	12860
Ch. XI-----	12956	PROPOSED RULES:		175-----	12860
		121-----	12849	188-----	12860
12 CFR		26 CFR		189-----	12860
329-----	12837	PROPOSED RULES:		190-----	12860
545-----	12838, 12839	1-----	12843, 12845	191-----	12860
PROPOSED RULES:		32A CFR		192-----	12860
222-----	12965	PROPOSED RULES:		193-----	12860
13 CFR		Ch. X-----	12924	194-----	12860
121-----	12840	37 CFR		195-----	12860
PROPOSED RULES:		1-----	12922	196-----	12860
121-----	12849, 12924				
14 CFR		42 CFR		47 CFR	
37-----	12941	22-----	12939	PROPOSED RULES:	
39-----	12921			73-----	12965

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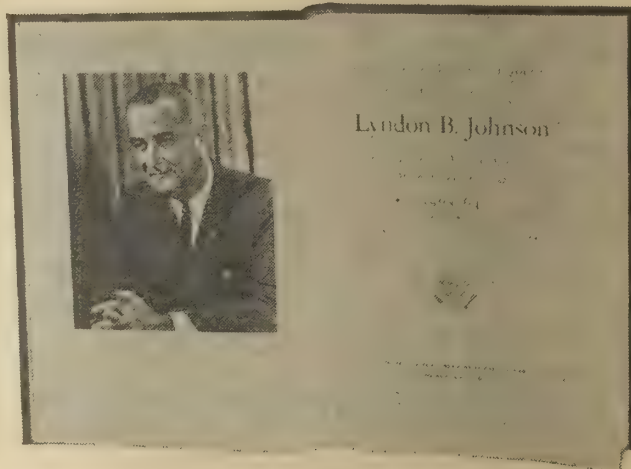
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FEDERAL REGISTER

VOLUME 31 • NUMBER 194

Thursday, October 6, 1966 • Washington, D.C.

Pages 12991-13030

Agencies in this issue—

The President
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Economic Opportunity Office
Emergency Planning Office
Federal Communications Commission
Federal Home Loan Bank Board
Federal Housing Administration
Federal Maritime Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Foreign Assets Control Office
International Commerce Bureau
Interstate Commerce Commission
Labor-Management and Welfare-
Pension Reports Office
Land Management Bureau
Securities and Exchange Commission
Veterans Administration

Detailed list of Contents appears inside.



Current White House Releases

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The *Weekly Compilation of Presidential Documents* began with the issue dated Monday, August 2, 1965. It contains transcripts of the President's news conferences, messages to Congress, public speeches, remarks and statements, and other Presidential material released by the White House up to 5 p.m. of each Friday. This weekly service includes an Index of Contents preceding the text and a Cumulative Index to Prior

Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

THE PRESIDENT

PROCLAMATION

National Day of Prayer, 1966..... 12995

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

McClellan, Dr. Roger O.; certification 13015

CIVIL AERONAUTICS BOARD

Notices

Mail rates; amendment..... 13015

CIVIL SERVICE COMMISSION

Notices

Director of Agricultural Economics and Director of Science and Education; manpower shortage 13016

COMMERCE DEPARTMENT

See International Commerce Bureau.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Tobacco; export program..... 12997

Notices

Sales of certain commodities; October sales list..... 13010

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Milk in north Texas marketing area; proposed suspension of certain provision..... 13005

Walnuts grown in California, Oregon, and Washington; expense and rate of assessment..... 13005

ECONOMIC OPPORTUNITY OFFICE

Rules and Regulations

General procurement regulations.. 13001

EMERGENCY PLANNING OFFICE

Notices

Texas; notice of major disaster.. 13018

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:

Goodman Broadcasting Co..... 13016

Sudbury, Jones T., and Northwest Tennessee Broadcasting Co., Inc..... 13016

Trend Radio, Inc., and James Broadcasting Co., Inc..... 13017

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Operations; distribution of earnings at variable rates; correction..... 13000

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

Miscellaneous amendments to chapter..... 13000

FEDERAL MARITIME COMMISSION

Notices

Maryland Port Authority and Stockard Shipping and Terminal Corp.; notice of agreement filed for approval..... 13017

FEDERAL RESERVE SYSTEM

Notices

Lincoln First Group, Inc.; application for approval of acquisition of, shares of banks..... 13017

FISH AND WILDLIFE SERVICE

Rules and Regulations

Certain wildlife refuges; hunting:

California..... 13003

Florida..... 13003

Minnesota..... 13004

Mississippi..... 13004

Washington..... 13003

FOOD AND DRUG ADMINISTRATION

Proposed Rule Making

Certain cheeses and cheese products; use of identity standards.. 13005

Hazardous substances; proposal to exempt paintings and other coating materials from labeling requirements 13006

Notices

Antibiotic drugs; reports of information for drug effectiveness... 13014

Monsanto Co.; notice of filing of petition regarding food additives 13015

FOREIGN ASSETS CONTROL OFFICE

Rules and Regulations

Foreign funds control regulations; deletion of certain securities listed..... 13001

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNATIONAL COMMERCE BUREAU

Notices

Ejice, S. A., and Robert Centner; order terminating probation... 13014

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section application for relief 13028

Motor carrier:

Broker, water carrier and freight forwarder applications 13018

Transfer proceedings..... 13029

LABOR DEPARTMENT

See Labor-Management and Welfare-Pension Reports Office.

LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS OFFICE

Rules and Regulations

Welfare-pension reports; variation from publication requirements 13001

(Continued on next page)

LAND MANAGEMENT BUREAU**Notices**

Area managers, Montana; redele-	13010
gation of authority.....	
Montana; opening of public lands..	13010
Nevada; proposed classification of	
public lands.....	13007

**SECURITIES AND EXCHANGE
COMMISSION****Notices**

<i>Hearings, etc.:</i>	
Lincoln Printing Co.....	13018
United Security Life Insurance	
Co	13018

TREASURY DEPARTMENT

See Foreign Assets Control Office.

VETERANS ADMINISTRATION**Rules and Regulations**

Loan guaranty; interest rates....	13003
-----------------------------------	-------

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

3 CFR

Proclamation:	
3750.....	12995

7 CFR

1490.....	12997
PROPOSED RULES:	
984.....	13005
1126.....	13005

12 CFR

545.....	13000
----------	-------

21 CFR

PROPOSED RULES:	
19.....	13005
191.....	13006

24 CFR

203.....	13000
220.....	13000
221.....	13000
232.....	13000
234.....	13000
1000.....	13000

29 CFR

462.....	13001
----------	-------

31 CFR

520.....	13001
----------	-------

38 CFR

36.....	13003
---------	-------

41 CFR

22-1.....	13001
-----------	-------

50 CFR

32 (5 documents).....	13003, 13004
-----------------------	--------------

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3750

NATIONAL DAY OF PRAYER, 1966

By the President of the United States of America

A Proclamation

Abraham Lincoln spoke these words in 1865:

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Now, once again, we are engaged in a struggle that demands our courage, that tests our will, that asks us to persevere through a time of hostile uncertainty.

We pray for an end to that struggle, for a time of healing, in which we and all other nations may turn our hands to the work of building and planting, of teaching and caring.

We pray for God's guidance through the storm of conflict, for His wisdom in the search for peace, for His mercy and forgiveness toward all men, friend and foe.

Congress has provided that the President shall set aside a day each year as a National Day of Prayer, "on which the people of the United States may turn to God in prayer and meditation at churches, in groups and as individuals."

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby set aside Wednesday, October 19, 1966, as a National Day of Prayer.

On that day, each according to his own custom and in his own faith, let us

- Recognize our dependence upon Almighty God.
- Express thanksgiving for the blessings He has bestowed upon us.
- Examine our hearts in the light of His word; end the brutal divisions between His children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of October in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-10923; Filed, Oct. 4, 1966; 2:03 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 2]

PART 1490—PAYMENTS ON EXPORTS OF CERTAIN KINDS OF TOBACCO

Subpart—Tobacco Export Program

The Tobacco Export Program regulations issued by Commodity Credit Corporation and published in 31 F.R. 6862, 7556, and 9208 are hereby revised and reissued.

Sec.	
1490.1	General.
1490.2	Definitions.
1490.3	Export payment and rate.
1490.4	Eligible tobacco.
1490.5	Eligible exporter.
1490.6	Contracts to export tobacco.
1490.7	Application for tobacco export payment and evidence of export.
1490.8	Reentry or transshipment.
1490.9	Assignments and setoffs.
1490.10	Records and accounts.
1490.11	Officials not to benefit.
1490.12	Amendment and termination.

AUTHORITY: The provisions of this subpart are issued under secs. 4, 5, 62 Stat. 1070, as amended, 15 U.S.C. 714(b).

§ 1490.1 General.

The regulations in this subpart state the terms and conditions of a tobacco export program under which Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture, will make a cash payment to an exporter on exportation of eligible tobacco to an eligible country. This revised subpart and any amendments hereto are hereinafter called "this program." Export payment will be made on submission of acceptable evidence of compliance with the provisions of this program. The regulations appearing in 31 F.R. 6862 and 7556 shall apply to exports of eligible tobacco exported prior to July 6, 1966, and the regulations appearing at 31 F.R. 9208 shall apply to exports of eligible tobacco exported prior to the effective date of this program, but not earlier than July 6, 1966, except that this program shall apply to all exports of 1966-crop tobacco. This program shall also apply to other crops of tobacco exported on or after the effective date hereof.

§ 1490.2 Definitions.

(a) The term "CCC" means Commodity Credit Corporation.

(b) The term "ASCS" means Agricultural Stabilization and Conservation Service.

(c) The term "eligible country" means any destination outside the United States other than any country or area for which

an export license is required under regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for shipment or transshipment thereto has been obtained from such bureau.

(d) (1) The terms "export" and "exportation" mean, except as hereinafter provided, a shipment from the United States destined to an eligible country with the intent that the tobacco shall become a part of the mass of goods of the eligible country. Tobacco so shipped shall be considered to have been exported on the date of loading as shown on the applicable on-board vessel ocean bill of lading or other document authorized by this program to be furnished in lieu of such bill of lading, or if shipment from the United States is by truck, rail, or air, the date the shipment clears U.S. Customs. If any of the tobacco is lost, destroyed, or damaged after loading on board a ship, for export, exportation shall be considered to have been as of the date of loading as shown on the on-board vessel ocean bill of lading or other document authorized by this program to be furnished in lieu of such bill of lading, or as of the latest date appearing on the loading tally sheet or similar document, if the loss, destruction, or damage occurs subsequent to loading aboard ship but prior to issuance of on-board vessel ocean bill of lading or such other document, except that, if the "lost" or "damaged" tobacco remains in the United States, it shall not be considered as exported if CCC determines that the condition of the "lost" or "damaged" tobacco is such that it can be disposed of in the domestic market in a manner which will adversely affect CCC's price support or export programs.

(2) Notwithstanding any of the provisions of this program, a shipment of eligible tobacco pursuant to a sale to a U.S. Government Agency shall not qualify as an export or exportation. The term "U.S. Government Agency" means any corporation wholly owned by the Federal Government, and any department, bureau, administration, or other unit of the Federal Government as, for example, the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army and Air Force Exchange Service, and the Panama Canal Company. A sale to a foreign buyer, including a foreign government, though financed with funds made available by a U.S. Government Agency, such as the Agency for International Development or the Export-Import Bank, is not a sale to a U.S. Government Agency unless the tobacco is transferred or caused to be transferred by such buyer to a U.S. Government Agency.

(e) The term "stemmed tobacco" means tobacco leaf and leaf particles

which (1) are produced by processing in the manner commonly known as threshing, or tipping and threshing, or stemming and (2) do not contain stems in excess of 10 percent of total weight. "Stemmed tobacco" shall include cut tobacco or blended strips, or tobacco similarly processed from stemmed tobacco.

(f) The term "unstemmed tobacco" means any packed tobacco which (1) is not stemmed tobacco or blackfat as defined in this section and (2) does not include butt ends, stems, scrap, or other particles removed from tobacco. If tobacco has been tipped and butted, the butt ends shall be considered removed from tobacco unless tip ends in the proportion produced in the tipping process are exported under this program as unstemmed tobacco.

(g) The term "blackfat" means unstemmed packed tobacco which has been further processed, usually by application of oil compounds, into a form of tobacco commonly known as blackfat.

(h) The term "United States" means the 50 States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

§ 1490.3 Export payment and rate.

(a) Except as otherwise provided in section 1490.6 with respect to exports of eligible tobacco pursuant to a contract with CCC, CCC will make a payment on exports of eligible tobacco at the rate in effect on the date of exportation based on the unstemmed-leaf packed-weight, or the unstemmed-leaf packed-weight equivalent, of the eligible tobacco exported. The unstemmed-leaf packed-weight equivalent of all 1966-crop stemmed tobacco, and of stemmed tobacco of other crops exported after the effective date of this program, shall be determined in accordance with § 1490.3 (d).

(b) The export payment rate shall be as follows:

(1) Ten dollars per hundredweight for (i) Flue-cured tobacco (types 11-14) of the 1960, 1961, and 1962 crops, (ii) Fire-cured tobacco (type 21) of the 1959, 1960, 1961, and 1962 crops, (iii) Fire-cured tobacco (types 22-23) of the 1960, 1961, and 1962 crops, and (iv) dark air-cured tobacco (types 35-36) of the 1961 and 1962 crops. If such tobacco was purchased from CCC loan stocks (tobacco pledged to CCC as security for a price support loan) under terms and conditions providing for or authorizing a refund of part of the purchase price upon proof of exportation, the exporter's application for export payment under this program shall constitute a waiver of his right to such refund. If the purchaser of the tobacco was other than the exporter, the exporter shall submit a waiver of the right to such refund signed by the

person entitled thereto and, if the exporter does not furnish such a waiver, the rate of payment shall be as provided in subparagraph (2) of this paragraph.

(2) Five dollars per hundredweight for all other kinds and crops of eligible tobacco.

(c) CCC reserves the right to reduce the export payment rate, except that, any rate reduction (1) shall be effective only after expiration of 90 days following publication thereof in the FEDERAL REGISTER and (2) shall not apply to any contract entered into with CCC under § 1490.6.

(d) The unstemmed-leaf packed weight of unstemmed tobacco shall be the sales weight of the unstemmed tobacco as shown on the invoice and supported by evidence in the exporter's records. The unstemmed-leaf packed weight equivalent of blackfat shall be the net packed weight of the processed blackfat, less the weight of the oil applied in processing. The unstemmed-leaf packed-weight equivalent of stemmed tobacco shall be the original net packed weight (prior to any further processing) of the stemmed tobacco multiplied by the applicable factors shown below:

Kind of tobacco	Stem content does not exceed		
	3 percent	6 percent	10 percent
Flue-cured	1.30	1.25	1.19
Burley	1.34	1.29	1.23
Fire-cured	1.31	1.26	1.20
Dark air-cured	1.39	1.34	1.28
Virginia sun-cured	1.32	1.27	1.21
Cigar binder and filler	1.53	1.48	1.42
Puerto Rican	1.45	1.40	1.34

If the tobacco was not processed by the exporter or an affiliated company, the original net packed weight and stem content shall be based on a statement furnished by the company which processed the tobacco for the use of the exporter in making application for payment. Such statement shall include the representation that weight and stem content, as stated, are supported by company records which for purposes of CCC audit relating to export payments under Tobacco Export Program regulations, shall be considered records of the exporter. If such a statement cannot be obtained, the tobacco shall be considered unstemmed tobacco for the purpose of this program. If the sales weight shown on the invoice is subsequently reduced by agreement between the exporter and the foreign buyer, the exporter shall report and refund to CCC the excess export payment received.

§ 1490.4 Eligible tobacco.

(a) Tobacco eligible for export payment (hereinafter called "eligible tobacco") under this program shall be tobacco which is:

(1) Unstemmed tobacco, or stemmed tobacco, or blackfat, not contained in manufactured products such as, but not limited to, cigarettes, cigars, snuff, or smoking or chewing tobacco packaged for consumer use;

(2) Produced in the United States;

(3) Exported on or after the effective date of this program, unless it is 1966-crop tobacco; and

(4) Composed of one or more of the following kinds and types: (i) flue-cured, types 11-14, (ii) burley, type 31, (iii) fire-cured, types 21-23, (iv) dark air-cured, types 35-36, (v) Virginia sun-cured, type 37, (vi) cigar binder, types 51-52, (vii) cigar filler and binder, types 42-44, 53-55, and (viii) Puerto Rican, type 46.

(b) If eligible tobacco is exported commingled with other tobacco or additives, the exporter shall certify the weight of the eligible tobacco to CCC.

§ 1490.5 Eligible exporter.

An exporter, to be eligible to participate in this program, must be a person (an individual, corporation, partnership, association, or other business entity) who (a) is engaged in the business of buying or selling tobacco for export, (b) maintains a bona fide business office in the United States for this purpose, and (c) has in such office an agent who is authorized to receive service of process upon behalf of such person.

§ 1490.6 Contracts to export tobacco.

(a) An exporter who desires to obtain an export payment rate which will not be subject to reduction under paragraph (c) of § 1490.3 may submit an offer, during a 90-day period beginning with the date of publication of a rate reduction in the FEDERAL REGISTER, to export eligible tobacco of the then current or prior crops. A crop shall be identified by the calendar year in which the marketing year (July 1 for flue-cured tobacco and October 1 for other kinds of tobacco) for such crop began. If such an offer is accepted by CCC, an exporter who otherwise complies with this program shall receive an export payment at the rate in effect on the date the offer is submitted. The exporter's offer shall state:

(1) That the offer is subject to the terms and conditions of this program in effect at the time the offer was submitted;

(2) The kind and type of tobacco of the then current or prior crops or both which the exporter agrees to export;

(3) The unstemmed-leaf packed-weight or the unstemmed-leaf packed-weight equivalent of the tobacco the exporter agrees to export; and

(4) That the tobacco will be exported within 48 months following the month of acceptance of the exporter's offer by CCC.

(b) The offer, signed by an authorized official of the offeror, shall be submitted to:

Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(c) Any offer containing terms and conditions other than those authorized in this program shall not be accepted. An acceptance by CCC of an exporter's offer shall be made by letter to the exporter giving a contract acceptance number. The contract resulting from such

acceptance shall consist of the exporter's offer, CCC's letter of acceptance, and the terms and conditions of this program in effect on the date of submission of the offer. The date of the CCC letter of acceptance shall be the date of the contract.

(d) The exporter shall export or cause exportation of the quantity of eligible tobacco specified in his contract not later than the final date for exportation specified therein, or within such extension of the export period as may for good cause be approved in writing by CCC. If an extension of the exportation period is approved, it may be made subject to such reduction in the export payment rate as may be specified by CCC. The extension may be made before or after the expiration of the export period.

(e) (1) Failure of the exporter to comply with all of the terms and conditions of his contract with CCC will cause serious and substantial losses to CCC, such as damage to its export and price support programs and the incurrence of administrative and other costs. Inasmuch as it will be difficult, if not impossible, to establish the exact amount of such losses, the exporter, in submitting his offer, agrees that the liquidated damages provided in subparagraph (2) of this paragraph are reasonable estimates of CCC's probable actual damages in the event of his breach of the contract.

(2) The exporter shall pay to CCC for each day of delay in exportation after the final date therefor, liquidated damages of 2 cents per hundredweight of tobacco not exported by the final date for exportation, except that such liquidated damages shall not exceed \$1 per hundredweight of such tobacco. CCC shall not make any export payment under the contract with respect to eligible tobacco exported more than 90 days after the final date for export.

§ 1490.7 Application for tobacco export payment and evidence of export.

(a) The exporter shall submit an original of an application for tobacco export payment on the form prescribed by CCC to the Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. Supplies of the application form may be obtained from that office. The exporter, in order to receive an export payment under this program, must submit the application required by this section within 365 days from the date of export. If the tobacco is exported pursuant to a contract of sale with a foreign buyer, the exporter shall certify either (1) that such contract of sale was entered into after July 6, 1966, or (2) that the sale price in the contract of sale with the foreign buyer was reduced by an amount equal to the export payment for which application is made. Such reduction of the sale price may be made by credit invoices or other standard commercial practice acceptable to the foreign buyer. If the tobacco was acquired prior to July 6, 1966, for export under a barter contract with CCC, the exporter shall submit the certification required by subparagraph (2) of this paragraph. The exporter shall also certify as to the kind, type, form (i.e., unstemmed tobacco,

stemmed tobacco, or blackfat) and the quantity of eligible tobacco exported and, in the event the export is made under a contract entered into under section 1490.6, the particular crop or crops of tobacco exported and the contract acceptance number. If the tobacco exported is of a kind and crop specified in § 1490.3(b)(1), the exporter shall also certify as to the particular crops exported and shall state whether or not the tobacco was purchased from CCC loan stocks by a purchaser who is other than the exporter. Each application for export payment shall show, by type and form, the unstemmed-leaf packed weight or the unstemmed-leaf packed-weight equivalent of the eligible tobacco exported, determined in accordance with § 1490.3(d). When such weight is different from the invoice weight, the computation of the weight on which payment is claimed shall be certified to CCC. The use of a conversion rate provided for in § 1490.3(d) in determining the unstemmed-leaf packed-weight equivalent shall constitute the exporter's representation that the stemmed tobacco is of the quality, with respect to the percentage of stems remaining therein, to which the conversion factor applies. Applications for export payment shall be supported by the following documentary evidence:

(i) If the tobacco exported was purchased from CCC loan stocks under terms and conditions providing for or authorizing a refund of part of the purchase price upon proof of exportation, any waiver of right to a refund required by § 1490.3.

(ii) In the case of exportation by water, a nonnegotiable copy of an on-board vessel ocean bill of lading showing the number of containers of tobacco, the gross weight of the containers, including the tobacco therein, the date and place of loading on board vessel, the name of the vessel, the name and address of the exporter and of the consignee, and the destination.

(iii) In the case of exportation by rail, truck, or air, a copy of the bill of lading under which the tobacco was shipped, together with (a) an authenticated landing certificate issued by an official of the Government of the country to which the tobacco was exported, or (b) a copy of Shipper's Export Declaration authenticated by the appropriate U.S. Customs official. The bill of lading and supporting export form (landing certificate or Shipper's Export Declaration) must apply to the same shipment of tobacco, and such forms, or properly authenticated attachments, must show the number of containers of tobacco, the gross weight of containers including the tobacco therein, the date and place of entry into the country of destination, and the name and address of both the exporter and the person to whom it was shipped;

(iv) A copy of the exporter's invoice to the foreign buyer or to the consignee showing the net weight of the tobacco exported.

(v) If the exporter establishes that for good cause he is unable to supply the

specified documentary evidence of export, CCC may accept such other evidence of export as will establish to its satisfaction that the exporter has qualified for an export payment under this program.

(b) Payment shall be made to the eligible exporter whose name appears as shipper or consignor on the bill of lading or other evidence of export required by paragraph (a) of this section. If the shipper or consignor named in the export bill of lading or other evidence of export is other than the exporter filing the application for tobacco export payment, a waiver must be submitted from the shipper or consignor named in such bill of lading or other evidence of export waiving any interest in the claim for payment in favor of the exporter filing such application.

§ 1490.8 Reentry or transshipment.

If any quantity of tobacco with respect to which an export payment has been made under this program is reentered into the United States in unmanufactured, processed, or manufactured form, or while in the course of shipment is diverted to any ineligible country, whether or not such reentry or diversion is caused by the exporter, or if any quantity of tobacco with respect to which an export payment has been made under this program is transhipped or caused to be transhipped by the exporter to any country or destination not an eligible country, the exporter shall promptly refund to CCC any export payment made with respect to the quantity of tobacco so reentered or transhipped. The exporter shall not be required to make such refund if he establishes to the satisfaction of CCC that (a) the reentry was not due to his fault or negligence and promptly after he received notice of reentry he exported the reentered tobacco, or an equivalent quantity of eligible tobacco with respect to which no export payment has been made, to an eligible country or (b) the tobacco reentered was lost, damaged, or destroyed and its physical condition is such that its reentry will not adversely affect CCC's price support or export programs.

§ 1490.9 Assignments and setoffs.

(a) No assignment shall be made by the exporter of any export payment due under this program, except that subject to paragraph (b) of this section the exporter may assign the payment due the exporter under an application for payment on the form prescribed by CCC to any trust company, Federal lending agency, or other financing institution and, subject to the approval of the Executive Vice President of CCC, assignment may be made to any other person: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment on Form CCC-251, "Notice of Assignment," together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CCC-251: *And provided further*, That any such assignment shall cover all

amounts payable and not already paid under such application, shall not be made to more than one person, and shall not be subject to further assignment, except that any such assignment may be made to one person as agent or trustee for two or more persons. The "Instrument of Assignment" may be executed on Form CCC-252, or the assignee may use his own form of assignment. Forms may be obtained from the:

Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under the application form provided for in § 1490.7, except that if an assignment of any payment has been made CCC may set off (1) any amount due CCC with respect to the application for such payment, and (2) any other amounts due CCC if CCC notifies the assignee of such other amounts to be set off at the time acknowledgment was made of the receipt of notice of such assignment. Setoffs as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1490.10 Records and accounts.

Each exporter shall maintain complete and accurate records of transactions under this program, including contracts of purchase and sale, and storage and other records which will establish that the tobacco upon which export payment is made to the exporter is eligible for payment under this program. Such records shall be available during regular business hours for inspection and audit by authorized employees of the U.S. Department of Agriculture, and shall be preserved for 3 years after date of export.

§ 1490.11 Officials not to benefit.

No member or delegate to Congress or resident Commissioner shall be admitted to any benefit that may arise from any provision of this program, but this prohibition shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 1490.12 Amendment and termination.

This program may be amended or terminated by publishing such amendment or termination in the FEDERAL REGISTER, except that any such termination shall be effective 90 days after publication of the notice of termination in the FEDERAL REGISTER. A notice of termination shall be considered a rate reduction for purposes of §§ 1490.3 and 1490.6. Any such amendment or termination shall not be applicable to exports made prior to the date such amendment or termination becomes effective or to tobacco for which an offer to export has been accepted by CCC in accordance with § 1490.6.

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on September 30, 1966.

H. D. GODFREY,
*Executive Vice President,
Commodity Credit Corporation.*

RAYMOND A. IOANES,
*Vice President, Commodity
Credit Corporation, and Ad-
ministrator, Foreign Agricul-
tural Service.*

NOTICE TO EXPORTER

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the Shipper's Export Declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 66-10887; Filed, Oct. 4, 1966; 8:56 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,204]

PART 545—OPERATIONS

Distribution of Earnings at Variable Rates

Correction

In F.R. Doc. 66-10751, appearing at page 12838 of the issue for Saturday, October 1, 1966, the following correction is made in the third sentence of the quoted matter in § 545.3-1(c)(1): The phrase reading "or at the expiration of such period" should read "or at the expiration of the period ending ----- (date)".

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages insured on or after October 3, 1966.*

*(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In § 220.510 paragraph (a) is amended to read as follows:

§ 220.510 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 3, 1966.

*(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 3, 1966. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

*(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 3, 1966.

*(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNER-SHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

§ 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages insured on or after October 3, 1966.

*(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

Section 1000.50 is amended to read as follows:

§ 1000.50 Maximum interest rate.

The mortgage may bear interest at the rate agreed upon by the mortgagee and the mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 3, 1966.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

Issued at Washington, D.C., October 3, 1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 66-10882; Filed, Oct. 5, 1966; 8:47 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER B—WELFARE-PENSION REPORTS

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Conditions of Variation

Recently, the U.S. Department of Labor Form D-2, entitled "Employee Welfare or Pension Benefit Plan Annual Report Form" prescribed by the Department under the authority of section 7 of the Welfare-Pension Plans Disclosure Act (72 Stat. 1000, 76 Stat. 36, 37; 29 U.S.C. 306) has been revised effective January 1, 1966 (30 F.R. 15659; 29 CFR Part 460). The revised Form dispenses with Exhibits A-1, A-2, and A-3 and replaces these exhibits with a Part III of the Form. Consistent with this revision an amendment to this Part 462, § 462.26 is required to change a reference to Exhibit A-3.

Inasmuch as the amendment adjusts to an amendment already effected, good cause is found to dispense with public notice and comment as provided in section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)). Such procedure is considered unnecessary. Further, for this reason, good cause is found to dispense with the 30 days delayed effective date as provided for in section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

Accordingly, under the authority of sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000, 76 Stat. 36, 37; 29 U.S.C. 304, 306; Secretary's Order No. 24-63 (29 F.R. 9172)), 29 CFR Part 462 is hereby amended as follows:

Paragraph (b) of § 462.26 is hereby amended to read as follows:

§ 462.26 Conditions of variation.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of such Blue Cross or Blue Shield organization, each plan administrator of an employee benefit plan to which this variation applies shall report in Part III, section D,

of Department of Labor Annual Report Form D-2, the name, address and code number of each Blue Cross or Blue Shield organization which the plan utilizes and shall indicate that the financial report of each such Blue Cross or Blue Shield organization is on file with the Office of Labor-Management and Welfare-Pension Reports.

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 26th day of September 1966.

JAMES J. REYNOLDS,
Labor-Management Services
Administrator.

[F.R. Doc. 66-10861; Filed, Oct. 5, 1966; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 520—FOREIGN FUNDS CONTROL REGULATIONS

Deletion of Certain Securities

Advice has been received from the Government of the Netherlands that information now in its possession makes it possible to delete certain securities listed in §§ 520.205 and 520.205b. Accordingly, § 520.205 is amended by the deletion of the following securities listed therein.

1. Dominican Republic Customs Administration, 20 year 5½% Gold Loan of 1922-1926 Due 1961:

\$1,000—Number 9915.

Section 520.205b is amended by the deletion of the following securities listed therein.

1. Atchison, Topeka and Santa Fe Railway Company (The)—General Gold 4% Due 1995:

\$1,000—Numbers 12577 and 42413.

2. Chesapeake & Ohio Railway Co. (The) 3½% Bonds 1936:

\$1,000—Number 28604.

3. Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Convertible Adjustable Series A 5%:

\$1,000—Number 6479.

4. Cities Service Company 5% Gold Debenture, 1969:

\$1,000—Number 14306.

5. International Mercantile Marine Co., Ltd.—First and Collateral Trust Gold 6% Due 1941:

\$1,000—Number 28305.

6. Union Pacific Railroad Company—First Gold, 4% of 1947:

\$1,000—Number 23432;

\$500—Numbers 13555 and 16830.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-10871; Filed, Oct. 5, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 22—Office of Economic Opportunity

PART 22-1—GENERAL

A new Part 22-1 is added to Chapter 22 of Title 41, Code of Federal Regulations as follows:

Sec.	Scope of part.
22-1.000	Scope of part.
Subpart 22-1.0—Introduction	
22-1.001	Scope of subpart.
22-1.002	Purpose.
22-1.003	Authority.
22-1.004	Applicability.
22-1.004-1	[Reserved.]
22-1.004-2	Relationship to the FPR.
22-1.004-3	Description.
22-1.004-4	Interim applications.
22-1.005	Exclusions.
22-1.006	Issuance.
22-1.006-1	Code arrangement.
22-1.006-2	Publication.
22-1.006-3	Copies.
22-1.007	Arrangement.
22-1.007-1	General plan.
22-1.007-2	Numbering.
22-1.007-3	Citation.
22-1.008	Agency implementation.
22-1.008-1	Suffixes.
22-1.009	Deviations.

AUTHORITY: The provisions of this Part 22-1 issued under Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended; sec. 602(n) of Public Law 88-452, as amended.

§ 22-1.000 Scope of part.

This part establishes a system of procurement regulations and procedures applicable to procurement of property, rights and services (including construction) necessary to the operations of the Office of Economic Opportunity, Executive Office of the President. This system is based upon the Federal Property and Administrative Services Act of 1949, and is comprised of the Federal Procurement Regulations (referred to herein as FPR), and Office of Economic Opportunity Procurement Regulations (referred to herein as OEOPR, which are hereby established). This part describes the method by which the Office of Economic Opportunity implements, supplements, and may deviate from the FPR, and sets forth policies and procedures which implement and supplement the FPR.

Subpart 22-1.0—Introduction

§ 22-1.001 Scope of subpart.

This subpart sets forth introductory information pertaining to the Office of Economic Opportunity Procurement Regulations (herein identified as OEOPR). It explains the purpose of the OEOPR, the authority under which they are issued, their relationship to the Federal Procurement Regulations, and their applicability, method of issuance, exclusions, and arrangement. It also outlines procedures for implementing, supplementing, and deviating from the FPR.

§ 22-1.002 Purpose.

The Federal Procurement Regulations, as implemented, supplemented, or deviated from by the Office of Economic Opportunity Procurement Regulations set forth in this chapter, are hereby designated as the authorized regulations governing the procurement of property, rights, and services (including construction) necessary to the operations of the Office of Economic Opportunity, Executive Office of the President.

§ 22-1.003 Authority.

(a) The Office of Economic Opportunity Procurement Regulations (OEOPR) are prescribed pursuant to Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and section 602(n) of Public Law 88-452, as amended and the authority delegated to the Director of Contracts.

(b) Procurement instructions and procedures which are necessary to implement, supplement, or deviate from the FPR, will be issued in the OEOPR by the Director of Contracts, when necessary to accomplish Office of Economic Opportunity procurement objectives.

§ 22-1.004 Applicability.**§ 22-1.004-1 [Reserved]****§ 22-1.004-2 Relationship to the FPR.**

Material published in the FPR which has Government-wide applicability, becomes effective throughout the Office of Economic Opportunity upon the effective date cited in the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise stated in OEOPR except to the extent necessary to supplement, implement, or deviate from the FPR.

§ 22-1.004-3 Description.

The meanings of OEOPR "implementation," "supplementation," and "deviation" from the FPR includes the following:

(a) "Implementation" means a part, subpart, section, etc., which treats the policies and procedures of a similarly numbered portion of the FPR in greater detail or indicates the manner of compliance, including any deviations. However, material in this Chapter 22 which differs from material in Chapter 1 of this title (FPR) shall be regarded as a deviation only if explicitly referenced to be a deviation.

(b) "Supplementation" means OEOPR coverage of matters which have no counterpart in the FPR.

(c) "Deviation" is defined in FPR 1-1.009-1.

§ 22-1.004-4 Interim applications.

The regulations in this chapter apply to all Office of Economic Opportunity procurement actions, except as otherwise specified herein; however, existing Office of Economic Opportunity procurement regulations, procedures, instructions, and requirements, not in conflict with FPR, will remain in effect until superseded by an appropriate OEOPR, or otherwise rescinded.

§ 22-1.005 Exclusions.

(a) Certain Office of Economic Opportunity procurement policies and procedures which come within the scope of this Chapter 22 nevertheless may be excluded when justified. These exclusions may include the following categories:

(1) Policies or procedures effective for a period of less than 6 months.

(2) Policies or procedures effective on an experimental basis for a reasonable period.

(3) Policies and procedures pertaining to other functions of the Office of Economic Opportunity as well as to procurement functions, and where there is need to make the issuance available to all Office of Economic Opportunity employees concerned.

(4) Where speed of issuance is essential, and numerous changes required in this Chapter 22 cannot be made promptly.

(b) Procurement policies and procedures issued under the authority of paragraph (a) (3) and (4) of this section will be codified into this Chapter 22 at the earliest practicable date, but in any event not later than six months from date of issuance.

§ 22-1.006 Issuance.**§ 22-1.006-1 Code arrangement.**

Office of Economic Opportunity Procurement Regulations which basically or significantly implement, supplement or deviate from the Federal Procurement Regulations, Chapter 1 of this Title 41 of the Code of Federal Regulations, will be published as this Chapter 22 of this Title 41, Code of Federal Regulations.

§ 22-1.006-2 Publication.

This Chapter 22 of this Title 41, Code of Federal Regulations will be published in the daily issues of the FEDERAL REGISTER, and in cumulated form in the Code of Federal Regulations.

§ 22-1.006-3 Copies.

Copies of the Office of Economic Opportunity Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal agencies and the public, at nominal cost from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 22-1.007 Arrangement.**§ 22-1.007-1 General plan.**

The Office of Economic Opportunity Procurement Regulations (OEOPR) employ the same numbering system and nomenclature as the Federal Procurement Regulations and conform with FEDERAL REGISTER standards approved for the FPR.

§ 22-1.007-2 Numbering.

(a) This Chapter 22 has been allocated to the Office of Economic Opportunity for implementing, supplementing, and deviating from Chapter 1 of this Title 41 CFR, the Federal Procurement Regulations.

(b) Where the OEOPR implements (or deviates from) a part, subpart, sec-

tion, or subsection of the FPR, the implementing part, subpart, section, or subsection of OEOPR will be numbered (and captioned) to correspond to the part, subpart, section, or subsection of Chapter 1 of this title, CFR, the FPR.

(c) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no implementation, the OEOPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

(d) OEOPR's which supplement the FPR will be assigned an appropriate number and title different from any assigned to an FPR.

§ 22-1.007-3 Citation.

The Office of Economic Opportunity Procurement Regulations will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. Thus this section, when referred to in sections of the Office of Economic Opportunity Procurement Regulations, should be cited as "§ 22-1.007-3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 22-1.007-3." Any section of Office of Economic Opportunity Procurement Regulations may be informally identified, for purposes of brevity, as OEOPR followed by the section number, i.e., "OEOPR 22-1.007-3."

§ 22-1.008 Agency implementation.**§ 22-1.008-1 Suffixes.**

OEOPR's which may be issued to provide for special requirements of individual programs will be identified by alphabetical suffixes to the appropriate digit 22 part, subpart, section, and subsection. Such suffixes will be assigned when regulations of this type are issued.

§ 22-1.009 Deviations.

Deviations from the FPR and OEOPR shall be kept to a minimum and controlled as follows:

(a) Deviations in both individual cases and classes of cases must be approved in advance by the Director of Contracts. Requests for approval of such deviations may be initiated by Contracting Officers. They shall be submitted to the Director of Contracts. Requests shall cite the specific parts of the FPR and OEOPR from which it is desired to deviate, shall set forth the nature of the deviations, and shall give the reasons for the action requested.

(b) If a requested deviation is considered appropriate, approval will be accomplished as follows:

(1) Where the deviation applies to an individual case, approval will be granted by memorandum addressed to the requesting officer with copies to interested offices. The contract file of the requesting office shall include a copy of the request and approval.

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration will be accomplished by the Director of Contracts. Such class deviations will be issued as a part of OEOPR.

(3) Where circumstances preclude the obtaining of prior concurrence of the GSA, to a class of cases, the Director of Contracts may authorize a deviation. In such an instance, the Director of Contracts shall inform the GSA of the deviation and circumstances under which it was required.

(c) The requesting office will be notified by memorandum, with copies to other interested offices, whenever a requested deviation is disapproved.

(d) In emergency situations involving individual cases, deviation approvals may be processed by telephone and later confirmed in writing.

(e) Requests for deviations may be made at any time. New FPR issuances should be reviewed upon receipts, so that requests for deviations can be acted upon prior to the effective date, whenever practicable.

These regulations shall be effective upon publication in the FEDERAL REGISTER.

SARGENT SHRIVER,
Director.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10856; Filed, Oct. 5, 1966;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Interest Rates

1. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815, effective October 3, 1966, the interest rate on any loan guaranteed or insured wholly or in part may not exceed 6 per centum per annum on the unpaid principal balance.

2. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after March 3, 1966, shall not exceed an amount which bears the same ratio to \$17,500 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$7,500, nor may any veteran obtain direct loans aggregating more than \$17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by Veterans Administration shall bear interest at the rate of 6 percent per annum, except where a commitment to make the loan was issued prior to October 3, 1966, in which case the rate of interest shall be that applicable on the date such commitment was issued.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective October 3, 1966.

Approved: October 3, 1966.

[SEAL]

W. J. DRIVER,
Administrator.

[F.R. Doc. 66-10877; Filed, Oct. 5, 1966;
8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Sutter National Wildlife Refuge, Calif.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the subject refuge has been harvested and that the period of susceptibility of such crops to waterfowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

Public hunting of ducks, geese, coots and gallinules on the Sutter National Wildlife Refuge, Calif., is permitted only on an area of 1,100 acres designated by signs as open to hunting.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 22, 1966, through January 4, 1967, and geese may be hunted from October 22, 1966, through January 8, 1967, all dates inclusive. Hunting will be restricted to Saturdays, Sundays (except Christmas Day and New Year's Day), Wednesdays, and Veterans' Day. A special hunt will be permitted on January 14, 15, 21, and 22, 1967, for the taking of snow and Ross' geese only.

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked pheasants on the Sutter National Wild-

life Refuge, Calif., is permitted only on an area of 1,100 acres, designated by signs as open to hunting. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition: Pheasants may be hunted only on November 19, 20, 23, 26, 27, 30, and December 3 and 4, 1966.

The areas open to hunting are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Ore. 97208.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

PAUL T. QUICK,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10875; Filed Oct. 5, 1966;
8:46 a.m.]

PART 32—HUNTING

St. Marks National Wildlife Refuge, Fla.; Correction

In F.R. Doc. 66-10345, appearing on page 12530 of the issue for September 22, 1966, subparagraph (1) of § 32.22 is corrected to read as follows:

(1) The open season for archery hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge is limited to the separate periods of October 1-2, October 8-9, October 15-16, and October 22-23, 1966. The open season for archery and gun hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge extends from November 12, 1966, through January 15, 1967.

In F.R. Doc. 66-10345, appearing on page 12530 of the issue for September 22, 1966, the second paragraph of § 32.32 is corrected to read as follows:

The open season for archery hunting of deer and bear on the refuge is limited to the separate periods of October 1-2, October 8-9, October 15-16, and October 22-23, 1966. The open season for archery and gun hunting of deer and bear on the refuge extends from November 12, 1966, through January 15, 1967.

WALTER A. GRESH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 66-10857; Filed, Oct. 5, 1966;
8:45 a.m.]

PART 32—HUNTING

McNary National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WASHINGTON

M McNARY NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the McNary National Wildlife Refuge, Wash., is permitted from October 15 through November 6, 1966, in Unit I, and from October 15 through November 13 and from November 26 through December 31, 1966, in Unit II, as designated by signs as open to hunting. This open area, comprising 1,273 acres, is delineated on a map available at McNary National Wildlife Refuge headquarters, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Hunters must report at such checking stations as may be established when entering or leaving Unit II.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

PAUL T. QUICK,

*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10876; Filed, Oct. 5, 1966;
8:46 a.m.]

PART 32—HUNTING

**Rice Lake National Wildlife Refuge,
Minn.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset November 12 through November 20, 1966, and with bow and arrow only from sunrise December 3, 1966, to sunset December 18, 1966, inclusive, only on the area designated by signs as open to hunting. This open area comprising 13,000 acres, is delineated on a map available at refuge headquarters, McGregor, Minnesota and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) Hunters may not enter the refuge before 6 a.m. daily and must leave the refuge before 6 p.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 18, 1966.

CARL E. POSPICHAL,

Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn. 55760.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10858; Filed, Oct. 5, 1966;
8:45 a.m.]

PART 32—HUNTING

**Noxubee National Wildlife Refuge,
Miss.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 45,700 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The open seasons for archery hunting only on Noxubee Refuge are October 24 through November 3, 1966, and November 5 through 12, 1966.

(2) Bag limit—One (1) deer of either sex per season.

(3) The use of dogs is not permitted.

(4) All deer killed must be checked out at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 12, 1966.

WALTER A. GRESH,

*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

[F.R. Doc. 66-10859; Filed, Oct. 5, 1966;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of Walnut Control Board and Rates of Assessment for 1966-67 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1966-67 marketing year beginning August 1, 1966, pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Board has recommended a budget of expenses in the total amount of \$124,850 and, based on the volume of merchantable inshell walnuts handled or declared for handling and merchantable shelled walnuts handled or declared for handling during the 1966-67 marketing year, an assessment rate of 0.125 cent per pound and 0.25 cent per pound, respectively, is expected to provide sufficient funds to meet the estimated expenses of the Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.318 Expenses of the Walnut Control Board and rates of assessment for the 1966-67 marketing year.

(a) *Expenses.* The expenses in the amount of \$124,850 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, is fixed at 0.125 cent per pound for merchantable inshell walnuts

and 0.25 cent per pound for merchantable shelled walnuts.

Dated: October 3, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-10888; Filed, Oct. 5, 1966;
8:47 a.m.]

[7 CFR Part 1126]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the North Texas marketing area is being considered for the months of October 1966 through March 1967.

The provision proposed to be suspended is: "described in paragraph (a) of this section" as it appears in § 1126.10(c), relating to pool plant status of a plant operated by a cooperative association.

This suspension has been requested by the North Texas Producers Association and the Lamar Creamery Co., cooperatives representing the majority of producers on the market. These two cooperatives request that this provision be suspended to reflect the changed milk marketing conditions in this market and to permit cooperatives to cooperate in the efficient marketing of milk and continued pooling of certain milk during a period in which it is indicated that such milk will be required to provide an adequate and dependable supply to meet the needs of the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 30, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10867; Filed, Oct. 5, 1966;
8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CERTAIN CHEESES AND CHEESE PRODUCTS

Identity Standards; Use of Additional Safe and Suitable Milk-Clotting Enzymes

Notice is given that a petition has been filed by Kraft Foods, Division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill. 60690, proposing amendment of the standards of identity for cheddar, washed curd, colby, granular, and swiss cheese (21 CFR 19.500, 19.505, 19.510, 19.535, and 19.540) to permit use of safe and suitable milk-clotting enzymes, other than presently permitted rennet, in cheesemaking.

Grounds set forth in the petition in support of the proposal are that the no longer adequate supply of animal rennet for cheesemaking has resulted in its having high and unstable prices and that use of other suitable milk-clotting enzymes, one or more of which are now available, would alleviate this situation.

It is proposed that Part 19 be amended:

1. By adding a new section, as follows:

§ 19.----- Definitions.

For the purposes of this part, the phrase "safe and suitable" when used to describe ingredients of cheese or cheese products means that such ingredients shall be functionally suitable substances that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives as so defined, they shall be used in conformity with regulations established pursuant to section 409 of the act.

2. By changing, respectively, the third sentence of paragraph (b) of §§ 19.500 *Cheddar cheese, cheese; identity; label statement of optional ingredients*, 19.505 *Washed curd cheese, soaked curd cheese* * * *, 19.510 *Colby cheese* * * *, 19.535 *Granular cheese, stirred curd cheese* * * *, and 19.540 *Swiss cheese, emmentaler cheese* * * * to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) by weight of the milk, is added to set the milk to a semisolid mass."

Due to cross-references, adopting the proposed amendment to the above-cited cheese standards would have the effect of making other suitable milk-clotting enzymes, as well as rennet, permitted in-

gredients of cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, and swiss cheese for manufacturing (21 CFR 19.502, 19.507, 19.512, 19.537, and 19.542).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 29, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-10872; Filed, Oct. 5, 1966;
8:46 a.m.]

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Exemption of Painting and Other Coating Materials From Labeling Requirements

The Commissioner of Food and Drugs has received a request that § 191.63(a)

(25), which conditionally exempts from the requirements of the Federal Hazardous Substances Labeling Act the outer retail cartons of certain kits containing a variety of solvents and cleaning agents, be amended to include kits intended for use in coating, painting, and similarly processing various surfaces.

Having considered the request and other relevant information, the Commissioner concludes that full compliance with the labeling requirements of section 2(p)(1) of the act is not necessary for the adequate protection of public health and safety if the outer carton of such kits bears warnings adequate to alert the user to the fact that the kit contains substances that may be hazardous, and if each individual container of a hazardous substance in the kit is properly labeled.

Therefore, pursuant to the provisions of the act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), it is proposed that § 191.63(a)(25) be revised to read as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

(a) * * *

(25) Cleaning and spot removing kits intended for use in cleaning carpets, furniture, and other household objects, and kits intended for use in coating, painting, antiquing, and similarly processing various surfaces, furniture, furnishings, equipment, sidings, etc., are exempt from the requirements of section 2(p)(1) of the act: *Provided*, That:

(i) The immediate container of each hazardous substance in the kit is fully labeled and in conformance with the re-

quirements of the act and regulations issued thereunder; and

(ii) The carton of the kit bears on the main display panel (or panels) within a borderline, and in the type size specified in § 191.101, the following caution statement: "(Insert proper signal word as specified in subdivision (iii) of this subparagraph.) This kit contains the following chemicals that may be harmful if misused: (List chemicals by name.) Read cautions on individual containers carefully. Keep out of the reach of children."

(iii) If either the word "POISON" or "DANGER" is required on the container of any component of the kit, the same word shall be required to appear as part of the caution statement on the kit carton. If both "POISON" and "DANGER" are required in the labeling of any component or components in the kit, the word "POISON" shall be used. In all other cases the word "WARNING" or "CAUTION" shall be used.

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: September 29, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-10873; Filed, Oct. 5, 1966;
8:46 a.m.]

MOUNT DIABLO MERIDIAN—Continued

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 $NW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$
 $NW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}$
 $NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$,
 $SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$
 $NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$
 $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}$
 $SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$,

T. 22 S., R. 61 E.,

Sec. 6, lots 12, 16, 33, 37, 38, 56, 96, 97, 99,
100, 101, 104, 107, 108, 110, 115, 116, 117,
124, 125, 128, 130, 151, 152, 158, 159, 161,
165, 166, 167, 169, 171, 173;

Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, lot 13,
N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
lots 26, 29, 30, 33, 34, 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$:

[illegible]

MOUNT DIABLO MERIDIAN—Continued

[illegible]

Sec. 15. $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$.

Sec. 17, $W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}$
 $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$
 $NW\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$

MOUNT DIABLO MERIDIAN—Continued

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Sec. 18, lots 29 to 38, inclusive, 40, 42, 43, 44, 75 to 81, inclusive, 86 to 90, inclusive, 92, and 94 to 106, inclusive, 137, 138, 140 to 146, inclusive, 148, 149, 152, 153, 154, 156, 157, 158, and 164 to 168, inclusive, 202, 203, 205, 221, 223, 224, 225, 226, 228, 229, 230, 263 to 267, inclusive, 269, 270, 271, 273, 274, 275, $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $WNE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, lots 45, 46, 47, 49, 50, 52, 53, 54, 55, 57, 59 to 66, inclusive, 67 to 73, inclusive, 108, 112, 113, 114, 115, 116, 117, 119, 120, 122 to 128, inclusive, 130, 133, 134, 135, 136, 170 to 182, inclusive, 185, 187, 189, 190, 191, 192, 193, 196, 197, 199, 199, and 232 to 242, inclusive, 244, 245 to 252, inclusive, $E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, lots 18, 19, 20, 21, 23 to 27, inclusive, $E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$

MOUNT DIABLO MERIDIAN—Continued

$N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$,
 $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}$
 $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}$
 $NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$;
 Sec. 33, lots 1, 2, 9, 27, 29, 36, 37, 38, 52, 53,
 59, 60, 68, 77.
 T. 23 S., R. 61 E.,
 Sec. 4, $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$,
 $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$
 $SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$
 $SW\frac{1}{4}$;
 Sec. 5, Lots 5, 7, 8, $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}$
 $SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}$
 $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}$
 $SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}$
 $SW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}$
 $SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$
 $SE\frac{1}{4}SE\frac{1}{4}$;
 Sec. 8, $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$,
 $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$,
 $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}$
 $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$
 $NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$
 $NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$;
 Sec. 9, $NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$
 $NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate approximately 5,488.22 acres.

JOHN O. CROW,
Associate Director.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10862; Filed, Oct. 5, 1966;
8:45 a.m.]

[Montana 386]

MONTANA

Order Providing for Opening of
Public Lands

SEPTEMBER 29, 1966.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g) the following lands have been re-conveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 31 N., R. 33 E.,
 Sec. 14, $SE\frac{1}{4}SE\frac{1}{4}$;
 Sec. 19, $E\frac{1}{2}SW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$.

The areas described aggregate 200 acres.

2. The lands are located 3 to 7 miles southwest of Saco, Mont. They are rough grazing lands that adjoin approximately 7,500 acres of other Federally owned lands. The tracts are not suitable for crop production due to adverse topography and soil conditions as well as low precipitation.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., November 3, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore the

mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 66-10860; Filed, Oct. 5, 1966;
8:45 a.m.]

AREA MANAGERS

Redelegation of Authority in General

In accordance with Bureau Order No. 701 of July 23, 1964, and Amendment No. 2 dated April 26, 1966, the Area Managers of:

Malta District, M-1—Glacier Resource Area, Blaine Resource Area, Phillips Resource Area, Valley Resource Area;
 Miles City District, M-2—Big Dry Resource Area, Prairie Resource Area, Powder River Resource Area, Makotapi Project Area;
 Dillon District, M-5—Lewis and Clark Resource Area, Sacajawea Resource Area;
 Lewistown District, M-6—Judith Resource Area, Black Butte Resource Area, Roundup Resource Area;
 Missoula District, M-7—Garnet-Hoodoo Resource Area, Helena Resource Area.

are redelegated the authority given to the respective district managers in Part III of the above order subject to the limitations and exceptions specified below:

Signing authority is not redelegated for land classifications, contracts, personnel actions, or adverse decisions concerning the use of public lands. This restriction does not apply to trespass action.

The Area Managers have fiscal responsibility for their areas within the framework of the approved Annual Work Plan. Purchasing authority is limited to emergency purchases as specified in Bureau Manual 1510.

The district manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This order will become effective upon publication in the FEDERAL REGISTER.

HAROLD TYSK,
State Director.

[F.R. Doc. 66-10883; Filed, Oct. 5, 1966;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation
SALES OF CERTAIN COMMODITIES
October 1966 CCC Monthly Sales
List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of pay-

ment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on September 30, 1966, and, subject to amendment, continuing until superseded by the November Monthly Sales List. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, linseed oil, and tung oil.

For October, tung oil is being added to the list of commodities offered.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

With the beginning of the 1966 marketing year, statutory minimum prices for corn are being based on 105 percent of effective 1966-crop support prices (county loan rates plus 19 cents per bushel, that is, five-eighths of the 30-cent-per-bushel price-support payment to 1966 feed grain program cooperators). For 1966, the 30-cent price-support payment rate was limited to not more than 50 percent of corn base acreage, but the maximum acreage permitted for planting was 80 percent of base. Thus, for statutory minimum pricing under section 407 of the Agricultural Act of 1949, the payment rate is adjusted to reflect production on all the acreage that could be planted under the program in order to determine the effective support price. A similar adjustment has been made for barley and grain sorghum with the minimum prices reflecting 1966 loan rates plus 13 cents per bushel for barley and

34 cents per hundredweight for grain sorghum.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for October 1966 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. CCC-owned commodities currently available for export sale under the CCC Export Credit Sales Program are: Wheat, grain sorghum, barley, oats, rye, rice, flaxseed, extra long staple cotton, plus tobacco from CCC loan stocks. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled, and brown rice, cottonseed oil, soybean oil, and dairy products.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programing under barter contracts covering procurements for Federal agencies that will reimburse CCC except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for

specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offeror to meet contract obligations of the type contemplated in this announcement. If a prospective offeror is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offeror of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offeror will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be held.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified

in Commerce Department Regulations (Comprehensive Export Schedule § 379.10 (c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 108 percent of the 1966 support price for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
\$0.09½	\$0.06¼	Minneapolis—No. 1 DNS (\$1.56) 108 percent + \$0.06¼; \$1.75½ Portland—No. 1 SW (\$1.46) 108 percent + \$0.06¼; \$1.64¼ Kansas City—No. 1 HRW (\$1.43) 108 percent + \$0.06¼; \$1.61¼ Chicago—No. 1 RW (\$1.49) 108 percent + \$0.06¼; \$1.67¼

D. *Availability information.* Contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR-345 (Revision III, July 6, 1962, as amended), wheat export program. When Hard Red Winter, Hard Red Spring, or durum wheat is delivered on the west coast by CCC, evidence of export must show exportation from west coast ports. Exports of these classes of wheat through west coast ports will not be eligible for P.L. 480 sales. When sold through west coast ports for dollar exports, these wheats must be exported to destinations west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. Announcement GR-346 (Revision I, June 23, 1960, as amended) for export as flour.

C. Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR-262 (Revision II, Jan. 9, 1961, as amended) for export as flour for application to barter * * * contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, * * * and to approved CCC credit sales. Hard Red Winter, Hard Red Spring, and durum wheat will not be sold for barter through west coast ports under these announcements. Sales from the west coast under CCC Export Credit Program may only be exported to des-

tinations west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

D. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. General sales.

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price support rate² (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store¹ basis No. 2 Yellow Corn, 14 percent M.T., 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
\$0.04 $\frac{1}{4}$	Feed grain program domestic PIK certificate minimums: McLean County, Ill. (\$1.01+\$0.03+\$0.04 $\frac{1}{4}$); \$1.08 $\frac{1}{4}$. Agricultural Act of 1949 stat. minimums: McLean County, Ill. (\$1.01+\$0.19+\$0.03); 105 percent +\$0.04 $\frac{1}{4}$; \$1.34 $\frac{1}{4}$.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Corn from CCC inventory is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. General sales.

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate

as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate² (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store¹ No. 2 or better).*

Markup in-store received by—	Examples
Truck	
\$0.09	\$0.03 $\frac{1}{4}$
	Feed grain program domestic PIK certificate minimums: Hale County, Tex. (\$1.50+\$0.09); \$1.59. Kansas City, Mo. (ex-rail) (\$1.78+\$0.03 $\frac{1}{4}$); \$1.81 $\frac{1}{4}$. Agricultural Act of 1949; stat. minimums: Hale County, Tex. (\$1.50+\$0.34); 105 percent +\$0.09; \$2.03. Kansas City, Mo. (ex-rail) (\$1.78+\$0.34); 105 percent +\$0.03 $\frac{1}{4}$; \$2.26 $\frac{1}{4}$.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales.

C. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. General sales.

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at

market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate² (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store¹ No. 2 or better).*

Markup in-store received by—	Examples
Truck	
\$0.08 $\frac{3}{4}$	\$0.06 $\frac{1}{4}$
	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. (\$0.76+\$0.08 $\frac{3}{4}$); \$0.84 $\frac{3}{4}$. Minneapolis, Minn. (ex-rail) (\$0.99+\$0.06 $\frac{1}{4}$); \$1.05 $\frac{1}{4}$. Agricultural Act of 1949; statutory minimums: Cass County, N. Dak. (\$0.76+\$0.13); 105 percent +\$0.08 $\frac{3}{4}$; \$1.02 $\frac{3}{4}$. Minneapolis, Minn. (ex-rail) (\$0.99+\$0.13); 105 percent +\$0.06 $\frac{1}{4}$; \$1.24 $\frac{1}{4}$.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. Available: Kansas City, Evanston, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1966 price-support rate² for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store¹ basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
\$0.07 $\frac{1}{4}$	Redwood County, Minn. (\$0.56+\$0.07 $\frac{1}{4}$ quality differential); 105 percent +\$0.07 $\frac{1}{4}$; \$0.69 $\frac{1}{4}$.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evans

ton, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts and to approved CCC credit sales.

C. Available. Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCO, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store¹ No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
\$0.09 ¹	\$0.06 ¹	Rolette County, N. Dak. (\$0.89); 105 percent + \$0.09 ¹ ; \$1.03 ¹ ; Minneapolis, Minn. (ex-rail) (\$1.23); 105 percent + \$0.06 ¹ ; \$1.36 ¹ .

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. Available. Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 19 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369 (Revision III, as amended), rice export program—and under GR-379 (Revision I), for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton.

Export.

CCC disposals for barter (1966-67 marketing year). Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO-C-31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton), as amended.

Competitive offers under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive offers under the terms and conditions of Announcements CN-EX-26 (Purchase of Extra Long Staple Cotton for Export Under the Export Credit Sales Program), or CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export Under the Barter Program), and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLLED

A. Domestic crushing or export.

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PR-1 effective July 1, 1966, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids submitted each Wednesday, to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C.

TUNG OIL

Domestic or export.

All sales are made on the basis of competitive bids submitted each Wednesday to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

Beginning October 5 and weekly until further notice, bids will be considered for not less than 60,000 pounds nor more than 500,000 pounds.

Terms and conditions of sales as set forth in Sales Announcement NTOM-PR-3 effective September 26, 1966.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store¹).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents \$0.11	Cents \$0.06 ¹	Minneapolis	No. 1.....	\$3.36

C. *Nonstorable.* At not less than market price as determined by CCC.

D. Available. Through the Minneapolis Grain Merchandising ASCS Office.

Export.

A. Announcement PS-GR-4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. Available. Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS-GR-4, Revision 1, as amended, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

Export.

Competitive bid, under MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER**Unrestricted use.**

Announced prices, under MP-14: 70.5 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 69.75 cents per pound—Washington, Oregon, and California. All other States 69.50 cents per pound.

Export.

Competitive bid under Announcement MP-10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)**Unrestricted use.**

Announced prices, under MP-14: 49 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48 cents per pound.

Export.

Competitive bid under Announcement MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP-10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

¹ The formula price delivery basis for bin site sales will be f.o.b.

² To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES**GRAIN OFFICES**

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Emerson 1-0860.

Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-500 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Ore. 97205. Telephone: 226-3361.

Idaho, Nevada, Oregon, Utah, and Washington (domestic and export sales), Arizona and California (export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif. 94704. Telephone: Thornwall 1-5121.

Arizona and California (domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on September 30, 1966.

RAY FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-10866; Filed, Oct. 5, 1966; 8:45 a.m.]

DEPARTMENT OF COMMERCE**Bureau of International Commerce**

[Case 282]

EJICE, S. A. AND ROBERT CENTNER**Order Terminating Probation**

In the matter of Ejice, S. A. and Robert Centner, manager; 122 Rue Jules Besme, Brussels, Belgium; Respondents; Case No. 282.

By order dated April 21, 1961 (26 F.R. 3576), the above named respondents were denied all U.S. export privileges for the duration of export controls with conditional restoration of export privileges after 12 months while the respondents remained on probation.

The respondents have petitioned to have the probation terminated. The

matter was referred to the Compliance Commissioner for his consideration. He has found that good cause for terminating the probation has been shown and has recommended that an order be entered terminating the probation. I concur in the Compliance Commissioner's finding and adopt his recommendation.

Accordingly, it is ordered, That the respondents' probation be and is hereby terminated and export privileges are unconditionally restored to them.

Dated: September 29, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-10870; Filed, Oct. 5, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Food and Drug Administration
ANTIBIOTIC DRUGS****Reports of Information for Drug Effectiveness**

There was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), information pertaining to the agreement by the National Academy of Sciences-National Research Council to assist the Food and Drug Administration in its review of the claims of effectiveness for drugs cleared through the new-drug procedures, pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, from 1938 until October 10, 1962. This agreement also provides for a review of effectiveness of antibiotic drugs certified or exempted from certification under the provisions of section 507 of the act prior to October 10, 1962, as well as to anti-biotic drugs cleared through the new-drug procedures but not subject to the certification provisions of section 507 of the act prior to October 10, 1962.

To facilitate this review and to facilitate a determination as to whether any certification or release should be rescinded or whether any regulation issued under section 507 of the act should be amended or repealed, and to give persons described below an opportunity to present for consideration of the reviewing experts the best data available to support the medical claims, this order is entered pursuant to section 507 of the act:

1. Each person engaged in manufacturing, compounding, processing, packing, or labeling any antibiotic drug in dosage form (other than distributors whose labeling is identical, except for such information as distributors' trade names, and addresses, to that under which such antibiotic drug is marketed by its supplier), which antibiotic drug is certified, released, or exempted from certification under the provisions of section 507 of the act on any basis other than approval of a form "5" after October 9, 1962, or an investigational exemption, shall report the following, in duplicate, preferably on forms which have been de-

vised by the National Academy of Sciences-National Research Council and which are available for this purpose from the Food and Drug Administration or any of its offices:

a. Date originally approved (whether approval is for a form 5, 6, or a new-drug application), new-drug application number, if any, section of antibiotic regulations (21 CFR) providing specifications therefor, and whether prescription or over-the-counter drug.

b. Brand name of drug or preparation.

c. Applicant's (firm's) name and address.

d. Quantitative formula using established (nonproprietary) name of active ingredients.

e. Dosage form and route of administration. Where a new-drug application, form 5, or form 6 covers different routes of administration, separate forms should be used.

f. Current labels and package inserts (attach 10 copies of each to original of form; one copy of each to duplicate).

g. List of literature references most pertinent to an evaluation of the effectiveness of the drug for the purposes for which it is offered in the label, package insert, or brochure. Approximately 5 to 10 key references, if available (attach 10 copies of the list to original of form and one copy to duplicate).

h. Unpublished articles or other data pertinent to an evaluation of the claims (one copy only; attach to duplicate).

2. This report shall be made as promptly as possible and no later than 30 days from the date of this publication in the **FEDERAL REGISTER**, shall be plainly marked on the outside of the envelope or package "Special Antibiotic Report," and shall be addressed to the Director, Bureau of Medicine (or Director, Bureau of Veterinary Medicine, in the case of veterinary drugs), Food and Drug Administration, Washington, D.C. 20204.

3. The submission of this special report may be made without prejudice to any person's contention that he is not required by law to make the report.

4. This order is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(g), 59 Stat. 463, as amended 76 Stat. 787; 21 U.S.C. 357(g)).

Dated: October 3, 1966.

WINTON B. RANKIN,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 66-10899; Filed, Oct. 5, 1966;
8:48 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition

(FAP 7B2085) has been filed by Monsanto Co., Post Office Box 1531, Springfield, Mass. 01101, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of hydrogenated bisphenol A-phosphite aster as a stabilizer in semi-rigid and rigid polyvinyl chloride plastics intended for use in contact with food.

Dated: September 29, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10874; Filed, Oct. 5, 1966;
8:46 a.m.]

ATOMIC ENERGY COMMISSION

ROGER O. McCLELLAN

Certification

Pursuant to the proviso contained in section 207 of Title 18 U.S.C. (P.L. 87-849, 76 Stat. 1124), having found that Dr. Roger O. McClellan, formerly of the Medical Research Branch, Division of Biology and Medicine, Atomic Energy Commission, and presently an employee of the Lovelace Foundation for Medical Education and Research, possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. McClellan acting as agent for or appearing personally before the Atomic Energy Commission on behalf of the Lovelace Foundation on matters relating to biomedical programs of the Lovelace Foundation in which he participated personally and substantially as an employee of the Atomic Energy Commission or which were under his official responsibility as an Atomic Energy Commission employee.

This certification is directed to be published in the **FEDERAL REGISTER**.

Dated: September 28, 1966.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 66-10855; Filed, Oct. 5, 1966;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 10920, 15726; Order No. E-24247]

MAIL RATE CASES

Nonpriority and Domestic Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1966.

On September 12, 1966, the Board issued Order E-24175 proposing certain modifications in Order E-17255, July 31, 1961, which embodies the nonpriority mail rate, and Order E-22512, August 6, 1965, which sets forth the domestic multiple service mail rate. All interested persons were directed to show cause why the Board should not effectuate the proposed modifications.

The time allowed for filing notices of objection has expired without objection being filed. All parties have therefore waived their right to a hearing and all other procedural steps short of a final decision by the Board.

For the reasons stated in the order to show cause, the Board has decided to adopt the proposed modifications.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That:

(1) Effective October 8, 1966, subparagraph 1 of paragraph A of Order E-17255, July 31, 1961, shall be amended to read as follows:

1. Line-haul charges: The line-haul charge shall be the product of the mail ton-miles times the line-haul rate of 15.115 cents per mail ton-mile, and the mail ton-miles shall be computed using the nonstop great circle miles between the point of origin and point of destination as the standard mileage except for mail transported between a point in Alaska and a point in the 48 contiguous States. For mail transported between a point in Alaska and a point in the 48 contiguous States the standard mileage between such points shall consist of two components, the first component of which shall consist of the nonstop great circle miles between the point of origin or destination in Alaska and the nearest point (referred to hereafter as the gateway point) in the 48 contiguous States served on the schedule, combination of schedules, or parts of schedules designated for nonpriority mail service and forming the shortest routing between the point of origin or destination in Alaska and point of origin or destination in the 48 contiguous States. The second component shall consist of the nonstop great circle miles between the gateway point and the point of origin or destination within the 48 contiguous States. For the first component the line-haul charge shall be 18.003 cents per mail ton-mile, and for the second component the line-haul charge shall be 15.115 cents per mail ton-mile.

(a) If, after October 7, 1966, there has been or shall be a change in the airport through which a particular point is served or service to a new point has been or shall be instituted, the standard mileage for each pair of points affected thereby shall be determined, in the manner described above.

(b) In case of any community served through more than one airport, the provisions hereof shall be applied as if the community were served by only one airport and that airport shall be the one having the greatest number of scheduled departures of domestic flights during the month of May preceding the commencement of each fiscal year by air carriers certificated to transport mail; *Provided, however*, That in any case where one of the multiairports other than the controlling airport has a flight (or flights) which would produce a shorter distance to a given point, if the mileage for such flight (or flights) were computed from the controlling airport, than the flights

actually serving the controlling airport, the standard mileage shall be computed as if such flight (or flights) serves the controlling airport.

(2) Effective October 8, 1966, paragraph B of Order E-17255, July 31, 1961, shall be amended as follows:

B. The rates fixed and determined herein shall be applicable only to the transportation by air of nonpriority mail; i.e., such first-class mail, other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a voluntary space-available basis, between any points within the 48 contiguous States and between any point within them and Agana, Anchorage, Cordova, Fairbanks, Honolulu, Juneau, Ketchikan, Kodiak, San Juan, or Yakutat, and between Honolulu, Hawaii, and Agana, Guam.

(3) Effective October 8, 1966, Appendix 2 to Order E-23774, June 6, 1966, shall be amended to add Agana, Guam, among the Class B stations there listed for nonpriority mail service only.

(4) Effective October 8, 1966, Order E-22512, August 6, 1965, shall be amended as follows:

(a) The first full paragraph on page 5 shall be amended to read as follows: On and after October 8, 1966, but not beyond December 31, 1966, in the case of American Airlines, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., National Airlines Inc., Northeast Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Airlift International, Inc., The Flying Tiger Line Inc., The Slick Corporation, Braniff Airways, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., Allegheny Airlines, Inc., Bonanza Air Lines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., and West Coast Airlines, Inc., the mail compensation for each carrier shall be paid monthly or at such lesser interval as may be agreed upon by the carrier and the Post Office Department and shall be computed by obtaining the sum of (1) the line-haul charges, and (2) the terminal charges, computed as follows:

(b) On pages 5 and 6, the provisions denominated: "1. Line-Haul Charges," shall be amended to read as follows:

1. Line-haul charges: The line-haul charge shall be the product of the mail ton-miles times the line-haul rate of 27.33 cents per mail ton-mile. The mail ton-miles for each shipment shall be computed by using the nonstop great circle miles between the station of origin and station of destination for each shipment as the standard mileage between such points.

(a) If, after October 7, 1966, there is a change in the airport through which a particular point is served, or service to a new point is instituted, the standard mileage for each pair of points affected thereby shall be determined in the manner described above.

(b) In the case of any community served through more than one airport, the provisions of this formula shall be applied as if the community were served by only one airport and that airport shall be the one having the greatest total number of scheduled departures of domestic flights during the month of May preceding the commencement of each fiscal year by air carriers certificated to transport mail: *Provided, however*, That in any case where one of the multiairports other than the controlling airport has a flight (or flights) which would produce a shorter distance to a given point, if the mileage for such flight (or flights) were computed from the controlling airport, than the flights actually serving the controlling airport, the standard mileage shall be computed as if such flight (or flights) serves the controlling airport.

(5) This order shall be served upon the parties enumerated in paragraph (4) (a) above.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-10880; Filed, Oct. 5, 1966;
8:47 a.m.]

CIVIL SERVICE COMMISSION

DIRECTOR OF AGRICULTURAL ECONOMICS AND DIRECTOR OF SCIENCE AND EDUCATION

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective September 26, 1966, that there is a manpower shortage for the positions of Director of Agricultural Economics and Director of Science and Education, both Schedule C, Executive Pay Level V positions, Department of Agriculture, Washington, D.C.

This manpower shortage finding will terminate for each position when it is filled.

The appointees to these positions may be paid for the expenses of travel and transportation to the first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10889; Filed, Oct. 5, 1966;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16860; FCC 66M-1317]

GOODMAN BROADCASTING CO.

Order Continuing Hearing

In re application of Hiram A. Goodman trading as Goodman Broadcasting Co., Madison, Ala.; Docket No. 16860,

File No. BP-16501; for construction permit.

Pursuant to agreements reached at the prehearing conference held on September 30, 1966, the evidentiary hearing now scheduled for November 9, 1966, is continued to November 30, 1966, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 30th day of September 1966.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10890; Filed, Oct. 5, 1966;
8:47 a.m.]

[Docket Nos. 16655, 16656; FCC 66R-374]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Jones T. Sudbury, Martin, Tenn.; Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn.; Docket No. 16656, File No. BPH-5174; for construction permits.

1. This proceeding involves the above-entitled mutually exclusive applications to establish a new FM broadcast station to operate on Channel 269 at Martin, Tenn. The Board has under consideration a petition to enlarge issues, filed on July 29, 1966, by Northwest Tennessee Broadcasting Co., Inc. (Northwest), seeking the addition of issues to determine whether Jones T. Sudbury (Sudbury) has failed to comply with § 1.65 of the rules and, if so, to determine the effect of this failure on Sudbury's comparative qualifications.¹

2. In support of its request, Northwest points out that Sudbury's original application shows that he proposed virtually 100 percent duplication of his existing AM station, WCMT, and that the cost of construction and operation of his proposal would be less than \$5,000; that on May 24, 1966, Sudbury filed an amendment to his application altering his program proposal so as to include 63 hours per week (approximately 50 percent) of nonduplicated programming, but did not amend his financial proposal; that Northwest, in a petition filed on June 20, 1966, noted, among other things, Sudbury's failure to provide for increased costs of programming; that on July 21, 1966, nearly 2 months after filing his programming amendment, Sudbury filed an amendment² indicating that his cost of construction and operation would exceed his initial estimate by approximately

¹ Also before the Board are the following related pleadings: (a) opposition, filed by Sudbury on Aug. 18, 1966; (b) Broadcast Bureau's statement in support, filed on Aug. 18, 1966; and (c) reply to (a), filed by Northwest on Aug. 23, 1966.

² The Hearing Examiner granted Sudbury's petition for leave to amend by order, FCC 66M-1234, released Sept. 16, 1966.

\$13,500,² and that in order to establish his financial qualifications Sudbury relies mainly on a \$35,000 bank loan commitment dated July 14, 1966, over 1½ months after Sudbury filed the programming amendment. Northwest argues that the foregoing events raise questions as to whether Sudbury was negligent in not filing a financial amendment showing the revised first-year operating costs within the time allotted by the rules, even though the matter was brought to his attention before the expiration of the allotted time, or whether Sudbury purposely did not file the amendment within such time because he did not have the requisite funds available. The Bureau supports Northwest's request for issues. In response, Sudbury alleges that good cause was present for filing the July 20, 1966, amendment; that Northwest has not substantiated its allegations with affidavits of persons with knowledge, as required by § 1.229 of the rules; and that no specific facts have been alleged which could be "considered to have been indicative of negligence or dereliction."

3. Section 1.65 of the rules requires that whenever the information contained in a pending application is no longer substantially accurate and complete in all significant respects, the applicant shall within 30 days, unless good cause is shown, attempt to amend his application so as to provide the correct information. From the sequence of events pointed out by Northwest, it appears that on May 24, 1966, at the time Sudbury changed his programming proposal, the financial information contained in the application was no longer accurate, and Sudbury has not set forth an adequate explanation of a delay of almost 2 months before amending the financial portion of his application. The fact that good cause for amending existed on July 20, 1966, does not necessarily mean that good cause for the failure to update the application at an earlier date was present; and since Northwest's petition is based upon facts which may be the subject of official notice—Sudbury's application—it does not have to be supported by affidavits of persons with knowledge. See § 1.229(c) of the rules. Whether Sudbury's apparent failure to comply with § 1.65 of the rules was willful or inadvertent need not concern us now. In either event, the addition of issues inquiring into this matter would be warranted.

Accordingly, it is ordered, This 29th day of September 1966, That the petition to enlarge issues, filed on June 29, 1966, by Northwest Tennessee Broadcasting Co., Inc., is granted, and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Jones T. Sudbury failed to amend or attempt to amend the financial portion of his application within 30 days after substantial

changes were made, as required by § 1.65 of the rules.

(b) To determine whether the facts adduced pursuant to the foregoing issue bear upon the comparative qualifications of Jones T. Sudbury.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10891; Filed, Oct. 5, 1966;
8:48 a.m.]

[Docket Nos. 16712, 16713; FCC 66M-1316]

TREND RADIO, INC. AND JAMES BROADCASTING CO., INC.

Order Regarding Procedural Dates

In re applications of Trend Radio, Inc., Jamestown, N.Y.; Docket No. 16712, File No. BPCT-3665; James Broadcasting Co., Inc., Jamestown, N.Y.; Docket No. 16713, File No. BPCT-3694; for construction permits for new television broadcast station.

A further prehearing conference having been held on September 30, 1966, whereat certain agreements were reached;

It is ordered, This 30th day of September, 1966, that:

(1) The exhibits of Trend Radio, Inc., directed to the staffing issue added by the Review Board's order released September 7, 1966 shall be exchanged on or before October 11, 1966;

(2) In the event any party wishes produced for cross-examination the sponsor of any such Trend exhibit, notification thereof shall be given on or before October 18, 1966; and,

(3) Hearing on the Trend staffing issue shall commence on October 24, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.; and,

It is further ordered, That:

(1) The exhibits of the applicants directed to the remaining issues shall be exchanged on or before November 8, 1966;

(2) In the event any party wishes produced for cross-examination the sponsor of any such exhibits, notification thereof shall be given on or before November 21, 1966; and,

(3) Hearing on such remaining issues shall commence on November 28, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10892; Filed, Oct. 5, 1966;
8:48 a.m.]

¹ Board member Kessler's dissenting statement filed with the original document and Board Member Nelson joins in dissent.

FEDERAL MARITIME COMMISSION

MARYLAND PORT AUTHORITY AND STOCKYARD SHIPPING AND TER- MINAL CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Philip G. Kraemer, Maryland Port Authority,
Pier 2 Pratt Street, Baltimore, Md. 21202.

Agreement No. T-1966 between the Maryland Port Authority (MPA) and Stockard Shipping and Terminal Corp. (Stockard) provides for the 1 year lease to Stockard of certain property at Locust Point, Baltimore, to be used as a marine terminal. The amount of rental is based on the tonnage handled over the facility, computed pursuant to a schedule set forth in the agreement. Stockard agrees to file its tariffs with the Federal Maritime Commission. The agreement is subject to all the terms and conditions of Agreement No. T-32 between MPA and the Baltimore and Ohio Railroad.

Dated: October 3, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-10879; Filed, Oct. 5, 1966;
8:46 a.m.]

FEDERAL RESERVE SYSTEM

LINCOLN FIRST GROUP, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, as amended by Public Law 89-485, by Lincoln First

² With regard to the cost of operation, Sudbury's unamended application stated there would be no operational expenses, while the July 20, 1966, amendment estimates cost of operation to be \$9,290.

Group, Inc., Rochester, N.Y., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of all, or substantially all, of the voting shares of each of the following banks: Lincoln National Bank of Syracuse, Syracuse, N.Y., a proposed new bank; First-City National Bank of Southern New York, Binghamton, N.Y., a proposed new bank; Second National Bank of Jamestown, Jamestown, N.Y., a proposed new bank; and Lincoln Rochester Trust Co., Rochester, N.Y.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve—

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 28th day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10881; Filed, Oct. 5, 1966;
8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the

President in his letter dated September 27, 1966, reading in part as follows:

I have determined that the damage in Hudspeth County, Tex., adversely affected by heavy rains and flooding on or about August 22, 1966, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

Dated: September 29, 1966.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 66-10878; Filed, Oct. 5, 1966;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

SEPTEMBER 29, 1966.

The common stock, 50 cents par value, and the \$3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 30, 1966, through October 9, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10863; Filed, Oct. 5, 1966;
8:45 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

SEPTEMBER 29, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities

otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 30, 1966, through October 9, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10864; Filed, Oct. 5, 1966;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 973]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

SEPTEMBER 30, 1966.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1222 (Sub-No. 28), filed September 16, 1966. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 West 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states joinder will take place at authorized service points in Ohio such as Portsmouth, Cincinnati, Columbus, and Dayton, to enable service to and from West Virginia points on and south of U.S. Highway 60 and on and west of a line beginning at Lewisburg and extending along U.S. Highway 219 to Princeton and thence along U.S. Highway 19 to the Virginia State line. Applicant further states joinder will also take place at New Boston, Ohio, to enable service to points in West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2228 (Sub-No. 49), filed September 21, 1966. Applicant: MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604. Applicant's representative: Regan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities re-

quiring special equipment, and those injurious or contaminating to other lading), (1) between Panhandle and Claude, Tex., over Texas Highway 15, and (2) between Berger and Skellytown, Tex., over Texas Highway 152; as alternate routes for operating convenience only, in (1) and (2) above, in connection with applicant's presently authorized regular route operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Abilene, or San Angelo, Tex.

No. 2304 (Sub-No. 30), filed September 19, 1966. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 2900 Chester Avenue, Cleveland, Ohio. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack at any point in Ohio to enable services to and from points in West Virginia and New York, and tack at Philadelphia, Pa., and New York, N.Y., to enable service to and from points in New Jersey, Baltimore, Md., and Wilmington, Del. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 11207 (Sub-No. 251), filed September 15, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35204. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt or composition lumber* (boards or sheets made from wood chips, ground wood, or sawdust), from plantsite of Dierks Forests, Inc., at Craig (McCurtain County), and Broken Bow (McCurtain County), Okla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; (2) *gypsum wallboard, gypsum lath, and gypsum wallboard products*, from plantsite of Dierks Forests, Inc., Briar (Howard County), Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia; (3) *lumber and lumber products*, from plantsite of Dierks Forests, Inc., from Dierks (Howard County), Ark., Mountain Pine (Garland County), Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina,

Tennessee, and Virginia; (4) *lumber and lumber products*, from plantsite of Dierks Forests, Inc., Wright City (McCurtain County), Okla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and, (5) *posts, poles, and piling and lumber*, treated and untreated, from plantsite of Dierks Forests, Inc., at Process City (Sevier County), Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 19227 (Sub-No. 111), filed September 19, 1966. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representatives: W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Armlon Leonard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and composition lumber*, boards, or sheets made from wood chips, ground wood, or sawdust, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Washington, Wisconsin, and the District of Columbia, (2) *gypsum wallboard, gypsum lath, and gypsum wallboard products*, from the plantsite of Dierks Forest, Inc., located in Howard County, Ark., to points in Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, (3) *lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in Howard and Garland Counties, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, (4) *lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, and (5) *post, poles, piling, and lumber*, treated and untreated, from the plantsites of

Dierks Forest, Inc., located in Sevier County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 26088 (Sub-No. 7), filed September 19, 1966. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Main Street, Allendale, S.C. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Augusta, Ga., and points within a 10-mile radius thereof, to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Augusta or Atlanta, Ga.

No. MC 13569 (Sub-No. 19) (Amendment), filed July 21, 1966, published in the FEDERAL REGISTER issue of September 1, 1966, amended and republished as amended, this issue. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, a corporation, 1200 South State Street, Girard, Ohio 44420. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago commercial zone, as defined by the Commission, Chicago Heights, Joliet, Waukegan, Ill., and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to add Illinois as a destination State. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 28599 (Sub-No. 4), filed August 24, 1966. Applicant: DEVINE & SON TRUCKING CO., a corporation, Post Office Box 217, West Sacramento, Calif. 95691. Applicant's representative: Willard S. Johnson, Post Office Box 1147, Walnut Creek, Calif. 94597. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, in truckload quantities, from points in Trinity, Shasta, Siskiyou, Modoc, Lassen, Tehama, Plumas, Mendocino, Glenn, Lake, Colusa, Butte, Sutter, Yuba, Sierra, Nevada, Placer, Sonoma, Napa, Yolo, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Tuolumne, and Mariposa Counties, Calif., to the Port of Sacramento. NOTE: If a hearing is deemed necessary, applicant requests it

be held at Sacramento or San Francisco, Calif.

No. MC 36832 (Sub-No. 21) (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issue of June 16, 1966, amended and republished this issue. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 221 North La Salle Street, Chicago, Ill. 60601. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Joliet, Waukegan, Chicago Heights, and Chicago, Ill., and points within their respective commercial zones, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 38478 (Sub-No. 4) (Amendment), filed July 21, 1966, published in the FEDERAL REGISTER issue of August 25, 1966, amended September 21, 1966, and republished, as amended, this issue. Applicant: FRANK RUMSEY AND BERNARD RUMSEY, a partnership, doing business as RUMSEY TRANSFER COMPANY, Post Office Box 767, Wheatland, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Albany and Platte Counties, Wyo., to points in Nebraska and Colorado. NOTE: Applicant has a pending contract carrier application in MC 128435 Sub. 1. The purpose of this republication is to add Albany County, Wyo., to the origin territory. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Denver, Colo.

No. MC 41116 (Sub-No. 29), filed September 19, 1966. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, steel cotton-bale ties, burlap, and twine*, between Crowley, La., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas, under a continuing contract with Continental Bag Co., Inc., of Crowley, La. NOTE: Applicant holds common carrier authority in MC 123993, therefore, dual operations may be involved. If a hearing is deemed neces-

sary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 52751 (Sub-No. 65), filed September 16, 1966. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree and weed killing compounds* (except in bulk, in tank vehicles), from Des Moines, Iowa, to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or St. Louis, Mo.

No. MC 52921 (Sub-No. 7), filed September 15, 1966. Applicant: RED BALL, INC., Post Office Box 520, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards and parts, materials, supplies, and accessories* incidental thereto, from the plantsite of the Celotex Corp. at or near Marrero, La., to points in Oklahoma (except points in Tulsa, Muskogee, Okmulgee, Wagoner, and Creek Counties, and Oklahoma City). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or New Orleans, La.

No. MC 60014 (Sub-No. 21), filed September 19, 1966. Applicant: AERO TRUCKING, INC., Box 278, Oakdale, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at Steubenville, Cambridge, and Zanesville, Ohio, and points on and east of U.S. Highways 13 and 33, and on and south of U.S. Highway 30, to enable service to and from New York and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 82), filed September 13, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Phillips (same address as applicant), and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Fresh and frozen meats*, between Montgomery, Ala., on the one hand, and, on the other, points in the Philadelphia, Pa. and New York, N.Y., commercial zones, and those in Connecticut, Rhode Island, and Massachusetts. NOTE: Applicant states that the authority sought herein could or would be tacked with other authority at New York, N.Y., to provide service to points in New Jersey within 30 miles of City Hall, New York, N.Y.; and at Philadelphia, Pa., to provide service to points in New Jersey and Pennsylvania within 25 miles of Philadelphia, Pa. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Montgomery, Ala., or Washington, D.C.

No. MC 67818 (Sub-No. 72), filed September 16, 1966. Applicant: MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: J. M. Neath, Jr., 900—One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of Hussmann Refrigerator Co., located at St. Charles Rock Road and Taussig Road, Bridgeton, Mo., as an off-route point in connection with applicant's presently authorized regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 70832 (Sub-No. 11), filed September 20, 1966. Applicant: NEW PENN MOTOR EXPRESS, INC., 18 East Weidman Street, Lebanon, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Milton, Pa., and New York, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Commission, serving no intermediate points, and serving off-route points in that part of Lycoming County, Pa., south of the Susquehanna River, and those in Columbia, Montour, Northumberland, Union, and Snyder Counties, Pa.; (a) from Milton over Pennsylvania Highway 254 to junction Pennsylvania Highway 254 and Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 80 and U.S. Highway 46 near Columbia, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 near Netcong, N.J., thence over Interstate Highway 80 to junction U.S. Highway 46 near Denville, N.J., thence over U.S. Highway 46 to junction U.S. Highway 23, thence over New Jersey Highway 23 to junction Interstate Highway 80, thence over Interstate Highway 80 to Paterson, N.J., thence over city streets in Paterson, N.J., to junction Interstate Highway 80, thence over Inter-

state Highway 80 to junction Interstate Highways 80 and 95, thence over Interstate Highway 95 to the George Washington Bridge at or near Fort Lee, N.J., thence over the George Washington Bridge to New York City, and return over the same route, and (b) from Milton to Paterson as specified above, thence over U.S. Highway 46 to junction U.S. Highway 46 and New Jersey Highway 3, thence over New Jersey Highway 3 to the Lincoln Tunnel at or near Weehawken, N.J., thence through the Lincoln Tunnel to New York City, and return over the same route. NOTE: Applicant states it may presently serve points in Pennsylvania and New York embraced in this application. Application involves a change in gateway only. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 70832 (Sub-No. 12), filed September 20, 1966. Applicant: NEW PENN MOTOR EXPRESS, INC., 18 East Weidman Street, Lebanon, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between points in Hunterdon, Warren, and Sussex Counties, N.J., and that part of Mercer County, N.J., on and north of New Jersey Highway 33, including Trenton, N.J., on the one hand, and, on the other, New York, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, and (2) between Phillipsburg, N.J., on the one hand, and, on the other, points in Hunterdon, Warren, and Sussex Counties, N.J., and that part of Mercer County, N.J., on and north of New Jersey Highway 33, including Trenton, N.J. NOTE: Applicant states it may presently serve all points embraced in this application and that this application involves a change in gateway only. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 71516 (Sub-No. 84), filed September 16, 1966. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's representative: Robert E. Tate, Suite 2025-2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, Joliet and Waukegan, Ill., and Gary, Indiana Harbor, East Chicago, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee,

Texas, and Wisconsin. NOTE: Applicant holds general commodity authority between Chicago, Ill. and points in Indiana, on the one hand, and, on the other, points in Alabama within 65 miles of Birmingham, Ala., in docket No. MC 71516. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 73165 (Sub-No. 226), filed September 22, 1966. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35207. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T. E. Mercer and G. E. Mercer—Extension—Oil Field Commodities*, 74 M.C.C. 459 and 543), from Swan, Tex., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 80428 (Sub-No. 60), filed September 19, 1966. Applicant: McBRIDE TRANSPORTATION, INC., Main and Nelson Streets, Goshen, N.Y. Applicant's representative: Robert V. Gian-nini, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers and empty malt beverage containers*, (1) between Newark, N.J., and Hornell, N.Y., (2) between Erie, Pa., and Hornell, N.Y., (3) between Reading, Pa., and Buffalo, N.Y., (4) between Wilkes-Barre, Pa., and Buffalo, N.Y., (5) between Mahoney City, Pa., and Buffalo, N.Y., and (6) between Shenandoah, Pa., and Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 198), filed September 15, 1966. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Holden, La., to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and those in Texas on and east of U.S. Highway 81. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 83745 (Sub-No. 5), filed September 19, 1966. Applicant: STEEL CITY TRANSPORT, INC., 3034 Chateau

Street, Pittsburgh, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at Pittsburgh, Pa., to enable service to West Virginia and Maryland on such of the involved commodities as require specialized handling and rigging because of size and weight. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 88220 (Sub-No. 19), filed September 13, 1966. Applicant: WABASH VALLEY TRUCKING, INC., Post Office Box 208, Brazil, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Brazil, Ind., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 89684 (Sub-No. 52) (Amendment), filed April 8, 1965, published FEDERAL REGISTER issue of May 19, 1965, amended September 24, 1966, and republished as amended, this issue. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 315 East Second South, Suite 600, El Paso Natural Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* having a prior or subsequent movement by aircraft, (A) Regular route, between Rock Springs and Rawlins, Wyo., over Interstate Highway 80, and return over the same route, serving all intermediate points, and (B) Irregular routes, between Salt Lake City, Utah, airport; Hill Air Force Base, Utah, airport; Ogden, Utah, airport; Pocatello, Idaho, airport; Boise, Idaho, airport; Twin Falls, Idaho, airport; Mountain Home Air Force Base, Idaho, airport; and Butte, Mont., airport; on the one hand, and, on the other, points in Utah, Idaho, and Yellowstone Park; and Butte, Dillon, Twin Bridges, Sheridan, and West Yellowstone, Mont.; Ontario, Adrian, and Baker, Oreg.; Rock Springs, Mountainview, Thayne, Afton, Evanston, Kenmerer, and Jackson, Wyo.; Ely, Nev.; and Flagstaff, Ariz. NOTE: The purpose of this republication is for clarification. If a hearing is deemed

necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 98952 (Sub-No. 17), filed September 19, 1966. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Decatur, Ill. 62526. Applicant's representative: Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chocolate candy, and confectionery, including milk chocolate candy, and confectionery, advertising matter, premiums, and display material*, when shipped in the same vehicle with the foregoing commodities, from Chicago, Ill., to points in Indiana and Paducah, Henderson, Owensboro, and Louisville, Ky., and points within a 5-mile radius thereof in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 100542 (Sub-No. 12), filed September 15, 1966. Applicant: RANDALL R. SAIN, doing business as C. B. TRUCK LINE, 1034 Humble Place, El Paso, Tex. 79915. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese ore*, in bulk, from Deming, N. Mex., to El Paso, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 104654 (Sub-No. 144), filed September 13, 1966. Applicant: COMMERCIAL TRANSPORT, INC., Box 469, Belleville, Ill. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the plantsite of the Missouri Portland Cement Co. at or near Joppa, Ill., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105461 (Sub-No. 75), filed September 18, 1966. Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. 17566. Applicant's representative: Bernard N. Gingerich, 114 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and advertising materials and cartons for glass containers moving in the same vehicle and at the same time with glass containers*, from points in Wharton Township, Town of Wharton, Morris County, N.J., to points in Delaware, Maryland, New York, Pennsylvania, and Washington, D.C.; and (2) *damaged, rejected, and returned shipments of the commodities specified in (1) above, and cullet, wooden shells, or bottle carrying boxes with or without partitions; and fiberboard and pulpboard packing materials, and containers used in the manufacture, sale, and distribution of glass bottles*, on return. NOTE: If a hearing is deemed necessary, appli-

cant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 107541 (Sub-No. 23), filed September 22, 1966. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, timbers, trusses, and beams, fabricated or not fabricated and connecting hardware items*, from Tacoma, Wash., to points in California, Arizona, Nevada, Utah, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107818 (Sub-No. 40), filed September 19, 1966. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Lemont and Chicago, Ill., and points in their commercial zones, to points in Alabama, Florida, Georgia, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108560 (Sub-No. 4), filed September 16, 1966. Applicant: RUKE TRANSPORT LINE, INC., 2761 East Edison Avenue, Fort Myers, Fla. Applicant's representative: Paul A. Saad, First National Bank Building, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from New York City, N.Y. to points in Georgia, North Carolina, South Carolina, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 108560 (Sub-No. 5), filed September 16, 1966. Applicant: RUKE TRANSPORT LINE, INC., 2761 East Madison Avenue, Fort Myers, Fla. Applicant's representative: Paul A. Saad, First National Bank Building, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil and oil products*, in containers, from St. Mary's, W. Va., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 109478 (Sub-No. 99), filed September 22, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods and commodities in bulk), from Chicago, Ill., to points in Erie County, Pa., and those in New York on and west of New York Highway 8. NOTE: Common control may be involved. If a hearing is deemed nec-

essary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 109478 (Sub-No. 101), filed September 22, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods and commodities in bulk), (1) from North Chicago to points in Illinois, Indiana, Ohio, New York, and Pennsylvania; and (2) from Bordentown, N.J., to points in Indiana, Illinois, Ohio, New York, and Pennsylvania. NOTE: Applicant indicates it could or would tack at Chicago, Ill., North East, Pa., or any point in New York west of U.S. Highway 11, to provide service to points in Northern New England area; and, at Hamlin or Holley, N.Y., to provide service to points in the lower New England area. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 110325 (Sub-No. 41), filed September 1, 1966. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, Calif. 90015. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and machinery requiring special equipment or handling), (1) between Oakland (and San Leandro), Calif., and Princeton, Ill.: From Oakland, over U.S. Highway 40 (Interstate Highway 80) to junction U.S. Highway 99E (Interstate Highway 5) at or near Sacramento, Calif.; (also, from San Leandro, over U.S. Highway 50 (Interstate Highway 580, 205 and 5) to junction U.S. Highway 99 (Interstate Highway 5); thence over U.S. Highway 50 and 99 to junction U.S. Highway 99E; thence over U.S. Highway 99E to junction U.S. Highway 40 (Interstate Highway 80) at or near Sacramento, Calif.); thence over U.S. Highway 40 (Interstate Highway 80) to junction U.S. Highway 189, east of Salt Lake City, Utah; thence over U.S. Highway 189 (Interstate Highway 80) to junction U.S. Highway 30S at or near Echo, Utah; thence over U.S. Highway 30S (Interstate Highway 80) to junction U.S. Highway 30 at or near Little America, Wyo.; thence over U.S. Highway 30 (Interstate Highway 80) to junction U.S. Highway 34 at or near Grand Island, Nebr.; thence over U.S. Highway 34 (Interstate Highway 80) to junction U.S. Highway 6 at or near Lincoln, Nebr.; thence over U.S. Highway 6 (Interstate Highway 80) to Princeton; (2) between Oakland (and San Leandro), Calif., and Kansas City, Mo.: From Oakland (and San Leandro) to Lincoln, Nebr., as specified in (1) above, thence over U.S. Highway 6 (Interstate Highway 80) to Council Bluffs, Iowa, thence over U.S. Highway 275 to

junction U.S. Highway 71; thence over U.S. Highway 71 to Kansas City (also from Council Bluffs, Iowa, over Interstate Highway 29 to Kansas City); and

(3) Between Oakland (and San Leandro), Calif., and Kansas City, Mo.: From Oakland (and San Leandro), to Lincoln, Nebr., as specified in (1), above; thence over U.S. Highway 34 to junction U.S. Highway 75; thence over U.S. Highway 75 to Nebraska City, Nebr.; thence over Nebraska Highway 2 to the Nebraska-Iowa State line; thence over Iowa Highway 2 to junction Interstate Highway 29; thence over Interstate Highway 29 to Kansas City (also, from Lincoln, Nebr., over U.S. Highway 34 to junction U.S. Highway 75); thence over U.S. Highway 75 to Nebraska City, Nebr.; thence over Nebraska Highway 2 to the Nebraska-Iowa State line; thence over Iowa Highway 2 to junction U.S. Highway 275; thence over U.S. Highway 275 to St. Joseph, Mo.; thence over U.S. Highway 71 (Interstate Highway 29) to Kansas City; and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's presently authorized regular route operations. NOTE: Applicant states that its intention is to utilize the Interstate Highway system now in the process of completion and shown above. Wherever an Interstate Highway designation follows a U.S. Highway designation in parentheses, it is, according to applicant's information, a situation where the Interstate Highway system will overlap, duplicate, replace, parallel, or closely follow the designated U.S. Highway. Applicant seeks authority to utilize the designated U.S. Highways until such time as the corresponding portion of the Interstate Highway system is completed. In the case of completed portions, applicant seeks authority to use them immediately upon a grant of authority. Applicant further seeks authority to operate over such interchanges, access roads, or connecting roads and highways not named as may be required to obtain access to completed portions of the Interstate Highway route named. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 111170 (Sub-No. 114), filed September 21, 1966. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, from Luling, La., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111729 (Sub-No. 168), filed September 13, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, New York, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, limited to shipments not exceeding 75 pounds per shipment, (a) between New York, N.Y., on the one hand, and, on the other, points in Maryland, Massachusetts, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, (b) between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island, restricted to traffic having an immediately prior or subsequent movement by air, (c) between Washington, D.C., and Dulles Airport, Fairfax, Va., on the one hand, and, on the other, points in Maryland and Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air, (d) between Bradley Field and Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut, restricted to traffic having an immediately prior or immediately subsequent movement by air, (e) between Baltimore, Md., on the one hand, and, on the other, points in Maryland and the District of Columbia, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(2) *Exposed and processed film and prints, complementary replacement film, incidental dealer handling supplies, consisting of labels, envelopes, and packaging materials and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Fitchburg, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and Ashland, Auburn, Biddeford, Bingham, Brownville Junction, Buckport, Calais, Camden, Christolm, Ellsworth, Fort Kent, Greenville Junction, Hiram, Kittery, Lewiston, Locke Mille, Lubec, Machais, Madison, Mexico, Millinocket, Mount Desert, Naples, Newcastle, Newport, Norway, Oakland, Portland, Porter, Presque Isle, Rockland, Rumford, Sanford, South Berwick, South West Harbor, Warren, Waterville, Wilton, and Yarmouth, Maine; points in Ashland, Bennington, Berlin, Charleston, Chester, Claremont, Concord, Errol, Francetown, Gorham, Greenville, Hampton, Hanover, Hillsboro, Hopkinton, Hudson, Keene, Lancaster, Littleton, Manchester, Milford, Milton, Nashua, New London, New Market, Newport, North Sutton, Pittsfield, Plymouth, Raymond, Rindge, Rochester, Somersworth, Troy, Whitfield, Wilton, Winchester, Windham, and Woodsville, N.H., and (b) between Philadelphia, Pa., on the one hand, and, on the other, points in Mercer, Burlington, Cumberland Gloucester, Camden, Salem, Atlantic, Cape May, and Warren Counties, N.J., (3) *meter books, meter reading scan sheets, sales slips, cashier payment stubs, data runs and audit media*, between Westboro, Mass., on the one hand, and, on the other, Lebanon, N.H., and Providence, R.I.

(4) *Checks, business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between points in Hartford County,

Conn., on the one hand, and, on the other, points in Nassau County, N.Y., and (b) between Clifton, N.J., on the one hand, and, on the other, points in Fairfield, Litchfield, and New Haven Counties, Conn., points in Nassau (except Great Neck), Suffolk, Richmond, Westchester, Sullivan, Rockland, Orange, and Dutchess Counties, N.Y., and points in Bucks, Lehigh, Northampton, Chester, Delaware, Berks, and Lancaster Counties, Pa., (5) *payroll checks, business papers, records, checks, and audit and accounting media of all kinds, sales and advertising pamphlets moving therewith* (excluding plant removals), between Washington, D.C., on the one hand, and, on the other, points in Philadelphia County, Pa., and (6) *business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between New York, N.Y., on the one hand, and, on the other, Searsport and South Portland, Maine; Fall River and Waltham, Mass.; East Brooklyn, Md.; and Springfield, Va.; and (b) between New York, N.Y., on the one hand, and, on the other, Paramus, N.J. NOTE: Applicant holds contract carrier authority in MC 112750 and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112223 (Sub-No. 81), filed September 19, 1966. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rochester, Minn., and points within 15 miles thereof, to points in Iowa and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 112304 (Sub-No. 19), filed September 15, 1966. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at points in Ohio to enable service to and from points in New York and New Jersey. If a hearing

is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112520 (Sub-No. 150), filed September 21, 1966. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, from Luling, La., to points in the United States (except Hawaii and Alaska), (2) *acids and chemicals*, in bulk, (a) from Augusta, Ga., to points in the United States (except Hawaii and Alaska) and (b) from Anniston, Ala., to points in the United States (except Alaska, Hawaii, West Virginia, Kentucky, North Carolina, Arkansas, Mississippi, and Louisiana). NOTE: Applicant indicates it could or would tack the authority sought herein with its presently held authority in Subs 13, 16, 18, 25, 35, 55, 66, 68, 71, 74, 75, 82, 83, 84, 91, 100, 106, 114, 116, 119, 122, 129, and 134, wherein it is authorized to conduct operations in the States of Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New Orleans, La., or Atlanta, Ga.

No. MC 112668 (Sub-No. 43), filed September 14, 1966. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Route U.S. 140, Finksburg, Md. 21048. Applicant's representative: Donald E. Freeman, Post Office Box No. 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk, (2) *fertilizer* in containers, in mixed loads with fertilizer in bulk, and (3) *pesticides* in containers, in mixed loads with fertilizer, from Baltimore, Md., to points in New York east of U.S. Highway 14. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 112893 (Sub-No. 40), filed September 19, 1966. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, from the plantsite or terminal facilities of the Williams Brothers Pipe Line Co., located in Dubuque County, near Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113083 (Sub-No. 3), filed September 21, 1966. Applicant: JOHN F. MAHR, doing business as MAHR BROS. TRANSPORTATION CO., Route 83, Box 328, Rockville, Conn. Applicant's repre-

sentative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsites of Dow Chemical Co. at Ledyard, Conn., Baltimore, Md., Carteret, N.J., and Royersford, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia, under a continuing contract or contracts with the Dow Chemical Co., of Gales Ferry, Conn. NOTE: Applicant holds common carrier authority in MC 124679, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Hartford, Conn.

No. MC 113271 (Sub-No. 28), filed September 19, 1966. Applicant: CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. 59401. Applicant's representative: Ray F. Kobay, 314 Montana Building, Post Office Box 2567, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and Limestone products*, from Baker, Oreg., and points within 10 miles thereof, to points in Montana. NOTE: Applicant states that tacking is not presently contemplated, but the authority sought could be tacked with applicant's present authority in MC 113271 Sub 14, at Warren, Mont., and, where feasible, service could be provided to points in Wyoming. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 113855 (Sub-No. 141), filed September 19, 1966. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power brooms, gravel spreaders, and road rollers*, from Pocatello, Idaho, and points within 5 miles thereof, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Utah, Washington, Wyoming, Alaska, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114364 (Sub-No. 125), filed September 9, 1966. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food-stuffs and dog foods, in cans in cartons, not requiring refrigeration, and not in bulk or in tank vehicles*, from Gentry, Ark., Siloam Springs, Ark., the plantsite of Allen Canning Co., approximately 10 miles east of Siloam Springs, Ark., and

Kansas, Okla., to Douglas, Flagstaff, Kingman, Phoenix, and Tucson, Ariz., Great Bend, Hutchinson, Liberal, Topeka, and Wichita, Kans., points in Nebraska, and Albuquerque, Gallup, and Santa Fe, N. Mex., and Abilene, Amarillo, Austin, Big Springs, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tyler, Waco, and Wichita Falls, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114533 (Sub-No. 147), filed September 13, 1966. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed color film and prints, black and white films and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Denver, Colo., on the one hand, and, on the other, points in Boulder, Delta, Fremont, Garfield, Grand Gunnison, Jefferson, La Plata, Larimer, Las Animas, Logan, Mesa, Moffat, Montezuma, Montrose, Morgan, Otero, Phillips, Pitkin, Pueblo, Rio Grande, Routt, and Weld Counties, Colo. NOTE: Applicant states that the above proposed operations are restricted to movements having a prior or subsequent movement by air or express. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115212 (Sub-No. 14), filed September 13, 1966. Applicant: H. M. H. MOTOR SERVICE, Route 130, Cranbury, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith supplies and equipment used in the conduct of such business*, between North Bergen, N.J., on the one hand, and, on the other, points in Minnesota, under contract with Diana Stores Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115667 (Sub-No. 2), filed September 1, 1966. Applicant: ARROW TRANSFER CO., LTD., 320 Seymour Boulevard, North Vancouver, B.C., Canada. Applicant's representative: J. J. Joyce, 1666 Boundary Road, Burnaby, B.C., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery pipes and commodities which because of size or weight require the use of special equipment for handling or rigging, between the ports of entry on the international boundary line between the United States and Canada located in Idaho, Washington, and Montana, and points in Idaho, Utah, Oregon, Montana, and California*. NOTE: Applicant states it is presently serving Portland, Oreg.,

and points in Washington under its certificate No. MC 115667, and it indicates it intends to tack that authority at (1) Portland, Oreg., to provide service to points in Oregon and California, and at (2) unspecified points on the Washington-Idaho border to serve points in Idaho and Montana. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 115931 (Sub-No. 15), filed September 19, 1966. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue, Post Office Box 1961, North Billings, Mont. Applicant's representative: Oscar Scherer, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel buildings and components or parts therefor*, from points in Fayette County, Ohio, and points in Vigo County, Ind., to points in Montana and Wyoming; and (2) *lumber*, (a) from points in Lake, Lincoln, Mineral, and Sanders Counties, Mont., to points in Illinois, Indiana, Iowa, Minnesota, Ohio, South Dakota, and Wisconsin, and (b) from points in Flathead, Granite, Missoula, and Ravalli Counties, Mont., to points in Indiana and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 115931 (Sub-No. 16), filed September 21, 1966. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue, Post Office Box 1961, North Billings, Mont. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, hydraulic, masonry, mortar, natural, or portland*, (1) between points in Utah, and (2) between points in Wyoming; restricted to shipments having an immediately prior movement by rail, and further restricted against the transportation when intended for use as an oil field material or supply. NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 116254 (Sub-No. 69), filed September 9, 1966. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, from points in Monroe County, Miss., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Ohio, Oklahoma, Texas, and Wisconsin. NOTE: Applicant states that he does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Memphis or Nashville, Tenn.

No. MC 116273 (Sub-No. 77), filed September 21, 1966. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's

representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank or hopper type vehicles, and *plastic liners* in mixed loads, from Detroit, Mich., and points in the Detroit, Mich., commercial zone, to points in Michigan and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 117313 (Sub-No. 6), filed September 16, 1966. Applicant: TRYON TRUCKING, INC., Post Office Box 68, Fairless Hills, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and steel mill equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack this proposed authority at Philadelphia, Pa., to enable service to and from points in Delaware, Maryland, New Jersey, New York, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117765 (Sub-No. 54), filed September 19, 1966. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Applicant's representative: R. E. Hagan (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, remnants, and padding*, from Anadarko, Okla., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119700 (Sub-No. 10) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 11, 1966, amended September 19, 1966, and republished as amended, this issue. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, Chicago Heights, and Chicago, Ill., and points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan,

Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** The purpose of this republication is to broaden the scope of the application by adding Chicago Heights, Ill., as a point in the base area. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 121571 (Sub-No. 2), filed December 20, 1965. Applicant: O. K. VAN & STORAGE CO. OF NEW MEXICO, Post Office Box 1316, Las Cruces, N. Mex. Applicant's representative: O. Russell Jones, Post Office Box 2228, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Dona Ana and Otero Counties, N. Mex., restricted to shipments having a prior or subsequent movement beyond Dona Ana and Otero Counties, N. Mex., in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, containerization, or unpacking, uncrating, and decontainerization of such shipments. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 123195 (Sub-No. 1), filed September 19, 1966. Applicant: JORAE, INC., 220 Passaic Avenue, Pompton Lakes, N.J. Applicant's representative: Joseph Gaudio (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive brakes, parts, and equipment*, loose or in packages, from Feasterville, Pa., to points in New Jersey and New York, and *old brake parts, cores, and equipment having value for reclamation and salvage purposes*, on return, under contract with Consolidated Unit Co., Irvington, N.J., and Wagner Electric Corp., Feasterville, Pa., Sulco Sales Corp., New York, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123375 (Sub-No. 10), filed September 19, 1966. Applicant: KIRK TRUCKING SERVICE, INC., Post Office Box 153, Monroeville, Pa. 15146. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and steel mill equipment, materials, and supplies*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant states that joinder will take place at Philadelphia, Pa., to enable service to and from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland,

Virginia, and West Virginia, and that joinder will also take place at points in Jefferson, Belmont, Harrison, Carroll, and Columbiana Counties, Ohio, to enable service to and from points in Marshall, Ohio, Brooke, and Hancock Counties, W. Va. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 56), filed September 16, 1966. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages, from Emlenton and Farmers Valley, Pa., and St. Marys, W. Va., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. **NOTE:** Common control may be involved. Applicant states that it intends to tack with present authority in MC 124174, in which it is authorized to operate in Iowa, Kansas, Missouri, Minnesota, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124174 (Sub-No. 57), filed September 16, 1966. Applicant: MOMSEN TRUCKING CO., a corporation, Highway 71 and 18N, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer products, feed ingredients, and feed*, between points in Woodbury County, Iowa, and points in South Dakota, Iowa, North Dakota, Minnesota, Wisconsin, Illinois, and Nebraska. **NOTE:** Common control may be involved. Applicant states the proposed authority herein can or will be joined with its presently authorized authority in MC 124174 wherein it is authorized to operate in the States of Iowa, Nebraska, Minnesota, Kansas, Missouri, Indiana, Illinois, and South Dakota. If a hearing is deemed necessary applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 125777 (Sub-No. 104), filed September 19, 1966. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump vehicles, from the plantsites of American Colloid Co., at Colloid Spur, Wyo., and Belle Fourche, S. Dak., to points in Iowa, Illinois, Indiana, Wisconsin, Michigan, Missouri, Minnesota, Kansas, Ohio, Pennsylvania, and Nebraska. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 127093 (Sub-No. 5) (Clarification), filed September 13, 1966, published FEDERAL REGISTER issue of September 29, 1966, and clarified this issue. Applicant: BASIL J. SMEESTER and JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson, Iron

Mountain, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (not including lumber or bulk commodities), consisting of *gypsum and gypsum products, materials and supplies* used in the installation or distribution thereto, *boards, building, wall, and insulating, parts, materials and accessories* incidental thereto, *manufactured and composition boards, parts, materials, and accessories* incidental thereto, *roofing and insulating materials, parts and accessories* incidental thereto, and *materials and supplies* used in the manufacture of items named above, from the plantsite of Celotex Corp. at or near Fort Dodge, Iowa, to points in Kansas and Missouri; and *refused, rejected or damaged shipments* of the commodities described herein above, on return, under contract with the Celotex Corp. **NOTE:** The purpose of this republication is to clarify the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 127431 (Sub-No. 8), filed September 20, 1966. Applicant: CAROLINA-VIRGINIA COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Washington, D.C., and Richmond, Va., on the one hand, and, on the other, points in Bedford, Nottoway, Montgomery, Pittsylvania, Southampton, Rockbridge, Campbell, Henry, Dinwiddie, Pulaski, Roanoke, Augusta, and James City Counties, Va. **NOTE:** Applicant states this is an application for conversion of contract carrier authority presently held in No. MC 123486, Sub 3, to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127539 (Sub-No. 5), filed September 19, 1966. Applicant: PARKER REFRIGERATED SERVICE, INC., 1225 Puyallup Avenue, Tacoma, Wash. 98421. Applicant's representative: G. R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from Lynden, Wash., to points in California. **NOTE:** Applicant holds contract authority in MC 124593, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127916 (Sub-No. 1), filed September 13, 1966. Applicant: JOHN R. GUILLOT, 707 Bennett Street, Alexandria, La. Applicant's representative: John Schwab, Post Office Box 1359, 617 North Boulevard, Baton Rouge, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato chips, vanilla wafers, assorted cookies, and other bakery snacks*, from the plantsite of Continental Baking Co., Inc., at or near Memphis, Tenn., to points in Louisiana, and (2) *sugar in bags*, from New Orleans, La., to the plantsite of Continental Baking Co., Inc., at or near Memphis, Tenn., under contract with Continental Baking Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

MC 128190 (Sub-No. 2), filed September 19, 1966. Applicant: FREMONT CONTRACT CARRIERS, INC., 1106 Cuming Street, Fremont, Nebr. Applicant's representative: J. Max Harding, Box 2028, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: (1) *Cribs, silos, grain dryers, bins, and tanks, and accessories therefor*, from the plantsite of Nebraska Crib & Silo Co., Inc., located at Fremont, Nebr., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming, and (2) *dump bodies, truck bodies, utility bodies, van bodies, camper bodies, truck bumpers, truck hoists, truck racks, semitrailers, and hydraulic fifth wheels*, from the plantsite of Omaha Standard, Inc., located at Council Bluffs, Iowa, to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wyoming, under contract with Nebraska Crib & Silo Co., Inc., and Omaha Standard, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128377 (Sub-No. 1) (clarification), filed September 1, 1966, published in FEDERAL REGISTER issue of September 29, 1966, and republished this issue. Applicant: JOHN M. KOLODZIEJSKI, doing business as SHERIDAN RENTAL SERVICE, 209 Lake Avenue, Michigan City, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Commodities having immediately prior or subsequent transportation by air*, between Michigan City, Ind., and the sites of Midway Airport and O'Hare Field at Chicago, Ill., (1)

over U.S. Highway 12; (2) over U.S. Highway 20; (3) over Interstate Highway 94; and (4) from Michigan City over U.S. Highway 421 to junction combined Interstate Highways 80 and 90, thence over combined Interstate Highways 80 and 90 to the sites of Midway Airport and O'Hare Field at Chicago, and return over the same route; serving intermediate and off-route points within 5 miles of Michigan City, in connection with the routes described in (1), (2), (3), and (4) above. NOTE: The purpose of this republication is to clarify the route description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128559, filed August 23, 1966. Applicant: LARMOUR STEPHENSON, Rural Route No. 2, Prescott, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles), between the port of entry on the international boundary line between the United States and Canada located at Ogdensburg, N.Y., and Ogdensburg, N.Y., over city streets, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Ogdensburg, N.Y.

No. MC 128595, filed September 14, 1966. Applicant: ROY L. BRITZMAN, Route No. 2, Richland, Mo. 65556. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, and pallet materials*, from points in Pulaski, Texas, and Howell Counties, Mo., to points in Illinois on and north of U.S. Highway 36. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo., or St. Louis, Mo.

No. MC 128597 (Sub-No. 1), filed September 20, 1966. Applicant: WALTER TABER, doing business as WALT'S POULTRY AND BEEF CO., 1920 Wadsworth Boulevard, Lakewood, Colo. 80215. Applicant's representative: Bert L. Penn, 30 South Emerson Street, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in part A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Grand Island Gering, and Scottsbluff, Nebr., to Cheyenne and Laramie, Wyo., Broomfield, Denver, Fort Collins, Longmont, and Loveland, Colo., under contract with Swift & Co., 115 East Jackson, Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128603, filed September 19, 1966. Applicant: E. W. WHITE and E. R. WHITE, a partnership, doing business as WHITE TRUCK LINES, 2815 Highway 12, Vidor, Tex. 77662. Applicant's representative: John H. Benckenstein, Post Office Box 551, 1350 Petroleum

Building, Beaumont, Tex. 77704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, including raw and treated lumber, ply boards, roofing, pressed wood, and impregnated sheeting*, between points in Arkansas, Louisiana, Mississippi, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 128605, filed September 20, 1966. Applicant: ROCK TRUCKING, INC., 99 Route 46, Budd Lake, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jetty stone and stone used in the construction or repair of jetties, seawalls, and breakwaters*, from points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., to New York, N.Y., and points in Nassau, Westchester, and Suffolk Counties, N.Y., under contract to Passaic Crushed Stone Co., Inc., and John R. Woodburn, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 128607, filed September 16, 1966. Applicant: BOYD TRUCKING COMPANY, a corporation, Post Office Box 577, First Street and Cemetery Lane, Cottonwood, Calif. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in the Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Humboldt, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif., to the Port of Sacramento, Sacramento, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Sacramento, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 2284 (Sub-No. 24), filed September 19, 1966. Applicant: BOULEVARD TRANSIT LINES, INC., 53 Kennedy Boulevard, Bayonne, N.J. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points in Kings County, N.Y., on the one hand, and, on the other, the Philadelphia Naval Shipyard, Philadelphia, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Brooklyn or Manhattan, N.Y.

No. MC 96345 (Sub-No. 4), filed September 16, 1966. Applicant: SOUTHERN MASSACHUSETTS BUS LINES, INC., 17 Swift Street, New Bedford,

Mass. 02740. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round-trip sightseeing and pleasure tours, beginning and ending at points in Barnstable County, Mass., and those points in Bristol and Plymouth Counties, Mass., on and south of U.S. Highway 44, and extending to points in the United States, except those in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, Hawaii, and the District of Columbia. NOTE: Applicant states it could or would tack only insofar as a tour would involve service at or through States authorized in MC 96345 (Sub-No. 3) in which it is authorized to transport passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Barnstable County, Mass., and those in Bristol and Plymouth Counties, Mass., south of U.S. Highway 44, and extending to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128601, filed September 13, 1966. Applicant: GLYNN S. BOLES, Phoenix & Gibbes, Greenwood, S.C. 29646. Applicant's representative: Francis B. Nicholson, Post Office Box 882, Greenwood, S.C. 29646. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, charter operations, between Greenwood, S.C., and Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

APPLICATIONS FOR BROKERAGE LICENCES

No. MC 12752 (Sub-No. 1), filed September 1, 1966. Applicant: BERKSHIRE TRAVEL AGENCY, INCORPORATED, Berkshire Hotel, Post Office Box 13, Fifth and Washington Streets, Reading, Pa. 19603. Applicant's representative: David Berger, 2220 Philadelphia Saving Fund Building, Philadelphia, Pa. 19107. For a license (BMC 5) to engage in operations as a *broker* at Reading, Pa., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, either as complete tours or as a leg of a tour or trip to be completed by some other means such as air, rail, or ship; beginning and ending at points in Berks County, Pa., and extending to points in the United States. NOTE: Applicant states it presently holds a broker's license in MC 12752, and if the instant application is granted, a request for revocation of such license will be made.

No. MC 130015, filed July 15, 1966. Applicant: TRAVEL ADVISORS, INC., 5000 Normandale Road, Minneapolis, Minn.

55436. For a license (BMC 5) to engage in operations as a *broker* at Minneapolis, Minn., in arranging for transportation of *passengers and their baggage*, in round-trip charter tours, beginning and ending at Minneapolis, Minn., and extending to points in Minneapolis, Wisconsin, North Dakota, South Dakota, and Montana.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 42487 (Sub-No. 659), filed September 19, 1966. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling), between Peoria and El Paso, Ill., over U.S. Highway 24, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route authority between East Peoria and Urbana, Ill., between Kansas City, Kans., and Chicago, Ill., and between Bloomington and Chenoa, Ill.

No. MC 103654 (Sub-No. 120), filed September 19, 1966. Applicant: SCHIRMER TRANSPORTATION COMPANY, a corporation, 1145 Homer Street, St. Paul, Minn. 55416. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from New Richmond, Wis., to Minneapolis-St. Paul, Minn.

No. MC 128118 (Sub-No. 2), filed September 14, 1966. Applicant: WILLIAM J. TRUE, Bridgton, Maine 04037. Applicant's representative: David R. Hastings, II, 8 Portland Street, Fryeburg, Maine 04037. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Milford, N.H., to Cumberland Mills (Westbrook), Maine, under contract with Lorden Lumber Co., Inc.

No. MC 128588 (Sub-No. 1), filed September 19, 1966. Applicant: NORRIS TRANSFER & STORAGE COMPANY, INC., 1109 West Memorial Boulevard, Lakeland, Fla. 33801. Applicant's representative: Bill Norris, 1109 West Memorial Boulevard, Lakeland, Fla. 33801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Lakeland, Fla., and points in Polk, Hillsborough, and Highlands Counties, Fla., under contract with Western Electric Co., Inc.

No. MC 128602, filed September 13, 1966. Applicant: JAMES J. GREENE, doing business as GREENE'S TRUCKING SERVICE, 148 Belleview Road, Oakdale, Long Island, N.Y. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail department stores, between Rutherford, N.J., on the one hand, and, on the other, New York, N.Y., restricted to service to be performed under a continuing contract with B. Altman & Co., New York, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 10978 (Sub-No. 65), filed September 13, 1966. Applicant: TRANS-CONTINENTAL BUS SYSTEM, INC., doing business as CONTINENTAL TRAILWAYS, a corporation, 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: D. Paul Stafford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, newspapers and express* in the same vehicle with passengers, over new U.S. Highway 75, for a distance of approximately 3½ miles, from junction Oklahoma Highway 75A, approximately 6 miles south of Calera, Okla., to junction Oklahoma Highway 75A, approximately 1 mile south of Colbert, Okla., and return over the same route, serving all intermediate points.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10832; Filed, Oct. 5, 1966; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 3, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40729—*Grain and related articles within southern territory*. Filed by O. W. South, Jr., agent (No. A4944), for interested rail carriers. Rates on grain, grain sorghums, and soybeans, in carloads, between points in southern territory, also between points in southern Illinois and southern Indiana, on the one hand, and points in southern territory, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Southern Freight Association, agent, tariff ICC S-666.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10885; Filed, Oct. 5, 1966; 8:47 a.m.]

[Notice 1422]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

OCTOBER 3, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68983. By order of September 30, 1966, the Transfer Board, on reconsideration, approved the transfer to Burge, Inc., Post Office Box 166, Middletown, Del., of a portion of the operating rights in certificate No. MC-27648, and the entire operating rights in certificate No. MC-27648 (Sub-No. 2) issued August 11, 1950, and May 31, 1960, respectively, to Eugene Merritt Savin, Townsend, Del., authorizing the transportation of: Fertilizer, from Chestertown, Md., to Townsend, Del., and points within 10 miles of Townsend, and from Baltimore, Md., to Middletown, Del., and points and places within 10 miles of Middletown. Cattle, from Middletown and Dover, Del., and Cecilton, Md., to Philadelphia, Pa., Wilmington, Del., and Baltimore, Md.

No. MC-FC-69042. By order of September 29, 1966, the Transfer Board approved the transfer to Marsh Trucking Co., Inc., Maple Heights, Ohio, of the operating rights in permits Nos. MC-81818, MC-81818 (Sub-No. 2), MC-81818 (Sub-No. 4), MC-81818 (Sub-No. 5), and MC-81818 (Sub-No. 6), issued May 5, 1942, June 6, 1947, October 11, 1949, May 7, 1959, and February 26, 1964, respectively, to J. A. Marsh, doing business as Marsh Trucking Co., Maple Heights, Bedford, Ohio, authorizing the transportation, over irregular routes, of coffins, burial vaults, burial cases, and related materials, supplies, and accessories, between various points in Ohio, Pennsylvania, Massachusetts, Illinois, Michigan, Virginia, New Jersey, Indiana, New York, and Wisconsin; dry goods between Philadelphia, Pa., and Cleveland, Ohio; and wool and woolen materials between Galion and Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh and Philadelphia, Pa. Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114, attorney for applicants.

No. MC-FC-69062. By order of September 28, 1966, the Transfer Board approved the transfer to W. M. Webster, Jr., doing business as Petroleum Haulers, Greenville, S.C., of certificates Nos. MC-89631 and MC-89631 (Sub-No. 1), issued June 19, 1941, and March 14, 1942, respectively, to John H. Saylor, Anderson, S.C., the former authorizing the transportation of petroleum and petroleum products, over a regular route, from Savannah, Ga., to Anderson, S.C., and the latter, the transportation of petroleum products, in tank trucks, over irregular routes, from Savannah, Ga., to points and places in Abbeville, Anderson,

Greenwood, Greenville, Spartanburg, Pickens, and Oconee Counties, S.C. Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, attorney for applicants.

No. MC-FC-69063. By order of September 29, 1966, the Transfer Board approved the transfer to Eagle Express, Inc., Kansas City, Mo., of certificate No. MC-79619 issued September 12, 1956, to Allen M. Galloway, doing business as Eagle Express, Kansas City, Mo. (formerly Arndt Truck Line, Sweet Springs, Mo.), authorizing the transportation, over regular routes, of, among other things, general commodities, with usual exceptions, between Sweet Springs, Mo., and Kansas City, Kans., serving the intermediate points of Concordia and Kansas City, Mo., and the off-route point of Emma, Mo.; between Odessa, Mo., and Kansas City, Mo., serving the intermediate points of Bates City, Oak Grove, and Grain Valley, Mo., and the off-route points of Blue Springs, Mo., and Kansas City, Kans.; between Kansas City, Kans., and Rich Hills, Mo., serving the intermediate points of Kansas City, Passaic, and Butler, Mo., and, over irregular routes, brick and machinery, from Parsons and Weir, Kans., to Schell City, Mo., and threshing machines, from Des Moines, Iowa, to Schell City, Mo. Carl V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 66-10886; Filed, Oct. 5, 1966;
8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	14 CFR—Continued	Page	41 CFR	Page
PROCLAMATIONS:		PROPOSED RULES:		22-1	13001
3749	12935	39	12924	42 CFR	
3750	12995	71	12925	22	12939
EXECUTIVE ORDERS:		73	12925	43 CFR	
Sept. 24, 1847 (revoked by PLO 4100)	12950	16 CFR		PUBLIC LAND ORDERS:	
April 17, 1926 (revoked in part by PLO 4098)	12950	13	12937, 12938	1195 (revoked in part by PLO 4099)	12950
11122 (superseded by EO 11307)	12917	18 CFR		3152 (revoked in part by PLO 4104)	12951
11307	12917	204	12840	3584 (revoked in part by PLO 4104)	12951
11308	12919	19 CFR		4097	12950
5 CFR		1	12938	4098	12950
213	12833, 12937	PROPOSED RULES:		4099	12950
7 CFR		12	12964	4100	12950
319	12834	21 CFR		4101	12951
729	12921, 12940	8	12840	4102	12951
874	12940	17	12949	4103	12951
905	12835	27	12949	4104	12951
908	12836	51	12950		
910	12837	53	12840		
958	12940	121	12841		
1443	12837	146	12841		
1490	12997	PROPOSED RULES:			
PROPOSED RULES:		19	13005	45 CFR	
730	12952	121	12849	6	12842
948	12953	191	13006	7	12842
982	12954			8	12842
984	13005	24 CFR		46 CFR	
1005	12845	203	13000	PROPOSED RULES:	
1038	12954	220	13000	2	12860
1126	13005	221	13000	24	12860
Ch. XI	12956	232	13000	30	12860
12 CFR		234	13000	70	12860
329	12837	1000	13000	90	12860
545	12838, 12839, 13000	26 CFR		110	12860
PROPOSED RULES:		PROPOSED RULES:		175	12860
222	12965	1	12843, 12845	188	12860
13 CFR		29 CFR		189	12860
121	12840	462	13001	190	12860
PROPOSED RULES:		31 CFR		191	12860
121	12849, 12924	520	13001	192	12860
14 CFR		32A CFR		193	12860
37	12941	PROPOSED RULES:		194	12860
39	12921	Ch. X	12924	195	12860
71	12840, 12921, 12943	37 CFR		196	12860
73	12922, 12944	1	12922	47 CFR	
95	12944	38 CFR		PROPOSED RULES:	
208	12947	36	13003	73	12965
295	12948			50 CFR	
378	12948			32	12923, 12939, 13003, 13004
				33	12939

FEDERAL REGISTER

VOLUME 31 • NUMBER 195

Friday, October 7, 1966

• Washington, D.C.

Pages 13031-13069

Agencies in this issue—

Agency for International Development
Agricultural Stabilization and
Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Park Service
Oil Import Administration

Detailed list of Contents appears inside.



How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been in-

cluded. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

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Price: 10 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

[Published by the Committee on the Judiciary, House of Representatives]

**Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402**



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Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices	
Director, Program Planning and Coordination Staff; redelegation of authority.....	13051

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations	
Cotton; 1966 and succeeding crops:	
Upland; acreage allotments.....	13036
Upland and extra long staple; marketing quotas.....	13035
National agricultural conservation, 1967; prior request for cost-sharing; correction.....	13035
Wheat, 1966-69 crop years; mailing of farm allotment notices.....	13036

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Notices	
Areas for emergency loans:	
Delaware.....	13051
Indiana et al.....	13051
Manager, Federal Crop Insurance Corporation; basic compensation.....	13051

ATOMIC ENERGY COMMISSION

Rules and Regulations	
Procurement; miscellaneous amendments.....	13046

CIVIL AERONAUTICS BOARD

Notices	
San Francisco & Oakland Helicopter Airlines, Inc., and New York Airways, Inc.; service mail rates.....	13055

COMMERCE DEPARTMENT

See International Commerce Bureau; Maritime Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations	
Milk in Rock River Valley marketing area; pool plant.....	13037
Prunes produced in California; expenses and rate of assessment, 1966-67.....	13037
School lunch program; food assistance funds, 1967.....	13035

FEDERAL AVIATION AGENCY

Rules and Regulations	
Control zone; alteration.....	13038
Control zone and transition area; alteration.....	13038
Control zones, transition area, and control area extension; alteration and revocation.....	13038
Transition areas:	
Alterations (2 documents).....	13038, 13039
Designation.....	13039
Transition area and Federal airway; designation and alteration.....	13039
Notices	
Annette Area Office, Alaska; closing.....	13055

FEDERAL COMMUNICATIONS COMMISSION

Notices	
Communications Satellite Corp.; extension of time for responses.....	13055
International Telecommunications Union; preparation for World Administrative Conference.....	13055
Hearings, etc.:	
Adirondack Television Corp. and Northeast TV Cablevision Corp.....	13062
Bay Broadcasting Co. and Reporter Broadcasting Co.....	13063
BCU-TV.....	13060
Chicagoland TV Co. et al.....	13063
Community Communicators of Ohio, Inc., and David Joseph Kittel.....	13059
Gould, Charles M.....	13063
Island Broadcasting System (WRIV), Inc.....	13063
Martorell, Luis Prado, and Augustine L. Cavallaro, Jr.....	13056
Osborne, Marvin H.....	13061
Selma Television, Inc. (WSLA-TV).....	13063

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations	
Federal Home Loan Bank System; maximum rate of return payable on certificate accounts; correction.....	13039

FEDERAL MARITIME COMMISSION

Notices	
Sea-Land Service, Inc., and Azta Shipping Co.; agreement filed for approval.....	13063

FEDERAL POWER COMMISSION

Notices	
Hearings, etc.:	
Bowers Drilling Co., Inc.....	13065
Continental Oil Co.....	13064
Despot, George, et al.....	13065
Maxwell Oil Co. et al.....	13065
Sho-Me Power Corp.....	13064
Trenton Rock Oil and Gas Corp.....	13064

FISH AND WILDLIFE SERVICE

Rules and Regulations	
Hunting in wildlife refuge areas:	
California:	
Colusa.....	13048
Delevan.....	13048
Montana; Benton Lake.....	13048
Nevada; Pahrnagat.....	13049
Washington; Columbia.....	13049

FOOD AND DRUG ADMINISTRATION

Notices	
Filing of petitions:	
Ciba Corp.; pesticides.....	13054
Elanco Products Co.; food additives; withdrawal.....	13054

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; National Park Service; Oil Import Administration.

INTERNATIONAL COMMERCE BUREAU

Rules and Regulations	
Export control; miscellaneous amendments.....	13040

INTERSTATE COMMERCE COMMISSION

Notices	
Motor carrier:	
Temporary authority applications.....	13067
Transfer proceedings.....	13068
Railroads; boxcar distribution:	
Central Railroad Company of New Jersey and Lehigh Valley Railroad Co.....	13066
Lehigh Valley Railroad Co. and Norfolk and Western Railway Co.....	13066
Norfolk and Western Railway Co. and Illinois Central Railroad Co.....	13066

(Continued on next page)

LAND MANAGEMENT BUREAU**Notices**

California; termination of proposed withdrawal and reservation of lands----- 13051

MARITIME ADMINISTRATION**Notices**

List of free world and Polish flag vessels arriving in Cuba since Jan. 1, 1963----- 13052

NATIONAL PARK SERVICE**Notices**

Sequoia National Park; intention to issue concession permit----- 13051

OIL IMPORT ADMINISTRATION**Proposed Rule Making**

Allocation of crude oil, unfinished oils, and finished products----- 13050

STATE DEPARTMENT

See Agency for International Development.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

7 CFR

210----- 13035
701----- 13035
722 (2 documents)----- 13035, 13036
728----- 13036
993----- 13037
1038----- 13037

12 CFR

526----- 13039

14 CFR

71 (7 documents)----- 13038, 13039

15 CFR

372----- 13040
373----- 13040
374----- 13040
379----- 13040
382----- 13040
385----- 13040
398----- 13040
399----- 13040

32A CFR**PROPOSED RULES:**

Ch. X----- 13050

41 CFR

9-1----- 13046
9-2----- 13046
9-3----- 13046

50 CFR

32 (5 documents)----- 13048, 13049

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, Fiscal Year 1967

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1967, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama.....	\$4,584,482	\$4,470,998	\$113,484
Alaska.....	158,314	158,314	
Arizona.....	1,307,571	1,252,169	55,402
Arkansas.....	2,751,742	2,670,498	81,244
California.....	6,068,633	6,068,633	
Colorado.....	1,447,661	1,338,482	109,079
Connecticut.....	1,310,475	1,310,475	
Delaware.....	326,064	322,636	3,428
District of Columbia.....	222,766	222,766	
Florida.....	5,844,672	5,718,390	126,282
Georgia.....	6,473,669	6,473,669	
Guam.....	109,430	63,425	46,005
Hawaii.....	937,812	879,146	58,666
Idaho.....	672,147	651,318	20,829
Illinois.....	4,457,833	4,457,833	
Indiana.....	3,387,638	3,387,638	
Iowa.....	2,824,803	2,473,888	350,915
Kansas.....	1,688,062	1,688,062	
Kentucky.....	4,380,482	4,380,482	
Louisiana.....	5,990,117	5,990,117	
Maine.....	807,449	716,205	91,244
Maryland.....	1,993,177	1,921,942	71,235
Massachusetts.....	3,390,572	3,390,572	
Michigan.....	3,878,075	3,490,575	387,500
Minnesota.....	3,378,026	2,943,564	434,462
Mississippi.....	4,004,856	4,004,856	
Missouri.....	3,608,989	3,608,989	
Montana.....	474,324	443,642	30,682
Nebraska.....	1,116,500	937,770	178,730
Nevada.....	129,450	128,361	1,089
New Hampshire.....	411,110	411,110	
New Jersey.....	1,953,330	1,693,240	260,090
New Mexico.....	1,067,119	1,067,119	
New York.....	9,234,492	9,234,492	
North Carolina.....	7,335,516	7,335,516	
North Dakota.....	748,157	663,306	84,851
Ohio.....	5,907,798	5,293,252	614,546
Oklahoma.....	2,091,742	2,091,742	
Oregon.....	1,373,217	1,373,217	
Pennsylvania.....	5,889,311	5,141,011	748,300
Puerto Rico.....	3,980,635	3,980,635	
Rhode Island.....	274,835	274,835	
South Carolina.....	4,554,452	4,503,513	50,939
South Dakota.....	635,867	635,867	
Tennessee.....	4,766,044	4,686,771	79,273
Texas.....	6,903,988	6,619,961	284,027
Utah.....	1,155,714	1,150,397	5,317
Vermont.....	264,737	264,737	
Virginia.....	4,209,047	4,135,406	73,641
Virgin Islands.....	118,010	118,010	
Washington.....	1,880,873	1,824,559	56,314
West Virginia.....	1,863,861	1,823,736	40,125
Wisconsin.....	2,791,987	2,239,178	552,809
Wyoming.....	262,467	262,467	
American Samoa.....	25,000	25,000	
Total.....	147,445,000	142,434,492	5,010,508

(Secs. 2-12, 60 Stat. 230-233, as amended, 76 Stat. 944; 42 U.S.C. 1751-1760)

Dated: October 4, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10934; Filed, Oct. 6, 1966; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP-1967, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1967

PRIOR REQUEST FOR COST-SHARING

Correction

In F.R. Doc. 66-9596, appearing at page 11591 of the issue for Friday, September 2, 1966, the first sentence of § 701.15 should end with the words "beyond his control" instead of with the words "before his control".

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to make the following miscellaneous changes in the regulations:

(1) Provide for the rule of fractions in establishing the rate of penalty to the nearest 10th of a cent;

(2) To change the reference to export market acreage programs to cover the years 1966-69;

(3) To require ginner's records to include the farm number.

Since cotton of the current crop is now being ginned, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be

effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (31 F.R. 6573, 9445) are amended as follows:

1. Section 722.62 of the regulations is amended to read as follows:

§ 722.62 Extent of calculations and rule of fractions.

The rate of penalty under §§ 722.79 and 722.100 shall be computed to the nearest 10th of a cent and fractions of exactly five-hundredths of a cent shall be dropped. In making all other computations under §§ 722.61 to 722.100, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds for a farm shall be rounded to the nearest whole cent and fractions of exactly five-tenths of a pound or cent shall be dropped.

§ 722.64 [Amended]

2. The second sentence of § 722.64(b) (1) of the regulations is amended by deleting the figures and word "1966 crop", and substituting in lieu thereof "1966-69 crops".

§ 722.66 [Amended]

3. The last sentence of § 722.66(b) of the regulations is amended by deleting the figures and word "1966 crop", and substituting in lieu thereof "1966-69 crops".

4. Subparagraph (2) of paragraph (b) of § 722.89 of the regulations is amended to read as follows:

§ 722.89 Records to be kept and reports to be made by ginners.

(b) *Ginner's record of cotton ginned.* *** (2) the name of the operator of the farm, and the farm number or some other information which will identify the farm on which the cotton was produced; ***

(Secs. 346, 347, 373, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 65, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1346, 1347, 1373, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 3, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10919; Filed, Oct. 6, 1966; 8:47 a.m.]

[Amdt. 6]

PART 722—COTTON**Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton****MISCELLANEOUS AMENDMENTS**

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish a national percentage for use in calculating that portion of minimum farm allotments for 1967 allocated to a farm from the national acreage reserve. Such percentage of the allotment may not be transferred to other farms under section 344a of the act. Another purpose is to establish the procedure for applying the limit on the amount of acreage which may be transferred under section 344a of the act to separately owned tracts which are constituted as a single farm. In addition, this amendment provides that allotments for new cotton farms established during the period 1966-69 shall not be reduced for underplanting if some cotton is planted on the farm and there is participation in the voluntary cotton acreage reduction program.

Since the county committees are now receiving transfer of allotment applications, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) are amended as follows:

1. Paragraph (b) of § 722.437 of the regulations is redesignated to make the present language a subparagraph (1) with the heading "For 1966" and by adding a new subparagraph (2) at the end thereof, and paragraph (d) is amended; the affected portions of § 722.437 now read as follows:

§ 722.437 Amount of allotment transferable.

(b) *No transfer of acreage from national acreage reserve*—(1) *For 1966.* * * *

(2) *For 1967.* No acreage apportioned from the national acreage reserve to a farm shall be transferred under section 344a of the act. This limitation applies only to farms receiving 1967 minimum farm allotments under section 344(f) (1) of the act in counties receiving an allocation from the 1967 national acreage reserve. It is hereby determined that 11 percent of each such minimum farm allotment for 1967 is at-

tributable to the national acreage reserve. If all the minimum allotment is to be transferred, the county committee shall transfer the minimum allotment less 11 percent thereof and shall cancel the apportionment of the 11 percent portion of the allotment because the farm allotment is required to be reduced to zero under subsection (e) of section 344a of the act. If part of the minimum allotment is to be transferred, the national acreage reserve apportioned to the farm shall be reduced by the percentage which the part of the allotment transferred is of the entire minimum allotment.

(d) *Sale and lease transfers—limit on amount of acreage transferred.* The total upland cotton allotment which may be transferred by sale or lease to a farm shall not exceed the smaller of (1) the available cropland on the farm, or (2) the acreage obtained by subtracting the allotment (excluding reapportioned acreage) for such farm established for the year the transfer is to take effect from the sum of (i) the 1965 farm allotment before release and reapportionment and (ii) 100 acres. The available cropland on the farm for purposes of such transfers shall be the total cropland as defined in Part 719 of the Regulations Governing Reconstitution of Farms, Allotments, and Bases (Part 719 of this chapter; 29 F.R. 13370, as amended) on the farm less the total of the allotments, feed grain base, and sugar proportionate shares established for the farm for the current year. Producers wishing to transfer cotton allotment to a farm may choose to reduce the feed grain base, sugar proportionate share, or other allotments on the farm to the extent necessary to meet the requirements of this section. If the farm to which allotment is to be transferred is made up of two or more separately owned tracts, each separately owned tract shall be considered a farm for purposes of computing this limitation. No farm shall be eligible for transfer of an allotment by sale or lease unless such farm received an upland cotton allotment greater than zero for 1965 and for the year in which the transfer is to take effect, except that allotment may be transferred to a farm for which an upland cotton allotment was established under provisions of section 378 of the act during the period 1966-69 from pooled allotment if the farm which was acquired by the agency having the power of eminent domain, and which contributed the allotment to the pool, had an allotment greater than zero for 1965. For purposes of determining the amount of allotment eligible for transfer by sale or lease under the first sentence of this paragraph, the 1965 farm allotment on the farm acquired by the agency shall be used, regardless of the allotment actually transferred from the pool.

2. Paragraph (e) of § 722.412 of the regulations is amended to read as follows:

§ 722.412 Allotments for new cotton farms.

(e) *Reduction of new cotton farm allotment for underplanting.* If the acreage planted to cotton on the new cotton farm is less than 75 percent of the cotton allotment established for the farm pursuant to paragraph (c) of this section, such allotment shall be reduced to the acreage planted to cotton on the farm: *Provided*, That for such allotments established for the years 1966-69, if some cotton was planted or considered planted on the farm and the farm qualified for payment under section 103(d) of the Agricultural Act of 1949, as amended, the allotment shall be considered fully planted for purposes of computing future allotments for the farm.

(Secs. 344, 344a, 375, 52 Stat. 57, as amended, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1344b, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 3, 1966.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 66-10933; Filed, Oct. 6, 1966;
8:48 a.m.]

[Amdt. 4]

PART 728—WHEAT**Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969****MISCELLANEOUS AMENDMENTS**

The regulations pertaining to acreage allotments, yields, wheat diversion and wheat certificate programs for the crop years 1966 through 1969, as amended, are amended as follows:

Section 728.323 is amended by changing the period at the end of the first sentence thereof to a colon and inserting the following new language: "*Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished a notice of wheat allotment he is otherwise entitled to receive, but the notice shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the farm wheat allotments for purposes of making determinations under the provisions of Part 790 of this chapter relating to performance based upon action or advice by an authorized representative of the Secretary. For any year for which no farm wheat allotment notice is mailed based upon a filed written request, the wheat history acreage for the farm shall be zero unless measured wheat acreage has

been recorded through a request by the producer for measurement service or by action of the State or county committee in making a compliance determination."

(Secs. 339(g), 334, 375(b), 379j; 52 Stat. 53, as amended, 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1334, 1339(g), 1375(b), 1379j)

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 3, 1966.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 66-10920; Filed, Oct. 6, 1966;
8:47 a.m.]

Chapter IX—Consumer and Market- ing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRO- DUCED IN CALIFORNIA

Expenses of Prune Administrative Committee and Rate of Assess- ment for 1966-67 Crop Year

Notice was published in the August 18, 1966, issue of the FEDERAL REGISTER (31 F.R. 10964) regarding proposed expenses of the Prune Administrative Committee for the 1966-67 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. Additional time for receipt of such written comments was thereafter granted (31 F.R. 11987) to midnight, September 30, 1966.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, additional data submitted pursuant to the notice by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1966, shall be as follows:

§ 993.317 Expenses of the Prune Ad- ministrative Committee and rate of assessment for the 1966-67 crop year.

(a) **Expenses.** Expenses in the amount of \$86,250 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1966, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provi-

sions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) **Rate of assessment.** The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at 75 cents per ton of salable prunes handled by him as, the first handler thereof.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1966, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 3, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-10921; Filed, Oct. 6, 1966;
8:47 a.m.]

Chapter X—Consumer and Market- ing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 38]

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

Order Amending Order

§ 1038.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rock River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) **Additional findings.** It is necessary in the public interest to make this order amending the order effective not later than October 1. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 30, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) **Determinations.** It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rock River Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1038.11(a) is revised to read as follows:

§ 1038.11 *Pool plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 25 percent of such receipts is disposed of in the marketing area on routes.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. October 1, 1966.

Signed at Washington, D.C., on October 3, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-10922; Filed, Oct. 6, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-CE-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 27, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 10132) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Salina, Kans., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. November 10, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065), the Salina, Kans., control zone is amended to read:

SALINA, KANS.

Within a 5-mile radius of Salina Municipal Airport, latitude 38°47'30" N., longitude 97°38'45" W. (formerly Schilling AFB); within 2 miles each side of the 191° radial of the Salina, Kans., VORTAC, extending from the 5-mile radius to the VORTAC, and within 2 miles each side of the Salina ILS localizer S course extending from the 5-mile radius to the LOM.

(2) In § 71.181 (31 F.R. 2149) the transition area is amended to read:

SALINA, KANS.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Salina VORTAC 011° radial, extending from the VORTAC to 8 miles N of the VORTAC, and within 8 miles E and 5 miles W of the Salina ILS localizer S course extending from the OM to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius

of the VORTAC bounded on the south by V-4, and within a 19-mile radius of the VORTAC bounded on the north by V-4S and on the west by V-73.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 22, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-10898; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On August 3, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 10420) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Saginaw, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 3, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065), the Saginaw, Mich., control zone is amended to read:

SAGINAW, MICH.

Within a 5-mile radius of Tri-City Airport (latitude 43°31'54" N., longitude 84°04'54" W.) and within 2 miles each side of the Saginaw VORTAC 030°, 156°, 233°, and 310° radials extending from the 5-mile radius zone to 3 miles NE, SE, SW, and NW of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on September 27, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-10899; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 3, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 10420) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Danville, Ill., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the Danville, Ill., transition area is amended to read:

DANVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vermillion County Airport, Danville, Ill. (latitude 40°11'55" N., longitude 37°35'40" W.), within 2 miles each side of the Danville VORTAC 196° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the Danville VORTAC 199° radial extending from the 5-mile radius area to 18 miles S of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1384)

Issued in Kansas City, Mo., on September 27, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-10900; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 65-CE-123]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area and Revocation of Control Area Extension

On May 5, 1966, a supplemental notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 6716) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Minot, N. Dak., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

(1) In § 71.165 (31 F.R. 2055) the Minot, N. Dak., control area extension is revoked in its entirety.

(2) In § 71.171 (31 F.R. 2065), the Minot, N. Dak. (International Airport), control zone is amended to read:

MINOT, N. DAK. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Minot International Airport (latitude 48°15'45" N., longitude 101°16'50" W.), within 2 miles each side of the Minot VORTAC 097° radial, extending from the 5-mile radius zone to 8 miles E of the VORTAC, within 2 miles each side of the Minot VORTAC 129° radial extending from the 5-mile radius zone to 12 miles SE of the VORTAC, and within 2 miles each side of the Minot VORTAC 260° radial, extending from the 5-mile radius zone to 8 miles W of the VORTAC.

(3) In § 71.171 (31 F.R. 2065), the Minot, N. Dak. (Minot AFB) control zone is amended to read:

MINOT, N. DAK. (MINOT AFB)

Within a 5-mile radius of Minot AFB (latitude 48°24'56" N., longitude 101°21'26" W.), within 2 miles each side of the Minot AFB ILS localizer SE course extending from the 5-mile radius zone to the LOM, within 2 miles each side of the Minot AFB TACAN 119° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles each side of the Minot AFB TACAN

307° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN.

(4) In § 71.181 (31 F.R. 2149), the following transition area is added:

MINOT, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Minot International Airport (latitude 48°15'45" N., longitude 101°16'50" W.), within an 8-mile radius of Minot AFB (latitude 48°24'56" N., longitude 101°21'26" W.), and within 2 miles each side of the Minot AFB TACAN 307° radial extending from the 8-mile radius to 12 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Minot AFB TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Minot AFB TACAN excluding the area north of latitude 49°00'00" N., and the area which overlies V430 and V15.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 23, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-10901; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On September 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11,724) stating that the Federal Aviation Agency proposed to alter the 1,200-foot floor portion of the Wichita Falls, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2271) the 1,200-foot portion of the Wichita Falls, Tex., transition area is amended to read:

WICHITA FALLS, TEX.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 34°10'00" N., longitude 97°49'00" W.; thence E via latitude 34°10'00" N., to and counter-clockwise along the arc of a 25-mile radius circle centered at the Ardmore Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'50" W.) to longitude 97°18'00" W.; thence S via longitude 97°18'00" W.; to latitude 33°56'00" N., longitude 97°18'00" W.; to latitude 33°48'00" N., longitude 97°44'00" W.; to latitude 33°34'00" N., longitude 97°44'00" W.; to latitude 33°22'00" N., longitude 97°55'00" W.; to latitude 33°16'00" N., longitude 98°30'00" W.; to latitude 33°16'00" N., longitude 98°51'00" W.; to latitude 33°02'00" N., longitude 98°51'00" W.; to latitude 32°52'00" N., longitude 99°02'00" W.; to latitude 32°52'00" N., longitude 99°14'00" W.; to latitude

33°31'00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°49'00" W.; to latitude 33°56'00" N., longitude 99°42'30" W.; to latitude 34°18'00" N., longitude 99°33'00" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°21'00" N., longitude 98°46'00" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 29, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-10902; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area and Alteration of Federal Airway

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10418) stating that the Federal Aviation Agency proposed to designate a transition area at Perryton, Tex., and alter the floor of Federal Airway V-190.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 8, 1966, as hereinafter set forth.

1. In § 71.181 (31 F.R. 2149) the Perryton, Tex., transition area is designated as follows:

PERRYTON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perryton Airport (latitude 36°24'45" N., longitude 100°45'00" W.), and within 2 miles each side of the 101° bearing from the Perryton RBN (latitude 36°24'46" N., longitude 100°44'17" W.) extending from the 5-mile radius area to 8 miles E. of the RBN; that airspace extending upward from 1,200 feet above the surface within 5 miles N. and 8 miles S. of the 281° and 101° bearings from the Perryton RBN, extending from 7 miles W. to 14 miles E. of the RBN, and within 5 miles each side of the 101° bearing from the Perryton RBN extending from the RBN to 23 miles E.

2. In § 71.123 (31 F.R. 8621) the floor of V-190 between Dalhart, Tex., and Gage, Okla., is redesignated as:

Dalhart, Tex., 14 miles 12 AGL, 36 miles 60 MSL, 12 AGL Gage, Okla.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 29, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-10903; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 8597 of the FEDERAL REGISTER for June 21, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Kellam Field, Weirwood, Va.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., December 8, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 15, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Weirwood, Va., transition area described as follows:

WEIRWOOD, VA.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 37°27'30" N., 75°52'45" W., of Kellam Field, Weirwood, Va.; and within 2 miles each side of the Cape Charles, Va., VOR 041° radial extending from the 4-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset, daily.

[F.R. Doc. 66-10904; Filed, Oct. 6, 1966; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 20,217]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts; Correction

OCTOBER 4, 1966.

Resolved that in F.R. Doc. 66-10486, amending the regulations for the Federal Home Loan Bank System (12 CFR Ch. V, Subch. B) by the addition of a new part, Part 526, published at 31 F.R. 12594, the following correction is hereby made: In paragraph (b) of § 526.4 the words "an insured institution" are corrected to read "a member institution". As so corrected, paragraph (b) of § 526.4, aforesaid, shall read as follows:

§ 526.4 Maximum rate of return payable on certificate accounts.

(b) Institutions paying more than 4.75 percent on regular accounts. During a distribution period with respect to which

a member institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent, except as otherwise herein provided.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-10925; Filed, Oct. 6, 1966;
8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Com- merce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 22]

MISCELLANEOUS AMENDMENTS

Parts 372, 373, 374, 379, 382, 385, 398, and 399 of Title 15 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: September 9, 1966.

RAUER H. MEYER,
Director,
Office of Export Control.

I. Reexports to Republic of Singapore.

Purpose and effect: Section 372.12(c) (2) (ii) (a) of the *Comprehensive Export Schedule* sets forth certain additional information which must accompany a request for authorization to reexport U.S.-origin commodities to certain designated destinations. The Export Regulations have been amended to include the Republic of Singapore in the listing of these destinations.

Effective date of action: September 23, 1966.

Accordingly, § 372.12(c) (2) (ii) (a) of the *Comprehensive Export Schedule* is amended to read as set forth below.

II. Revision of General License GTDU.

Purpose and effect: Before exporting unpublished technical data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to Country Group W, Y, or Z. Effective October 10, 1966, the list of materials and equipment subject to this requirement for a written assurance is now extended to include technical data relating to:

Hot isostatic presses employing pressure mediums of liquid, gas, or solid, including those presses where the work piece is only partially isostatically pressed and specialized

parts and components thereof. (Export Control Commodity No. 71980.)

Accordingly, § 385.2(c) (4) (iii) of the *Comprehensive Export Schedule* is amended to read as set forth below.

III. Rescission of Part 398—Priority Ratings.

Purpose and effect: Previously, the Office of Export Control was authorized to assign certain DO (Priority) Ratings and Allotment Symbols (DMS) for the purchase of maintenance, repair, and operating supplies for foreign civil air carriers. This function had been delegated to the Office of Export Control by the Federal Aviation Agency.

The Federal Aviation Agency is now exercising complete jurisdiction in the assignment of these priority ratings and allotment symbols. Therefore, any such requests should be submitted to the following address: "Defense Requirements Officer, IM 524, Installation & Materials Services, Federal Aviation Agency, 800 Independence Avenue SW., Washington, D.C. 20553."

Effective date of action: September 9, 1966.

Accordingly, Part 398 is deleted from the *Comprehensive Export Schedule*.

IV. Establishment of New Commodity Interpretation No. 6: Magnetic Materials.

Purpose and effect: This newly established Interpretation defines the term "magnetic materials" as it applies to certain entries on the Commodity Control List. These entries occur under the following Export Control Commodity Nos.: 28200, 67504, 68120, 68310, 68321, 68322, 68323, 68950, and 729991.

Effective date of action: September 9, 1966.

Accordingly, Interpretation 6 is added to § 399.2 of the *Comprehensive Export Schedule* to read as set forth below.

V. Revision of Commodity Interpretation Nos. 3, 7, 18, and 20.

Interpretation 3: Gear Making and Finishing Machinery. Interpretation 3 explains terms used on the Commodity Control List to describe the coverage of entries for certain types of gear-making and gear-finishing machines, Export Control Commodity No. 72510.

The Interpretation is revised for purpose of clarification and to add an explanation of the term "module" as used for these machines.

Interpretation 7: Numerical Control Systems. Formerly only electronic closed loop feed-back control systems for machine tools required a validated license for export to all Country Group destinations. Interpretation 7 is revised to reflect the extension of this validated license requirement to include all closed loop systems and open loop systems other than those designed solely for positioning operations.

Interpretation 18: Transistors. Interpretation 18 lists certain types of transistors (Export Control Commodity No. 72930) which are exportable under the provisions of General License G-DEST to Country Groups T and V, except Southern Rhodesia. This list is revised by the addition of the types of transistors listed below. Therefore, a validated li-

cense is no longer required for exportation of these types of transistors to destinations in Country Groups T and V, except Southern Rhodesia.

2N123	2N584	2N1306
2N317	2N585	2N1307
2N388	2N658	2N1308
2N396	2N659	2N1309
2N397	2N660	2N1694
2N404	2N662	2N1994
2N413	2N675	2N1995
2N414	2N1090	2N1996
2N426	2N1091	2N1997
2N427	2N1169	2N1998
2N428	2N1170	2N2000
2N579	2N1185	2N2001
2N580	2N1189	2N2171
2N581	2N1190	2N3427
2N582	2N1304	2N3428
2N583	2N1305	

Commodity Interpretation 20: Aircraft, Parts, Accessories and Components. Interpretation 20 includes an explanation of the term "normal civil use for 2 years or less" as applied to certain aircraft on the Commodity Control List. This term is revised to change the time period from 2 years to 1 year.

Effective date of action: September 9, 1966.

Accordingly, Interpretations 3, 7, 18, and 20 to § 399.2 of the *Comprehensive Export Schedule* are amended to read as set forth below.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Section 372.12(c) (2) (ii) (a) is amended to read as follows:

§ 372.12 Reexports.

(c) *Reexportation request subsequent to submission of license application*— * * *

(2) *Additional special requirements*. * * *

(ii) * * *

(a) Cambodia, Indonesia, Laos, Lebanon, Liechtenstein, Malaysia, Singapore (Republic of), South Africa (Republic of), Southern Rhodesia, Switzerland, Thailand, Vietnam (Republic of), Yugoslavia; or any destination in Country Group W, X, Y, or Z (see para. 370.1(g)).

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Section 373.18 *Cattle hides, calf and kip skins and bovine leathers* is amended to read as follows:

§ 373.18 Cattle hides, calf and kip skins, and bovine leathers.

(a) *Scope.* The following commodities are subject to the provisions of this § 373.18:

Export Control Commodity Number and Commodity Description

21110	Cattle hides, whole.
21110 ¹	Cattle hide croupions, crops, dossets, sides, butts, and butt bends. ¹
21120	Calf skins and kip skins.

Export Control Commodity Number and Commodity Description—Continued

61150	Cattle hide and kip side upper leather, grain, other than patent and metalized, except leather scrap. ¹
61150	Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap. ^{1 2}
61150	Cattle hide and kip side leather, n.e.c., except leather scrap. ¹
61150	Calf and whole kip upper leather, other than lining, patent and metalized, except leather scrap. ¹
61150	Calf and whole kip leather, n.e.c., other than patent and metalized, except leather scrap. ¹

¹ Other types of cattle hide pieces such as bellies, splits, shanks, heads, and shouldered are not subject to the provisions of § 373.18.

² For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

(b) *Certain exports licensed ex-quota.* An application for a license to export any of the commodities set forth in paragraph (a) of this section will be considered for licensing without a charge against the export quota, provided that the commodities:

- (1) Were not produced or manufactured in the United States.
- (2) Were imported into the United States under a warehouse entry and stored in a bonded warehouse, and
- (3) Were not and will not be entered under a U.S. Customs consumption entry.

Such an application shall be accompanied by the following signed certification:

I (We) certify that the commodities described on this application for export license:

- (1) Were not produced or manufactured in the United States;
- (2) were imported into the United States under a warehouse entry and stored in a bonded warehouse; and
- (3) were not and will not be entered under a U.S. Customs consumption entry.

(c) *Other shipments—(1) General.* An application for a license to export any of the commodities set forth in paragraph (a) of this section which cannot be licensed ex-quota in accordance with the provisions of paragraph (b) of this section shall be subject to the provisions of subparagraphs (2) and (3) of this paragraph.

(2) *Method of licensing.* An application for export license will be considered for approval under the Past Participation in Exports method of licensing (see § 373.8). In order to qualify as a historical exporter, an exporter is required to submit a statement of past participation in exports. The statement shall be completed in accordance with the instructions set forth in § 373.8 and the following specific instructions:

(i) *Separate statement for each quota.* A separate statement shall be submitted for each of the following quotas:

- (a) Cattle hides, whole (Export Control Commodity No. 21110);
- (b) Cattle hide croupions, crops, dossets, sides, butts, and butt bends (Export Control Commodity No. 21120);

(c) Calfskins and kip skins (Export Control Commodity No. 21120);

(d) Cattle hide and kip side upper leather, grain, other than patent and metalized, and cattle hide and kip side leather, n.e.c., except leather scrap¹ (Export Control Commodity No. 61150);

(e) Cattle hide and kip side sole, belting, and welting leather, grain, cattle hide and kip side rough, russet and crust leather, and whole splits, side splits, and bend splits, except leather scrap¹ (Export Control Commodity No. 61150); and

(f) Calf and whole kip upper leather, other than lining, patent and metalized, and calf and whole kip leather, n.e.c., other than patent and metalized, except leather scrap¹ (Export Control Commodity No. 61150).

(ii) *Additional information on statement.* The statement shall show the commodity description, the country of destination, and for each such commodity description and country of destination, the quantity in units specified on the Commodity Control List exported by the exporter during the base period of January 1, 1964, through December 31, 1965, and the value thereof. However, such exports shall exclude shipments of foreign-origin hides, skins, or leather which were not imported into the United States under a consumption entry, in addition to excluding the types of shipments set forth in paragraph 373.8(c) (1).

(iii) *Attachment to statement.* The exporter shall show on a separate sheet of paper, as an attachment to his statement, the commodity description, the country of destination, and for each such commodity description and country of destination, the quantity in units specified on the Commodity Control List exported by the exporter during the period of January 1, 1966, through April 7, 1966, and the value thereof. However, the attachment shall exclude shipments

¹ For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

² Tanned and partially tanned offal leather and splits except whole, side, and bend splits are not subject to the provisions of § 373.18.

2. TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR CATTLE HIDES, CALF AND KIP SKINS, AND BOVINE LEATHERS

Export control commodity No.	Commodity	Submission dates for non-historical applicants (No later than date shown below)	Submission dates for historical applicants (No later than date shown below)
21110	Cattle hides, whole	Sept. 30, 1966	Dec. 10, 1966
21110	Cattle hide croupions, crops, dossets, sides, butts, and butt bends	do	Do.
21120	Calf skins and kip skins	do	Do.
61150	Cattle hide and kip side upper leather, grain, other than patent and metalized, except leather scrap. ¹	do	Do.
61150	Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap. ¹	do	Do.
61150	Cattle hide and kip side leather, n.e.c., except leather scrap ¹	do	Do.
61150	Calf and whole kip upper leather, other than lining, patent and metalized, except leather scrap. ¹	do	Do.
61150	Calf and whole kip leather, n.e.c., other than patent and metalized, except leather scrap. ¹	do	Do.

¹ For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

of foreign-origin hides, skins, or leather which were not imported into the United States under a consumption entry, in addition to excluding the types of shipments set forth in § 373.8(c) (1).

(3) *Completion of license application.* An application for an export license shall be completed in accordance with the instructions set forth in § 372.5 and the following specific instructions:

(i) If the application covers cattle hides, the applicant shall specify on the application whether the hides are "whole hides" or "pieces of whole hides" and, if pieces, the types of pieces, e.g.: croupions, splits, butts, shanks, etc.

(ii) If the application covers calf skins weighing 5 pounds or less, the applicant shall so specify on the application. In any instance in which the weight limitation is not set forth on the application, the Office of Export Control will assume that the skins proposed for export weigh in excess of 5 pounds each.

In § 373.44(a), the following entries are revised to read:

§ 373.44 Other commodities in Commodity Section 6.

(a) Bovine leather. * * *

Export Control Commodity Number and Commodity Description

61150	Cattle hide and kip side upper leather, grain, other than patent and metalized, except leather scrap. ¹
61150	Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap. ¹
61150	Cattle hide and kip side leather, n.e.c., except leather scrap. ¹
61150	Calf and whole kip upper leather, other than lining, patent, and metalized, except leather scrap. ¹
61150	Calf and whole kip leather, n.e.c., other than patent and metalized, except leather scrap. ¹

¹ For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

* * * * *
In Part 373, Supplement 2 is revised to read:

AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES¹

Country	Authority	System administered ²
Austria	Bundesministerium für Handel und Wiederaufbau, Stubenring 1, Vienna I.	IO
	Bundesministerium für Handel und Wiederaufbau—Aussenstelle, Metternichgasse 4, Vienna III.	DV
Belgium	Ministère des Affaires Economiques, Office Central des Contingents et Licences, 11, Parc du Cinquantenaire, Bruxelles.	IC/DV
Denmark	Handelsministeriets Licenskontor, Gothersgade 49, Copenhagen K. IC/DV also issued by Danmarks Nationalbank, Holmens Kanal 17, Copenhagen K.	IC/DV
France	Custom-houses. Ministère des Finances et des Affaires Economiques, Direction des Relations Economiques Extérieures, Service des Autorisations Commerciales, 8, rue de la Tour-des-Dames, Paris (9ème).	DV IC/DV
West Germany (Federal Republic of Germany).	Bundesamt für gewerbliche Wirtschaft, Bockenheimer Landstrasse 38-40, 6 Frankfurt a/M.	IC/DV
Western Sectors of Berlin.	Senator für Wirtschaft, Zentrale Genehmigungsstelle, Martin-Luther-Strasse 105, 1 Berlin 62.	IC/DV
Greece	Banque de Grece, Direction des Transactions Commerciales avec l'Etranger, Athens.	IC/DV
Hong Kong	Import Control Branch, Department of Commerce and Industry, Fire Brigade Building, Hong Kong. Department of Commerce and Industry, Connaught Road, Central, Hong Kong.	IO DV
Italy	Ministero del Commercio con l'Estero, Direzione Generale delle Importazioni e delle Esportazioni, Div. VII, Rome. Dogana Italiana (of the town where the Import takes place).	IO DV
Japan	Bureau of International Trade and Industry in Tokyo, Osaka, Fukuoka, Sapporo, Sendai, Nagoya, Marugame, Hiroshima, Shimonoseki, Kobe, Yokohama, and Shimizu. Japanese Customs Offices.	IO DV
Luxembourg	Office des Licences, 21, rue Glesener, Luxembourg-Gare.	IC/DV
Netherlands	Centrale Dienst voor In- en Uitvoer, van Stolkweg 14, The Hague.	IC/DV
Norway	Handelsdepartementet, Direktoratet for Eksport-og-Importregulering, Fr. Nansens plass 5, Oslo.	IC/DV
Portugal	República do Comércio Externo, Direcção-Geral do Comércio, Secretaria de Estado do Comércio, Ministério da Economia, Lisbon.	IC
Turkey	Ministry of Commerce, Department of Foreign Commerce, Ankara Head Customs Office at the point of entry.	IO
United Kingdom	Board of Trade, Export Licensing Branch, Hillgate House, 35 Old Bailey, London, E.C.4. H.M. Customs and Excise, Section 22 King's Beam House, Mark Lane London, E.C.3.	IO DV

¹ Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce field office listed on page I, or at the U.S. Department of Commerce, Office of Export Control, 1201 E St., N.W., Washington, D.C. 20230.

² IC—Import Certificate

DV—Delivery Verification

PART 374—PROJECT LICENSE

Section 374.2 is revised to read as follows:

§ 374.2 Commodities and technical data subject to project license.

The project licensing procedure is applicable to all commodities and technical data which require a validated license for export as well as commodities which may be exported under General License GLV except:

(a) Complete aircraft, either assembled or knocked down;¹

(b) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7 (b); and

(c) The following commodities:

Export Control Commodity Number and Commodity Description

21110	Cattle hides, whole.
21110	Cattle hide croupions, crops, dossets, sides, butts and butt bends.
21120	Calf skins and kip skins.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper metalliferous ash and residue.
28402	Copper and copper-base alloy waste and scrap.

¹ Applicants who propose to export a complete aircraft, either assembled or knocked down, must apply for an individual validated license for the aircraft. However, a project license may be used, where applicable, to export related parts, accessories, or components for the aircraft.

Export Control Commodity Number and Commodity Description—Continued

28403	Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content.
61150	Cattle hide and kip side upper leather, grain, other than patent and metalized, except leather scrap. ²
61150	Cattle hide and kip side leather n.e.c., except leather scrap. ²
61150	Cattle hide and kip side sole, belting, and wetting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap. ²
61150	Calf and whole kip upper leather, other than lining, patent and metalized, except leather scrap. ²
61150	Calf and whole kip leather, n.e.c., other than patent and metalized, except leather scrap. ²
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper foil.
68223	Paper backed copper foil.

² For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

Export Control Commodity Number and Commodity Description—Continued

68224	Copper and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892	Copper and copper-base alloy castings and forgings.
71420	Electronic computers.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.
72620	X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.
72952	Vibration testing equipment.
72952	Mass spectrometers.
86198	
72970	Neutron generators and specially designed parts therefor, and neutron generator tubes.
	(d) Unpublished technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 385.2(c) (3) (v).
	(e) Commodities destined directly or indirectly to Southern Rhodesia which are listed in § 373.69(a) (1).

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Section 379.1 is revised to read as follows:

§ 379.1 General export clearance requirements.

(a) *Exports by water or air carrier.* (1) No exporter or his agent, including any carrier, shall place or permit placing on a pier or dock or other place of loading for the purpose of exporting by water or air, load or carry or permit loading or carrying onto an exporting carrier, or present to the Customs Office for inspection and clearance for export, any commodity or technical data until:

(i) For shipments requiring a validated export license: A validated license therefor has been presented to the Customs Office, and a related duly executed

Shipper's Export Declaration¹ in the requisite number of copies covering such commodity or technical data has been presented to, and authenticated by, the Customs Office, and a copy returned to the person presenting it.

(ii) For shipments under a general license: A duly executed Declaration, in the requisite number of copies, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Customs Office, and a copy returned to the person presenting it (except as provided in subparagraph (3) of this paragraph). Where the filing of a Declaration is not required, an oral declaration describing the commodity or technical data about to be exported and identifying the applicable general license shall be made to the Customs Office at the port of exit.

(2) No carrier shall load or carry any commodity or technical data onto an exporting carrier or permit any commodity or technical data to be loaded or carried onto an exporting carrier for export by water or air, until such carrier has received its copy of the authenticated Shipper's Export Declaration as provided in § 30.14 of the Census Bureau Foreign Trade Statistics Regulations (15 CFR 30.14).

(3) A shipment to Canada or to Country Group T does require the submission of a Shipper's Export Declaration if the shipment is valued at less than \$100 and is not made under the provisions of General License GLV or a validated export license.² As used in this subparagraph (3), a "shipment" is defined as all of the commodities classified under a single seven-digit Schedule B Number that are shipped on the same exporting carrier from one exporter to one importer.³

(b) *Exports by Mail*—(1) *Shipments requiring a validated license*—(i) *General requirements*. No person shall export any commodity or any technical data by means of mail, including surface and air parcel post, until:

(a) A validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity⁴ to be so mailed, whether or not required by the regulations of the Bureau of the Census; and

(b) The sender (exporter) has entered the complete validated license number on the address side of the wrapper on the package.

(ii) *Partial shipments*. (a) Where more than one shipment is to be made against a validated license, the sender (exporter) shall file the license with a Customs Office (instead of surrendering the license to the Postmaster) and present to such Customs Office for authentication a copy of the Declaration covering each shipment. The authenticated Declaration, in addition to the Declaration required under this subparagraph of subdivision (i) shall be surrendered to the Postmaster at the time of mailing.

(b) A shipment by mail against a license on file with a Customs Office may be exported on or before the license expiration date indicated by the Customs Office on the authenticated Declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2, the exporter shall prepare and present to the Customs Office for authentication a new copy of the Declaration, clearly marked "Amended", together with the previously authenticated Declaration. The previously authenticated Declaration will be retained by the Customs Office and the amended Declaration, if authenticated, will be returned to the exporter for presentation to the Postmaster.

(2) *Shipments under a general license*—(i) *Declaration required*. The sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Declaration for each commercial mail shipment made under a general license from one business concern to another business concern when the shipment consists of a commodity (ies) valued at \$100 or more, unless otherwise set forth in the regulations issued by the Bureau of the Census. An export by mail of technical data under a general license does not require the submission of a Declaration.

(ii) *Symbol on declaration*. In preparing the Declaration for presentation to the Postmaster the sender shall place on the form the designation or symbol of the general license under which the commodity (ies) is being exported.

(iii) (a) *Symbol on parcel*. On mail shipments under a general license, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper of the parcel, followed by the phrase "Export License Not Required"; however, no notation need be made if the exported material meets the provisions of General License GTDP, GTDU, or GTDS.

(b) The general license symbol and the phrase shall constitute a certification by the sender to the Postmaster and to the Office of Export Control that the

shipment is made under the authority of the general license indicated.

(c) The export regulations (including the requirements of General Licenses GTDP, GTDU, and GTDS) remain otherwise fully applicable to exports which require no general license symbol.

NOTES

1. *Post Office Regulations*. All exports via mail should also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc. Such exports are subject to inspection by the Post Office Department and the Bureau of Customs.

2. *Gift Parcels*. If the sender is shipping a gift parcel under the provisions of the general license for gift parcels, he must place the word "Gift" on the customs declaration tag as well as the words "Gift—Export License Not Required" on the address side of the wrapper. In this instance, the word "Gift" is the general license symbol. (See § 371.21.)

3. *Weekly Shipments*. Only one shipment per calendar week of a commodity classified in a single entry on the Commodity Control List may be made by parcel post or mail under General License GLV by one exporter to one importer. (See par. 371.10(b)(4).)

4. *Partial Shipments*. The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in paragraph 372.5(g).

(c) *Exports by means other than water, air, or mail*. No person shall export any commodity or technical data by means other than by water, air, or mail, until (1) a validated license, where required by the provisions of the Export Regulations, has been presented to the Customs Office at the port of exit from the United States and until (2) a duly executed Declaration together with the related license covering the commodity or technical data, except as provided for in § 385.5, has been presented to the Customs Office and authenticated by him prior to inspection. Where no validated license is required, a duly executed Declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the Customs Office at the port of exit. Where the filing of a Declaration is not required, an oral declaration, including a description of the commodity or technical data to be exported and the applicable general license, shall be made to the Customs Office at the port of exit.

(d) *Exports to Canada*. No person shall export any commodity or technical data to Canada until a duly executed Shipper's Export Declaration consistent with the Bureau of the Census Foreign Trade Statistics Regulations shall have been presented to and authenticated by the Customs Office. Where the Bureau of the Census regulations do not require the filing of a Declaration, or where a delay in the filing of a Declaration is authorized, an oral declaration shall be made to the Customs Office at the port of exit, describing the commodity or technical data to be exported and stating that it is for export to Canada.

¹ Shipper's Export Declaration Form 7525-V may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Offices, and U.S. Department of Commerce Field Offices (see list on p. i). Price of the form is \$1 for a pad of 100.

² This rule is also contained in the foreign trade statistics regulations issued by the Bureau of the Census.

³ See "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States" published by the Bureau of the Census.

⁴ § 385.5 excludes technical data from this requirement for a Declaration.

PART 382—DENIAL OF EXPORT PRIVILEGES

(e) *Responsibility of licensee and agent.* Under the Export Regulations, the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent.

VI. Revision of Denial and Probation Orders, Supplement No. 1 to Part 382 (§ 38251).

The Denial and Probation Orders, Supplement No. 1 to Part 382, are revised as follows:

A. ADDITIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Caramant Gesellschaft fuer Technik und Industrie m. b. H. Co. K. G., Adolfsallee 27/29, 62 Wiesbaden, West Germany.	7-20-65	7-20-68	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Manfred Hardt, which see.)	30 F. R. 9067-9069, 7-20-65. 31 F. R. 10480, 8-4-66.
Commodity Export, Ltd., 13 Upper Berkeley St., London, W. 1, England.	8-9-66	10-8-66*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Glovet Traders Ltd., which see.)	31 F. R. 10902, 8-16-66.
Radio-Meteor, Manfred Kausch, doing business as Arnhem, Netherlands, and Ede, Kaiserslautern, West Germany.	7-2-64	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F. R. 8495-8496, 7-7-64. 31 F. R. 10327, 7-30-66.

*The expiration date of this order is subject to extension. Before making shipment to this person or firm, the shipper should inquire of the Office of Export Control as to whether the order has been extended.

B. AMENDMENTS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Caramant Industrial Trade Agency, Adolfsallee 27/29, 62 Wiesbaden, West Germany.	7-20-65	7-20-68	General and validated licenses, all commodities, any destination, also exports to Canada.	30 F. R. 9067-9069, 7-20-65. 31 F. R. 10480, 8-4-66.
Felix, Mario, doing business as Internationale Transporte Mario Felix, Zurich, Switzerland.	5-19-58	Duration	do	23 F. R. 3549, 5-22-58.
Glovet Traders Ltd., 13 Upper Berkeley St., London, W. 1, England.	6-10-66	10-8-66*	do	31 F. R. 8501, 6-17-66. 31 F. R. 10902, 8-16-66.
Hardt, Manfred, Adolfsallee 27/29, 62 Wiesbaden, West Germany.	7-20-65	7-20-68	do	30 F. R. 9067-9069, 7-20-65. 31 F. R. 10480, 8-4-66.
Hack, C. & Co., Adolfsallee 27/29, 62 Wiesbaden, West Germany.	7-20-65	7-20-68	do	30 F. R. 9067-9069, 7-20-65. 31 F. R. 10480, 8-4-66.
Internationale Transporte Mario Felix, Zurich, Switzerland.	5-19-58	Duration	do	23 F. R. 3549, 5-22-58.

See footnote at end of table.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Kausch, Manfred, individually and doing business as Radio-Meteor, Fackelstrasse 8, Kaiserslautern, West Germany, and Blvd. Heupelink 111, Arnhem, Netherlands, and Wakeromse-Weg 5, Ede, Netherlands.	7-2-64	do	do	29 F. R. 8495-8496, 7-7-64. 31 F. R. 10327, 7-30-66.
Television & Elektronik K. G., Fackelstrasse 8, Kaiserslautern, West Germany.	7-2-64	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Manfred Kausch, which see.)	29 F. R. 8495-8496, 7-7-64. 31 F. R. 10327, 7-30-66.
Teltronik, Blvd. Heupelink 111, Arnhem, Netherlands.	7-2-64	do	do	29 F. R. 8495-8496, 7-7-64. 31 F. R. 10327, 7-30-66.
Teltronik Buchert & Co., Lillienstrasse 8, Kaiserslautern, West Germany.	7-2-64	do	do	29 F. R. 8495-8496, 7-7-64. 31 F. R. 10327, 7-30-66.
Tokyo Seidensha Co. Ltd., 564-7 Chome, Ebura-machi, Shinagawa-Ku, and 1395 Haranomachi, Meguro-Ku, Tokyo, Japan.	6-17-66	10-14-66*	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F. R. 8837, 6-24-66. 31 F. R. 1111, 8-20-66.
Wing Yick Cheong Co., Chun Sing Lai doing business as, Rooms 904-907, Man Yee Bldg., Hong Kong.	1-13-66	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Levee and Co., Tokyo, which see.)	21 F. R. 775-777, 2-3-56.
Woodham Trading Ltd., 13 Upper Berkeley St., London, W. 1, England.	6-10-66	10-8-66*	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F. R. 8501, 6-17-66. 31 F. R. 10902, 8-16-66.

*The expiration date of this order is subject to extension. Before making shipment to this person or firm, the shipper should inquire of the Office of Export Control as to whether the order has been extended.

PART 385—TECHNICAL DATA

Section 385.2(c) (4) (iii) (ee) is added, as follows:

§ 385.2 General licenses.

- (c) *General License GTDU; unpublished technical data—* * * *
- (4) *Requirement of written assurance for certain data, services, and materials.* * * *
- (iii) * * *
- (ee) Hot isostatic presses employing pressure mediums of liquid, gas, or solid, including those presses where the work revised to read:

piece is only partially isostatically pressed; and specialized parts and components thereof. (Export Control Commodity No. 71980.)

PART 398—PRIORITY RATINGS

Part 398 is deleted.

PART 399—COMMODITY CONTROL LIST

In § 399.1, the following entries are revised to read:

SECTION 6—MANUFACTURED GOODS CLASSIFIED CHIEFLY BY MATERIAL

Leather, Leather Manufactures, n.e.c., and Dressed Fur Skins

61120 Reconstituted and artificial leather containing leather or leather fiber.	Lb.	TEXT 8.	Z-----	-----	-----	B.
61150 Cattle hide and kip side upper leather, grain, other than patent and metalized; except leather scrap. ³ (See §§ 373.18 and 373.44.)	Sq. ft.	AGRI 2.	TVWXYZ--	100	100	-----
61150 Cattle hide and kip side sole, belting, and wetting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap. ³ (See §§ 373.18 and 373.44.)	Lb.	AGRI 2.	TVWXYZ--	100	100	-----
61150 Other cattle hide and kip side sole, belting, and wetting leather, offal; and other splits, except whole, side, or bend splits.	Lb.	AGRI 2.	TVWXYZ--	100	100	-----
61150 Cattle hide and kip side leather, n.e.c., except leather scrap. ³ (See §§ 373.18 and 373.44.)	Sq. ft.	AGRI 2.	TVWXYZ--	100	100	-----
61150 Calf and whole kip upper leather, other than lining, patent and metalized; except leather scrap. ³ (See §§ 373.18 and 373.44.)	Sq. ft.	AGRI 2.	TVWXYZ--	100	100	-----
61150 Calf and whole kip leather, n.e.c., other than patent and metalized; except leather scrap. ³ (See §§ 373.18 and 373.44.)	Sq. ft.	AGRI 2.	TVWXYZ--	100	100	-----
61150 Equine leather-----	Sq. ft.	TEXT 8.	Z-----	-----	-----	B.
61150 Bovine leather scrap ³ -----	Sq. ft.	AGRI 2.	TVWXYZ--	100	100	-----

³Trademark registered in the Patent Office of the United States.

¹Thermal stability is determined as follows: 20 c.c. of the fluid under test shall be placed in a 46 c.c. stainless steel chamber containing one each of 0.5 inch diameter balls of M-10 tool steel, 52100 steel, and naval bronze. The chamber shall be purged with nitrogen, sealed at atmospheric pressure, and the temperature raised to 371° ± 6° C. and maintained at this temperature for 6 hours. The specimen will be considered thermally stable if at the completion of the above procedure all of the following conditions are met: (a) the weight loss of each ball is less than 0.1 milligram per square centimeter of surface, (b) the change in original viscosity as determined at 38° C. is less than 25 percent, and (c) the total acid or base number is less than 0.40.

²Report the following commodities in "pound"; collecting agents for the concentration of ores and minerals; and composite diagnostic reagents.

³For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

In § 399.2 *Commodity interpretations*, Commodity Interpretation 6 is added to read as follows:

INTERPRETATION 6: MAGNETIC MATERIALS

The term "magnetic materials" is used on the Commodity Control List to denote coverage of certain magnetic metals. Such entries occur under the following Export Control Commodity Nos.: 28200, 67504, 68120, 68310, 68321, 68322, 68323, 68950, and 72991.

As used in entries under the above-mentioned Export Control Commodity Numbers, the term "magnetic materials" includes magnetic metals and alloys of all types and forms (for example: powder, strip, sheets, castings, block, etc.) possessing one or more of the following characteristics:

- (a) Grain oriented sheet or strip of a thickness of 0.1 mm (0.004 inch) or less;
- (b) Initial permeability 70,000 gauss-oersteds (0.0875 henry per meter) or over;
- (c) Remanence 98.5 percent or over of maximum flux for materials having magnetic permeability; or
- (d) A composition capable of an energy product greater than 6 times 10⁶ gauss-oersteds.

In § 399.2, Commodity Interpretations 3, 17, 18, and 20 are revised to read as follows:

INTERPRETATION 3: GEAR MAKING AND FINISHING MACHINERY

Certain types of gear-making and gear-fining machines, Export Control Commodity No. 71510, require a validated license for shipments to all destinations except Canada if they are capable of producing gears finer than 48 diametral pitch. In order to clarify the meaning of the term "diametral pitch finer than 48," examples are given of how diametral pitch is computed. In addition, there is also given below an explanation of how to distinguish between "gear-tooth grinding machines, generating types" and nongenerating types of grinding machines.

Diametral pitch of a gear is the ratio of the number of teeth to the number of inches in the pitch diameter. It indicates the number of teeth in the gear for each inch of pitch diameter. ("Pitch diameter" is the diameter of the pitch circle which is the

circle through the pitch point having its center at the axis of the gear.) Module (British or metric) is the ratio of the pitch diameter in millimeters to the number of teeth. The larger the proportion of teeth to pitch diameter, the finer the diametral pitch.

Example of diametral pitch: If a gear has a 1-inch pitch diameter and has 48 teeth, the ratio would be 48:1, or a 48 diametral pitch gear. Additional teeth in the same pitch diameter gear, i.e., 49, would result in a finer diametral pitch; fewer teeth, i.e., 47, would result in a gear of coarser diametral pitch.

Examination of a gear making or finishing machine may not disclose whether it is capable of producing a gear of finer than 48 diametral pitch. If the exporter has no information on the ability of the machine to be exported for making gears of finer than 48 diametral pitch, he should obtain the information from the manufacturer or distributor.

Generating type gear-tooth grinding machines are those in which the grinding wheel and the gear are both power-driven for continuous circular motion while grinding, rather than an intermittent or indexing operation as with the nongenerating type.

INTERPRETATION 7: NUMERICAL CONTROL SYSTEMS

Numerical control systems for machine tools are systems in which actions are controlled by the direct insertion of numerical data at some point. The system must automatically interpret at least some portion of this data. The entire system may be incorporated in or on the machine, or the control component may be separated from the machine but be capable of being joined for operation by plug-in cables or wiring.

Where the system is shipped complete with the machine the unit (machine and control system) shall be reported as a complete machine under the appropriate Export Control Commodity Number for the machine. Where a control system for a machine tool is not shipped as part of the original installation of the machine it shall be reported under Export Control Commodity No. 72952 if it is an electric or electronic system, and spare and replacement parts therefor under Export Control Commodity No. 86199. If it is a hydraulic or other type system the control system and

parts therefor shall be reported under Export Control Commodity No. 71954.

INTERPRETATION 18: TRANSISTORS (EXPORT CONTROL COMMODITY NO. 72930)

The transistors listed below require a validated license for shipment only to Country Groups W, X, Y, Z, and Southern Rhodesia. In addition, all variations of these types denoted by a letter following the type number (e.g., GT760R or V10/15A) require a validated license for shipment only to Country Groups W, X, Y, Z, and Southern Rhodesia.

CK 4	V15/20	2N 105
CK 13	V15/30	2N 106
CK 14	V30/10	2N 107
CK 16	V30/20	2N 108
CK 17	V30/30	2N 109
CK 22	XA 101	2N 110
CK 25	XA 102	2N 111
CK 26	XB 102	2N 112
CK 27	XB 103	2N 113
CK 28	2N 22	2N 114
CK 64	2N 23	2N 115
CK 65	2N 24	2N 123
CK 66	2N 25	2N 124
CK 67	2N 26	2N 125
CK 782	2N 27	2N 126
CK 870	2N 28	2N 127
CK 891	2N 29	2N 128
CK 892	2N 30	2N 129
CTP 1104	2N 31	2N 130
CTP 1108	2N 32	2N 131
CTP 1109	2N 33	2N 132
CTP 1117	2N 34	2N 133
GA 52829	2N 35	2N 135
GA 53270	2N 36	2N 136
GFT 20	2N 37	2N 137
GFT 21	2N 38	2N 138
GFT 26	2N 41	2N 139
GFT 32	2N 43	2N 140
GFT 44	2N 44	2N 141
GFT 45	2N 45	2N 142
GT 35	2N 46	2N 143
GT 42	2N 47	2N 144
GT 43	2N 48	2N 144/13
GT 123	2N 49	2N 145
GT 153	2N 50	2N 146
GT 167	2N 51	2N 147
GT 229	2N 52	2N 148
GT 269	2N 53	2N 149
GT 758	2N 54	2N 150
GT 759	2N 55	2N 155
GT 760	2N 56	2N 156
GT 761	2N 59	2N 157
GT 762	2N 60	2N 158
GT 763	2N 61	2N 164
GT 792	2N 62	2N 165
GT 903	2N 63	2N 166
GT 904	2N 64	2N 167
GT 905	2N 65	2N 168
GT 947	2N 66	2N 169
GT 948	2N 67	2N 170
MN 48	2N 68	2N 172
OC 16	2N 71	2N 175
OC 30	2N 72	2N 180
OC 44	2N 73	2N 181
OC 45	2N 74	2N 182
OC 65	2N 75	2N 183
OC 66	2N 76	2N 184
OC 70	2N 77	2N 185
OC 73	2N 78	2N 186
SB 100	2N 79	2N 187
SYL 1750	2N 80	2N 188
T 1164	2N 81	2N 189
T 2233	2N 82	2N 190
T 2234	2N 94	2N 191
TS 1	2N 95	2N 192
TS 2	2N 97	2N 193
TS 3	2N 98	2N 194
TS 637	2N 99	2N 206
V6/R2	2N 100	2N 207
V6/R4	2N 101	2N 211
V6/R8	2N 101/13	2N 212
V10/15	2N 102	2N 213
V10/30	2N 102/13	2N 214
V10/50	2N 103	2N 215
V15/10	2N 104	2N 216

INTERPRETATION 18: TRANSISTORS—Continued

2N 217	2N 367	2N 529
2N 218	2N 368	2N 530
2N 219	2N 369	2N 531
2N 220	2N 370	2N 532
2N 223	2N 370/33	2N 533
2N 224	2N 371	2N 534
2N 225	2N 371/33	2N 535
2N 226	2N 372	2N 536
2N 227	2N 372/33	2N 544
2N 228	2N 373	2N 544/33
2N 229	2N 374	2N 556
2N 231	2N 376	2N 557
2N 232	2N 378	2N 563
2N 233	2N 381	2N 564
2N 234	2N 382	2N 565
2N 235	2N 383	2N 566
2N 237	2N 384	2N 567
2N 238	2N 384/33	2N 568
2N 240	2N 385	2N 569
2N 241	2N 386	2N 570
2N 247	2N 387	2N 571
2N 248	2N 388	2N 572
2N 249	2N 394	2N 578
2N 252	2N 395	2N 579
2N 253	2N 396	2N 580
2N 254	2N 397	2N 581
2N 255	2N 398	2N 582
2N 256	2N 402	2N 583
2N 257	2N 403	2N 584
2N 260	2N 404	2N 585
2N 261	2N 405	2N 586
2N 262	2N 406	2N 587
2N 265	2N 407	2N 588
2N 267	2N 408	2N 591
2N 269	2N 409	2N 591/5
2N 270	2N 410	2N 592
2N 271	2N 411	2N 593
2N 272	2N 412	2N 594
2N 273	2N 413	2N 595
2N 274	2N 414	2N 596
2N 279	2N 422	2N 597
2N 280	2N 425	2N 598
2N 281	2N 426	2N 599
2N 283	2N 427	2N 600
2N 284	2N 428	2N 601
2N 291	2N 438	2N 605
2N 292	2N 439	2N 606
2N 293	2N 444	2N 609
2N 299	2N 445	2N 610
2N 300	2N 446	2N 611
2N 301	2N 447	2N 612
2N 302	2N 448	2N 613
2N 303	2N 449	2N 617
2N 306	2N 460	2N 624
2N 307	2N 461	2N 625
2N 308	2N 462	2N 631
2N 309	2N 463	2N 632
2N 310	2N 464	2N 633
2N 311	2N 465	2N 640
2N 312	2N 466	2N 641
2N 313	2N 467	2N 642
2N 314	2N 469	2N 647
2N 317	2N 481	2N 649
2N 319	2N 482	2N 649/5
2N 320	2N 483	2N 650
2N 321	2N 484	2N 651
2N 322	2N 485	2N 652
2N 323	2N 486	2N 653
2N 324	2N 504	2N 654
2N 325	2N 505	2N 655
2N 326	2N 506	2N 658
2N 331	2N 507	2N 659
2N 344	2N 508	2N 660
2N 345	2N 515	2N 662
2N 346	2N 516	2N 670
2N 350	2N 517	2N 671
2N 351	2N 518	2N 672
2N 356	2N 519	2N 673
2N 358	2N 520	2N 674
2N 359	2N 521	2N 675
2N 360	2N 522	2N 679
2N 361	2N 523	2N 680
2N 362	2N 524	2N 818
2N 363	2N 525	2N 1008
2N 364	2N 526	2N 1009
2N 365	2N 527	2N 1010
2N 366	2N 528	2N 1012

INTERPRETATION 18: TRANSISTORS—Continued

2N 1017	2N 1265/5	2N 1471
2N 1018	2N 1266	2N 1473
2N 1038	2N 1273	2N 1478
2N 1039	2N 1274	2N 1510
2N 1040	2N 1280	2N 1524
2N 1041	2N 1281	2N 1525
2N 1042	2N 1282	2N 1526
2N 1043	2N 1283	2N 1527
2N 1044	2N 1284	2N 1605
2N 1045	2N 1287	2N 1614
2N 1056	2N 1288	2N 1622
2N 1057	2N 1289	2N 1631
2N 1058	2N 1299	2N 1632
2N 1059	2N 1302	2N 1633
2N 1086	2N 1303	2N 1634
2N 1087	2N 1304	2N 1635
2N 1090	2N 1305	2N 1636
2N 1091	2N 1306	2N 1637
2N 1097	2N 1307	2N 1638
2N 1098	2N 1308	2N 1639
2N 1101	2N 1309	2N 1670
2N 1102	2N 1310	2N 1672
2N 1107	2N 1311	2N 1673
2N 1108	2N 1312	2N 1678
2N 1109	2N 1313	2N 1681
2N 1110	2N 1319	2N 1694
2N 1111	2N 1343	2N 1705
2N 1114	2N 1347	2N 1706
2N 1121	2N 1348	2N 1707
2N 1123	2N 1349	2N 1745
2N 1124	2N 1350	2N 1779
2N 1125	2N 1351	2N 1780
2N 1126	2N 1352	2N 1781
2N 1127	2N 1353	2N 1782
2N 1128	2N 1354	2N 1783
2N 1129	2N 1366	2N 1784
2N 1130	2N 1367	2N 1785
2N 1144	2N 1370	2N 1786
2N 1145	2N 1371	2N 1787
2N 1169	2N 1372	2N 1788
2N 1170	2N 1373	2N 1789
2N 1171	2N 1374	2N 1790
2N 1175	2N 1375	2N 1808
2N 1176	2N 1376	2N 1924
2N 1183	2N 1377	2N 1925
2N 1184	2N 1378	2N 1926
2N 1185	2N 1379	2N 1954
2N 1186	2N 1380	2N 1955
2N 1187	2N 1381	2N 1956
2N 1188	2N 1382	2N 1957
2N 1189	2N 1383	2N 1993
2N 1190	2N 1391	2N 1994
2N 1191	2N 1395	2N 1995
2N 1192	2N 1396	2N 1996
2N 1193	2N 1404	2N 1997
2N 1194	2N 1408	2N 1998
2N 1198	2N 1413	2N 2000
2N 1202	2N 1414	2N 2001
2N 1203	2N 1415	2N 2042
2N 1213	2N 1416	2N 2043
2N 1214	2N 1425	2N 2085
2N 1215	2N 1426	2N 2171
2N 1216	2N 1431	2N 2354
2N 1217	2N 1446	2N 2428
2N 1224	2N 1447	2N 2429
2N 1225	2N 1448	2N 2430
2N 1226	2N 1449	2N 2431
2N 1251	2N 1450	2N 2437
2N 1264	2N 1451	2N 3428
2N 1265	2N 1452	
	2N 1453	

INTERPRETATION 20: AIRCRAFT, PARTS, ACCESSORIES AND COMPONENTS

(a) *Aircraft, and parts, accessories and components therefor.*¹ Aircraft, parts, accessories, and components defined in Categories VIII and IX of the Munitions List are under the export licensing authority of the U.S. Department of State. All other aircraft, and parts, accessories, and components therefor are under the export licensing authority of the U.S. Department of Commerce.

¹ This interpretation does not refer to electronic communication and navigational commodities usable on aircraft.

Aircraft, parts, accessories, and components are under the licensing authority of the U.S. Department of Commerce if one or more of the following criteria are met:

(1) Any aircraft (except an aircraft that has been demilitarized or a military trainer) which conforms to a Federal Aviation Agency type certificate in the normal, utility, acrobatic, transport, or restricted category, provided such aircraft has not been equipped with or modified to include military equipment, such as gun mounts, turrets, rocket launchers, or similar equipment designed for military combat or military training purposes.

(2) All reciprocating engines.

(3) Other aircraft engines not specifically designed or modified for military aircraft.

(4) Parts, accessories, and components (including propellers), designed exclusively for aircraft and engines described in (1), (2), and (3) above.

(5) General purpose parts, accessories, and components usable interchangeably on either military or civil aircraft.

(b) *Normal civil use for 1 year or less.* The term "normal civil use for 1 year or less," as specified on the Commodity Control List, is computed from the date the type or model of the aircraft was placed in commercial operation.

[F.R. Doc. 66-10884; Filed, Oct. 6, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.1—Procurement Regulations

PART 9-2—PROCUREMENT BY FORMAL ADVERTISING

PART 9-3—PROCUREMENT BY NEGOTIATION

Subpart 9-3.2—Circumstances Permitting Negotiation

Subpart 9-3.3—Determinations, Findings, and Authorities

Subpart 9-3.4—Types of Contracts

Subpart 9-3.9—Subcontracting Policies and Procedures MISCELLANEOUS AMENDMENTS

1. The following section is added to Subpart 9-1.1, Procurement Regulations:

§ 9-1.110 Exemptions.

(a) Section 602(d)(13) of the Federal Property and Administrative Services Act of 1949, as amended, provides that nothing in that Act shall impair or affect any authority of the Atomic Energy Commission. This includes the authority of AEC under the Atomic Energy Act of 1954, as amended, Public Law 85-804, and any other law.

(b) This exemption authority is to be exercised only to the extent that compliance with the requirements of the Federal Property and Administrative Services Act of 1949, as amended, would

impair or affect the carrying out of AEC's programs. Except as otherwise expressly provided in these regulations, requests for exemptions from the requirements of Title III of the Federal Property and Administrative Services Act of 1949, as amended, shall be submitted to the Director, Division of Contracts, Headquarters. Such requests will be accompanied by an appropriate explanation and justification for the exemption, which sets forth the grounds on which compliance with the particular requirements of Title III of the Federal Property and Administrative Services Act of 1949, as amended, would impair or affect AEC programs.

2. Section 9-2.102, *Policy*, is revised to read as follows:

§ 9-2.102 Policy.

Procurement by formal advertising for AEC direct procurement shall be followed, except where negotiation is authorized by the Federal Property and Administrative Services Act of 1949, as amended. Section 302(c)(15) of that Act authorizes negotiation when "otherwise authorized by law" (see AECPR 9-3.200). Direct AEC procurement of supplies and services by formal advertising shall comply with the requirements of this part and FPR 1-2.

3. Section 9-3.200, *Scope of subpart*, is revised to read as follows:

§ 9-3.200 Scope of subpart.

Section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended, authorizes the negotiation of contracts, and is applicable to AEC procurement. Section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended, permits negotiation when otherwise authorized by law, provided that in such event the requirements of that Act shall apply. Accordingly, when the Federal Property and Administrative Services Act of 1949, as amended, or the Atomic Energy Act of 1954, as amended, or other law is used as the basis for negotiation, the requirements of section 304 of the Federal Property and Administrative Services Act of 1949, as amended, are applicable, except as provided in these regulations.

§ 9-3.202 [Deleted]

4. Section 9-3.202, *Publicity exigency*, is deleted and reserved.

5. Section 9-3.204, *Personal or professional services*, is revised to read as follows:

§ 9-3.204 Personal or professional services.

Formal advertising procedures shall not be used for contracts for architect-engineer or other professional engineering services. Such contracts may be negotiated under section 302(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended, or section 302(c)(15) of that Act and the Atomic Energy Act of 1954, as amended. However, the exemption provided for in AECPR 9-3.405-5(c) does not apply to contracts negotiated under section 302

(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended.

§ 9-3.211 [Deleted]

6. Section 9-3.211, *Experimental, developmental, or research work*, is deleted and reserved.

7. Section 9-3.213, *Technical equipment requiring standardization and interchangeability of parts*, is revised to read as follows:

§ 9-3.213 Technical equipment requiring standardization and interchangeability of parts.

If section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended, and the Atomic Energy Act of 1954, as amended, are used as the basis for negotiation, the example of findings and determinations set forth in FPR 1-3.213(e)(2) shall be appropriately modified to state the authority for negotiation.

8. Section 9-3.215, *Otherwise authorized by law*, is revised to read as follows:

§ 9-3.215 Otherwise authorized by law.

(a) The Atomic Energy Act of 1954, as amended, and the Atomic Energy Community Act of 1955, as amended, contain various exemptions from section 3709 of the Revised Statutes, as amended. Pursuant to section 310 of the Federal Property and Administrative Services Act of 1949, as amended, these references to section 3709 shall be construed to authorize procurement pursuant to section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended, without regard to the advertising requirements of sections 302(c) and 303 of that Act.

(b) The Atomic Energy Act of 1954, as amended, also provides in section 162 that the President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

(c) Every contract negotiated under the authority of section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended, and the Atomic Energy Act of 1954, as amended, shall be supported by a determination and findings justifying use of such authority.

9. Subpart 9-3.3, *Determinations, Findings, and Authorities*, is revised to read as follows:

Subpart 9-3.3—Determinations, Findings, and Authorities

§ 9-3.301 General.

Except as otherwise provided in AECPR 9-3.302, the determinations and findings required by FPR 1-3.3 shall be made. Except as otherwise provided in AECPR 9-3.303, the determinations and findings required by FPR 1-3.3 may be made and executed by the contracting officer.

§ 9-3.302 Determinations and findings required.

The determination and finding required by FPR 1-3.302(d) is not required when the contract is negotiated under the Atomic Energy Act of 1954, as amended.

§ 9-3.303 Determinations and findings by the Head of the Agency.

Findings and determinations supporting negotiation under the authority of the Federal Property and Administrative Services Act of 1949, section 302(c)(11) (FPR 1-3.211), with respect to contracts which will not require the expenditure of more than \$25,000 may be executed by Managers of Field Offices and appropriate Headquarters Division Directors. Findings and determinations for such contracts in excess of \$25,000 and in support of contracts negotiated pursuant to sections 302(c)(12) and 302(c)(13) of the Federal Property and Administrative Services Act of 1949 (FPR 1-3.212 and 1-3.213) shall be executed by the General Manager.

10. In § 9-3.405-5, *Cost-plus-a-fixed-fee contract*, paragraph (b) is revised and new paragraph (c) is added, as follows:

§ 9-3.405-5 Cost-plus-a-fixed-fee contract.

* * * * *

(b) The authority to determine under FPR 1-3.405-5(d)(1)(ix) that the application of the policy of limiting interim payments on cost reimbursement type contracts to 80 percent of costs incurred would impose undue hardship on the contractor or adversely affect the interests of the Government is delegated to Managers of Field Offices.

(c) Pursuant to section 602(d)(13) of the Federal Property and Administrative Services Act of 1949, as amended, the 10 and 6 per centum cost and fee restrictions on contracts for architect-engineer services are not applicable.

11. Section 9-3.903-2, *Review and approval of subcontracts*, is revised to read as follows:

§ 9-3.903-2 Review and approval of subcontracts.

(a) Procurement activities of AEC cost-type contractors are governed by (1) the requirements of the "Subcontracts and Purchase Order" clause in the contract and (2) other applicable contract provisions. (See AECPR 9-1.5201, 9-1.5202, and 9-1.5203.)

(b) Pursuant to section 602(d)(13) of the Federal Property and Administrative Services Act of 1949, as amended, the limitations in section 304(b) of that Act concerning advance notification of cost-plus-a-fixed-fee subcontracts (provided such subcontracts do not exceed an estimated cost of \$500) and fixed-price subcontracts over \$25,000 or 5 per centum of the total estimated cost of the prime contracts are not applicable, provided the prime contractor's procurement policies and procedures have been reviewed and approved in accordance with AECPR 9-1.5202. See AECPR 9-51.2 for policy

on subcontracts which require prior authorization by AEC.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 3d day of October 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 66-10895; Filed, Oct. 6, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Benton Lake National Wildlife Refuge, Mont.

On page 11947 of the FEDERAL REGISTER of September 10, 1966, there was published a notice of a proposed amendment to § 32.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds on Benton Lake National Wildlife Refuge, Mont., as legislatively permitted.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. After consideration of all comments, suggestions, and objections received, the amendment is adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d).

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas: migratory game birds.

• • • • •
MONTANA
BENTON LAKE NATIONAL WILDLIFE REFUGE
• • • • •

JOHN S. GOTTSCHALK,
Director.

OCTOBER 5, 1966.

[F.R. Doc. 66-10853; Filed, Oct. 6, 1966; 8:50 a.m.]

PART 32—HUNTING

Colusa National Wildlife Refuge, Calif.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the subject refuge has been harvested and that the period of susceptibility of such crops to waterfowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

Public hunting of ducks, geese, coots, and gallinules on the Colusa National Wildlife Refuge, Calif., is permitted only on an area of 1,230 acres designated by signs as open to hunting.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 22, 1966, through January 4, 1967, and geese may be hunted from October 22, 1966, through January 8, 1967, all dates inclusive. Hunting will be restricted to Saturdays, Sundays (except Christmas Day and New Year's Day), Wednesdays, and Veterans' Day. A special hunt will be permitted on January 14, 15, 21, and 22, 1967, for the taking of snow and Ross' geese only.

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked pheasants on the Colusa National Wildlife Refuge, Calif., is permitted only on an area of 1,230 acres, designated by signs as open to hunting. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition: Pheasants may be hunted only on November 19, 20, 23, 26, 27, 30, and December 3 and 4, 1966.

The areas open to hunting are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

PAUL T. QUICK,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10913; Filed, Oct. 6, 1966; 8:46 a.m.]

PART 32—HUNTING

Delevan National Wildlife Refuge, Calif.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

Public hunting of ducks, geese, coots, and gallinules on the Delevan National Wildlife Refuge, Calif., is permitted only on an area of 2,200 acres designated by signs as open to hunting.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 22, 1966, through January 4, 1967, and geese may be hunted from October 22, 1966, through January 8, 1967, all dates inclusive. Hunting will be restricted to Saturdays, Sundays (except Christmas Day and New Year's Day), Wednesdays, and Veterans' Day. A special hunt will be permitted on January 14, 15, 21, and 22, 1967, for the taking of snow and Ross' geese only.

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked pheasants on the Delevan National Wildlife Refuge, Calif., is permitted only on an area of 2,200 acres, designated by signs as open to hunting. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition: Pheasants may be hunted only on November 19, 20, 23, 26, 27, 30, and December 3 and 4, 1966.

The areas open to hunting are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

The provisions of these special regulations supplement the regulations which

govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

PAUL T. QUICK,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10914; Filed, Oct. 6, 1966;
8:46 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Columbia National Wildlife Refuge, Wash., is permitted from

October 15 through November 13 and from November 26 through December 31, 1966; the hunting of quail, Hungarian and chukar partridge from October 15, 1966, through January 22, 1967; and the hunting of cottontail rabbits from October 15, 1966, through February 28, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on maps available at refuge headquarters, Columbia National Wildlife Refuge, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part

32, and are effective through February 28, 1967.

PAUL T. QUICK,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10916; Filed, Oct. 6, 1966;
8:46 a.m.]

PART 32—HUNTING

Pahranagat National Wildlife Refuge, Nev.

The following special condition supplements the regulations published in F.R. Doc. 66-9883, appearing on Page 11893 of the issue for Friday, September 9, 1966:

Boats without motors will be permitted for use by hunters during the waterfowl hunting season on the area opened to hunting.

PAUL T. QUICK,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10915; Filed, Oct. 6, 1966;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Rev. 5]

ALLOCATION OF CRUDE OIL, UNFINISHED OILS, AND FINISHED PRODUCTS

Supplemental Notice of Proposed Rule Making

On page 12924 of the **FEDERAL REGISTER** for October 4, 1966 (31 F.R. 12924) there appears a notice of proposed rule making which sets forth in general terms certain amendments which it is proposed to recommend to the Secretary of the Interior.

Proposal numbered 1 contemplated, as a basis of the allocation of imports of crude oil, a two-step scale both in Districts I-IV and in District V with respect to "small business" and a fixed percentage in Districts I-IV and in District V

with respect to all other eligible applicants.

It has become apparent that the percentages stated in that proposal, although used for illustrative purposes only, have given rise to misconceptions of its objective. Accordingly proposal numbered 1 is withdrawn and the following proposal is substituted therefor:

1. The graduated scales in sections 10 and 11 of Oil Import Regulation 1 (Revision 5) for determining allocations of imports of crude oil and unfinished oils to refiners on the input basis would be revised and made applicable only to refiners defined as small business under the regulations of the Small Business Administration. All other eligible persons would receive an allocation based on a fixed percentage of inputs.

Example: Assuming that 700,000 barrels daily of crude oil are available for allocation in Districts I-IV and 195,000 barrels daily are available for allocation in District V, eligible persons who fall within the category of small business would receive an allocation on a scale approximately as follows:

Average B/D input	Districts I-IV percent of input	District V percent of input
0-10,000	20	50
10-30,000	10.5	20

All other eligible persons would receive an allocation based upon a fixed percent in the order of 7.75 for Districts I-IV and 12 for District V. (The percentages used in this example are illustrative only; they are not put forward as firm figures.)

This amendment would introduce into the mandatory oil import program the clear-cut distinction between small business and other business which is reflected in the national policy embodied in the Small Business Act. In line with that policy, an equitable preference in the order of that shown in the schedule above would be given refiners in the category of small business.

ELMER L. HOEHN,
Administrator,
Oil Import Administration.

OCTOBER 5, 1966.

[F.R. Doc. 66-11027; Filed, Oct. 6, 1966; 11:56 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, PROGRAM PLANNING AND COORDINATION STAFF

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 19 from the Administrator dated October 3, 1962, as amended December 21, 1965, I hereby redelegate to the Director, Program Planning and Coordination Staff, for interregional services and programs for which the Office of Technical Cooperation and Research has responsibility, authority to enter into, and to implement agreements with any agency of the U.S. Government to undertake specific projects or programs financed in whole or in part by AID, subject to the terms of basic agreements between AID and such agencies. This redelegation does not include authority to make such basic agreements.

The authorities herein redelegated are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID.

The authorities redelegated herein may not be further redelegated.

This redelegation of authority is effective immediately.

Dated: September 27, 1966.

A. H. MOSEMAN,
Assistant Administrator for
Technical Cooperation and
Research.

[F.R. Doc. 66-10918; Filed, Oct. 6, 1966;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Los Angeles 099557]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 29, 1966.

Notice of a Department of the Navy application, Los Angeles 099557, for withdrawal and reservation of lands for an artillery range and Fleet Marine Force support training area in connection with the Marine Corps Training Center at Twentynine Palms, Calif., was published as F.R. Doc. No. 55-8360, on pages 7739-7740 of the issue for October 14, 1955, as corrected by notice published as F.R. Doc. No. 55-9341, on page 8614 of the issue for November 22, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 6 N., R. 7 E.,
Sec. 12.
T. 7 N., R. 7 E.,
Sec. 24.
T. 4 N., R. 12 E.,
Sec. 19, N $\frac{1}{2}$.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10 a.m., on November 7, 1966, will be relieved of the segregative effect of the above-mentioned application.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 66-10917; Filed, Oct. 6, 1966;
8:47 a.m.]

National Park Service SEQUOIA NATIONAL PARK Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Sequoia and Kings Canyon National Parks, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period December 1, 1966, through November 30, 1971, the concession permit under which Jack B. and Dorothy Reese provides ski tow facilities and services for the public in the Wolverton Ski Area in Sequoia National Park.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: September 15, 1966.

CHAS. F. HILL,
Acting Superintendent, Sequoia
and Kings Canyon National
Parks.

[F.R. Doc. 66-10893; Filed, Oct. 6, 1966;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary MANAGER, FEDERAL CROP INSURANCE CORPORATION

Notice of Basic Compensation

Pursuant to the provisions of section 309 of the Government Employees Salary Reform Act of 1964 (Public Law 88-426),

notice is given that the basic compensation for the position of Manager of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture, has been adjusted to \$25,890 per annum, effective July 3, 1966.

Done at Washington, D.C., this 4th day of October 1966.

JOSEPH M. ROBERTSON,
Assistant Secretary
for Administration.

[F.R. Doc. 66-10935; Filed, Oct. 6, 1966;
8:48 a.m.]

DELAWARE

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Delaware a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

DELAWARE

Kent.

New Castle.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-10936; Filed, Oct. 6, 1966;
8:48 a.m.]

INDIANA, NEW MEXICO, NORTH CAROLINA, NORTH DAKOTA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Indiana, New Mexico, North Carolina, and North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Boone,
Martin.

Orange.

Otero. NEW MEXICO
 Duplin. NORTH CAROLINA
 Richland. NORTH DAKOTA

It also has been determined that in the hereinafter-named counties in the States of New Mexico and North Dakota natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

New Mexico Original designation
 Eddy 30 F.R. 10330
 North Dakota Original designation
 Sheridan 31 F.R. 4256

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of October 1966.

ORVILLE L. FREEMAN,
 Secretary.

[F.R. Doc. 66-10937; Filed, Oct. 6, 1966;
 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 75]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 22, 1966, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total—all flags (254 ships)	1, 813, 855
British (74 ships)	553, 682
**Amalia (now Maltese).	
**Amazon River (now River—sold to Dutch breakers)	7, 234
Antarctica	8, 785
Arctic Ocean	8, 791
Ardenode	7, 036
Ardgem	6, 981
**Ardmore (now Kali Elpis—British)	4, 664

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY AND NAME OF SHIP

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
British—Continued	
**Ardpatrick (now Pakistani)	7, 054
Ardrossmore	5, 820
Ardrowan	7, 300
Ardsirod	7, 025
Ardtara	5, 795
**Arlington Court (now Southgate—British).	
Athelcrown (tanker)	11, 149
Athelduke (tanker)	9, 089
Athelknight (tanker)	9, 087
Athelmere (tanker)	7, 524
Athelmonarch (tanker)	11, 182
**Athelsultan (tanker—broken up)	9, 149
Avisfaith	7, 868
Baxtergate	8, 813
Cheung Chau	8, 566
Chipbee (sold for scrap)	7, 271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British).	
**Dairen (now Agate—Panamanian)	4, 939
**East Breeze (now Phoenician Dawn—British).	
Eastfortune	8, 789
**Elicos (broken up)	7, 134
Formentor	8, 424
Fortune Enterprise	7, 284
**Free Enterprise (now Cypriot).	
**Free Merchant (now Cypriot).	
**Garthdale (now Jeb Lee—British)	7, 542
**Grosvenor Mariner (now Red Sea—British)	7, 026
Hazelmoor	7, 907
Helka	2, 111
Hemisphere	8, 718
Ho Fung	7, 121
Inchstaffa	5, 255
Inchstuart	7, 043
Ivy Fair (now Cosmo Trader—British—broken up)	7, 201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British).	
Jollity	8, 660
**Kali Elpis (trips to Cuba under ex-name, Ardmore—British).	
Kinross	5, 388
La Hortensia	9, 486
**Lady Era (trips to Cuba under ex-name Stanwear—British).	
Linkmoor	8, 236
**Loradore	8, 078
Magister	2, 339
Nancy Dee	6, 597
Nebula	8, 924
**Newdene (now Free Navigator—Cypriot).	
**Newforest (now Cypriot).	
Newgate	6, 743
Newglade	7, 368
**Newgrove (now Cypriot).	
Newheath	7, 643
Newhill	7, 855
Newlane	7, 043
**Newmeadow (now Cypriot).	
Newmoat	7, 151
Newmoor	7, 168
Nils Amelon	6, 281
Oceantramp	6, 185
Oceantravel	10, 477
Peony	9, 037
**Phoenician Dawn (previous trips to Cuba under ex-name, East Breeze—British)	8, 708
**Red Sea (trip to Cuba under ex-name, Grosvenor Mariner—British).	
**Redbrook (now E. Evangelia—Greek)	7, 388
Ruthy Ann	7, 361

*Added to Rept. No. 74, appearing in the FEDERAL REGISTER issue of July 22, 1966.

FLAG OF REGISTRY AND NAME OF SHIP

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
British—Continued	
**St. Antonio (now Maltese).	
Sandsend	7, 236
Santa Granda	7, 229
Sea Amber	10, 421
Sea Coral	10, 421
Sea Empress	8, 941
Seasage	4, 330
Shienfoon	7, 127
**Shun Fung (wrecked)	7, 148
**Soclyve (now Maltese).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British)	9, 662
**Stanwear (now Lady Era—British)	8, 108
Suva Breeze (now Cathay Trader—Panamanian)	4, 970
**Swift River (now Kallithea—Cypriot).	
**Timlos Stavros (now Maltese flag—previous trips to Cuba—Greek).	
Venice	8, 611
Vercharmian	7, 265
Vergmont	7, 381
Yungfutary	5, 388
Yunglutaton	5, 414
Zela M	7, 237
Lebanese (55 ships)	374, 134
Aiolos II	7, 256
Ais Giannis	6, 997
**Akamas (now Cypriot).	
Al Amin	7, 186
Alaska	6, 989
Anthas	7, 044
Antonis	6, 259
**Ares (constructive total loss)	4, 557
Areti	7, 176
Aristefs	6, 995
Astir	5, 324
**Athamas (now Cypriot)	4, 729
**Carnation (sold Spanish breakers)	4, 884
Claire	5, 411
Cris	6, 032
Dimos	7, 187
**E. Myrtidiotissa (aground, trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese).	
**Free Trader (now Cypriot).	
Georgios M. II	5, 028
Giannis	5, 270
Giorgos Tsakirogiou	7, 240
Granikos	7, 282
Ilena	5, 925
Ioannis Aspiotis	7, 297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese)	5, 103
Katerina	9, 357
Leftric	7, 176
Malou	7, 145
Mantric	7, 255
**Maria Despina (broken in two)	7, 254
Maria Renee	7, 203
Marichristina	7, 124
**Marymark (sold German ship-breakers)	4, 383
Mersinidi	6, 782
Mousse	9, 307
Nictic	7, 296
Noelle	7, 251
**Noemi (aground)	7, 070
**Olga (now Greek)	7, 199
Panagos	7, 133
Parmarina	6, 721
**Razani (broken up)	7, 253
**Reneka (now San Carlo—Panamanian Flag)	7, 250
Rio	7, 194
**St. Anthony (broken up)	5, 349
St. Nicolas	7, 165

FLAG OF REGISTRY AND NAME OF SHIP	Gross Tonnage
Lebanese—Continued	
San Spyridon	7,260
**Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav).	
Stevio	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	6,426
Troyan	7,243
Vassiliki	7,192
Vastric	6,751
Vergolivada	6,339
Yanxilas	10,051
Greek: (34 ships)	257,190
Agios Therapon	5,617
**Akastos (now Cypriot).	
Alice	7,189
**Ambassade (sold Hongkong shipbreakers)	8,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek)	6,712
**Antonia (now Amfithea—Cypriot).	
Apollon	9,744
Athanassios K.	7,216
Barbarino	7,084
Callopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British).	
Eftychia	10,865
**Flora M. (now Liberian)	7,244
**Gloria (now Helen—Greek).	
Helen (previous trips to Cuba under ex-name, Gloria—Greek)	7,128
Irena	7,232
Istros II	7,275
**Kapetan Kostis (broken up)	5,032
**Kyra Harikila (broken up)	6,888
**Maria Theresa (now Ingrid Anne—South African)	7,245
**Marigo (now Amfitriti—Cypriot)	7,147
**Maroudio (now Thalle—Panamanian)	7,369
**Mastro-Stellos II (now Wendy H.—South African)	7,282
**Nicolao F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek)	7,199
**Nicolao Frangistas (now Nicolaos F.—Greek).	
Nikolis M.	7,176
**Ogia (trips to Cuba—Lebanese).	
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (tanker)	10,608
**Seiros (broken up)	7,239
Sophia	7,030
**Stylianios N. Vlassopoulos (now Antonia II—Cypriot)	7,303
**Timios Stavros (formerly British flag—now Maltese).	
Tina	7,362
Western Trader	9,268

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY AND NAME OF SHIP	Gross Tonnage
Polish (18 ships)	136,680
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chorzow	7,237
Energetyk	10,843
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Cypriot (19 ships)	129,385
Acme	7,159
Adelphos Petrakis	7,170
**Akamas (previous trips to Cuba—Lebanese)	7,285
**Akastos (previous trip to Cuba—Greek)	7,331
**Aktor (sunk)	6,993
Amfiali	7,110
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek)	5,171
**Amfitriti (trip to Cuba under ex-name, Marigo—Greek).	
Amon	7,299
**Antonia II (trip to Cuba under ex-name, Stylianios N. Vlassopoulos—Greek).	
Artemida	7,247
**Athamas (trips to Cuba—Lebanese).	
El Toro	5,949
**Free Enterprise (previous trips to Cuba—British)	6,807
**Free Merchant (previous trips to Cuba—British)	5,237
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British)	7,181
**Free Trader (previous trips to Cuba—Lebanese)	7,067
**Kallithea (previous trips to Cuba under ex-name, Swift River—British)	7,251
**Newforest (previous trips to Cuba—British)	7,185
**Newgrove (previous trips to Cuba—British and Haitian)	7,172
**Newmeadow (previous trips to Cuba—British)	5,654
**Sunrise (previous trips to Cuba under ex-name, Anatoli—Greek)	7,187
Italian (15 ships)	123,058
Achille	6,950
Agostino Bertani	8,380
**Andrea Costa (tanker—broken up)	10,440
**Aspromonte	7,154
Caprera	7,189
Elia (tanker)	11,377
**Geremia (previous trips to Cuba under ex-name, Mariasusanna—Italian)	2,479
Giuseppe Giulletti (tanker)	17,519
**Graziella Zeta (trips to Cuba under ex-name, Montiron—Italian).	
**Mariasusanna (now Geremia—Italian).	
**Montiron (now Graziella Zeta—Italian)	1,595

FLAG OF REGISTRY AND NAME OF SHIP	Gross Tonnage
Italian—Continued	
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chinese)	3,352
Yugoslav (9 ships)	60,800
Bar	7,233
**Cavtat (now Sheik Boutros—Lebanese)	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Plod	3,657
Promina	6,960
Trebnjica (wrecked)	7,145
French (9 ships)	48,758
Arsinoe (tanker—sunk)	10,426
*Avranches	7,282
Circe	2,874
Enee	1,232
Foulaya	8,739
Mungo	4,820
Nelee	2,874
**Neve (now Drameoumar—Guinean)	852
Senanque (tanker)	14,659
Moroccan (5 ships)	35,828
Atlas	10,392
**Banora (sunk)	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,156
**St. Antonio (broken up, previous trip to Cuba—British)	6,704
**Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Finnish (4 ships)	32,919
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	10,002
Ole Bratt	5,252
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish)	2,828
**Dagmar (now Ball Mariner—Panamanian)	6,490
Monaco (1 ship)	7,314
Saint Lys	7,314

*Added to Rept. No. 74, appearing in the FEDERAL REGISTER issue of July 22, 1966.

FLAG OF REGISTRY AND NAME OF SHIP	Gross Tonnage
Guinean:	
*Drame Oumar (trip to Cuba under ex-name, Neve—French).	
Haitian:	
**Newgrove (now Cypriot).	
Liberian:	
*Flora M. (trips to Cuba—Greek).	
Nationalist Chinese:	
**Chenchang (trip to Cuba under ex-name, Somalia—Italian).	
Pakistani:	
*Ardpatrick (trip to Cuba—British).	
Panamanian:	
*Agate (trips to Cuba under ex-name, Dairen—British).	
*Bali Mariner (trips to Cuba under ex-name, Dagmar—Swedish).	
*Jezreel (trip to Cuba under ex-name, Tine—Norwegian—wrecked).	
*Cathay Trader (trips to Cuba under ex-name, Suva Breeze—British).	
*San Carlo (trip to Cuba under ex-name, Reneka—Lebanese—broken up).	
*Thalie (trip to Cuba under ex-name, Maroudio—Greek).	
South African:	
*Wendy H. (trip to Cuba under ex-name, Mastro-Stelios II—Greek).	
*Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
a. Since last report:	
Greek (1 ship)	
Pamit (now Bambero—Liberian)	3,929
b. Previous reports:	
Flag of registry (total)	95
British	39
Cypriot	2

*Added to Rept. No. 74, appearing in the FEDERAL REGISTER issue of July 22, 1966.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY AND NAME OF SHIP	Number of ships	FLAG OF REGISTRY AND NAME OF SHIP	Number of ships
Danish	1	Norwegian	4
Finnish	2	Spanish	6
French	1	Swedish	1
German (West)	1		
Greek	25		
Israeli	1		
Italian	5		
Japanese	1		
Kuwaiti	1		
Lebanese	5		

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through September 22, 1966.

Flag of registry	Number of trips							Total
	1963	1964	1965	1966	Jan.-June	July	Aug.	Sept.
British	133	180	126	58	11	6	2	516
Lebanese	64	91	58	18	2	1	1	235
Greek	99	27	23	16	3	3		171
Italian	16	20	24	7		1		68
Yugoslav	12	11	15	6	1	1		46
Cypriot		1	17	20	1			39
French	8	9	9	1		1	2	31
Spanish	8	17						25
Norwegian	14	10						24
Moroccan	9	13	1					23
Finnish	1		6	6	1			17
Maltese		2	6	1				9
Netherlands		4	2					6
Swedish	3	3						6
Kuwaiti		2	1					3
Israeli			2					2
Danish	1							1
German (West)	1							1
Haitian			1					1
Japanese	1			1				1
Monaco								1
Subtotal	370	394	290	134	20	13	5	1,226
Polish	18	16	12	6	1			53
Grand total	388	410	302	140	21	13	5	1,279

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

By order of the Acting Maritime Administrator.

Dated: September 28, 1966.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-10896; Filed, Oct. 6, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0530) has been filed by CIBA Corp., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide *N*-(*p*-bromophenyl)-*N'*-methyl-*N'*-methoxyurea in or on potatoes.

The petition proposes the following analytical method for determining residues of the herbicide: The pesticide chemical is hydrolyzed to *p*-bromoaniline by strong alkali. The hydrolysis product is steam distilled and extracted into isooctane, diazotized, and coupled with α -naphthol to produce a colored compound. Plant material is separated from the col-

ored compound by thin-layer chromatography. The colored compound is read in a spectrophotometer at 500 millimicrons.

Dated: September 30, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10926; Filed, Oct. 6, 1966; 8:47 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additives Tylosin and Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with §121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, has withdrawn its petition (FAP 4D1491), notice of which was published in the FEDERAL REGISTER of September 11, 1964 (29 F.R. 12852), pro-

posing the amendment of § 121.241 *Diethylstilbestrol* to provide for the safe use of a combination of tylosin and diethylstilbestrol in cattle feed for growth promotion and feed efficiency.

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 30, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10927; Filed, Oct. 6, 1966;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16222, etc.]

SAN FRANCISCO & OAKLAND HELICOPTER AIRLINES, INC., AND NEW YORK AIRWAYS, INC.

Notice of Prehearing Conference Regarding Service Mail Rates

Regarding service mail rates insofar as they relate to San Francisco & Oakland Helicopter Airlines, Inc., and New York Airways, Inc., Order to Show Cause E-22281.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 31, 1966, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties, on or before October 20, 1966, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., October 3, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10928; Filed, Oct. 6, 1966;
8:48 a.m.]

FEDERAL AVIATION AGENCY

AREA OFFICE AT ANNETTE, ALASKA

Notice of Closing

Notice is hereby given that on or about October 2, 1966, the Office of the Area Manager at Annette, Alaska, will be closed, and management responsibilities consolidated with the Juneau Area. The consolidated Area will be known as the Juneau Area. This action does not effect any change in facilities or services to the public.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

JOHN R. KULLMAN,
Acting Director, Alaskan Region.

[F.R. Doc. 66-10897; Filed, Oct. 6, 1966;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16440; FCC 66-878]

INTERNATIONAL TELECOMMUNICATIONS UNION

Third Notice of Inquiry Regarding Preparation for World Administrative Conference

In the matter of preparation for a World Administrative Conference of the International Telecommunications Union to consider amendment of the international radio regulations presently applicable to the maritime mobile radio service and new provisions for the radio requirements of the service of oceanography; Docket No. 16440.

1. On July 13, 1966, the Commission adopted its Second Notice of Inquiry in this docket to obtain comments and recommendations from interested persons relative to the announced agenda for the World Administrative Radio Conference (WARC) on maritime mobile matters, scheduled to convene in Geneva, Switzerland, on September 18, 1967. On August 4, 1966, on its own motion, the Commission extended the time for filing comments from August 15 to August 31, 1966, and the time for filing reply comments to September 14, 1966. Comments were filed by the Radio Technical Commission for Marine Services (RTCM) and Communications Satellite Corporation (COMSAT). No reply comments were filed with the Commission.

2. RTCM responded to the specific items set forth in the agenda and recommended consideration by the WARC of two additional subjects: (1) The desirability of proposing a study looking toward improvement in the present maritime mobile distress system; and (2) establishment of a category of radio operator license to reflect special qualifications in shipboard telecommunications equipment maintenance. The comments filed by COMSAT were directed solely to the application of space radiocommunication techniques in the maritime mobile service.

3. Attached hereto is a document entitled "Preliminary Views of the United States"¹ developed jointly by the Commission and the Director of Telecommunications Management (DTM). These preliminary views reflect generally the recommendations of non-Government users and Executive Branch agencies. The Commission and the DTM have recommended to the Department of State that this document be given wide distribution abroad to elicit the reaction, comments and proposals of other administrations. The Commission has been informed by the Department of State that it concurs in the joint recommendation and will transmit the "Preliminary Views of the United States" to member countries of the International Tele-

¹ Attachment filed as part of original document.

communication Union (ITU). The responses of other administrations, as well as comments filed with the Commission in response to this notice, will be taken into account prior to the submission of formal U.S. proposals to the ITU for consideration at the WARC. It is expected that the Commission and the DTM will collaborate also in the preparation of recommendations with respect to the subsequent formal proposals and that such recommendations will be the subject of a further notice in this proceeding.

4. It will be noted that some items in the preliminary views are not treated in detail. In some instances the specific agenda item resulted from the recommendation of another administration to deal with local problems on which the U.S. is not fully informed. In other cases, the U.S. has not completed its study of the subject. It is expected that specific proposals will be developed on most of these issues prior to the time formal proposals are submitted to the ITU.

5. Interested parties are invited to file with the Commission their views relative to the "Preliminary Views of the United States". Authority for the further inquiry instituted herein is contained in section 403 of the Communications Act of 1934, as amended. Comments in response to this inquiry, pursuant to § 1.415 of the Commission's rules, should be submitted on or before December 7, 1966, and reply comments on or before December 23, 1966. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements or comments shall be furnished to the Commission. In reaching its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

Adopted: September 28, 1966.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10938; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket No. 16058]

COMMUNICATIONS SATELLITE CORPORATION

Order Extending Time for Filing of Responses to Oppositions to Petitions for Reconsideration

In the matter of authorized entities and authorized users under the Communications Satellite Act of 1962; Docket No. 16058.

The Commission has before it a request, filed September 26, 1966, by the Communications Satellite Corporation, that the time for filing responses to

² Commissioner Lee absent.

oppositions to the petitions for reconsideration in the above-captioned proceeding be extended to October 14, 1966.

It appearing, that the Communications Satellite Corporation filed a petition for reconsideration in this matter on August 22, 1966, and that seven oppositions addressed, at least in part, to that petition were filed by September 16, 1966;

That additional time is required for the preparation of responses to the oppositions to the petition in consequence of the complexity and importance of the questions involved;

That counsel for all parties having filed the oppositions consent to a grant of this request; and

That a carefully considered response by the Communications Satellite Corporation would be of benefit to the Commission and would serve the public interest:

It is ordered, This 28th day of September 1966, pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing responses to the oppositions to petitions for reconsideration in this proceeding is extended to October 14, 1966.

Released: September 29, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 66-10939; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket Nos. 16890, 16891; FCC 66-866]

LUIS PRADO MARTORELL AND AUGUSTINE L. CAVALLARO, JR.

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of Luis Prado Martorell, Loiza, P.R., Docket No. 16890, File No. BP-16000, Requests: 1030 kc, 10 kw, Day, Class II; Augustine L. Cavallaro, Jr., Bayamon, P.R., Docket No. 16891, File No. BP-16182, Requests: 1030 kc, 10 kw, DA-1, U, Class II; for construction permits.

1. The Commission has before it the above captioned and described applications by Luis Prado Martorell and Augustine L. Cavallaro, Jr., and related Commission decisions, pleadings, affidavits, exhibits, et al. The basic items among these are listed in chronological order in Appendix A, attached hereto.^{1a}

2. The Commission finds that, since simultaneous operation of the two proposals would result in mutually destructive interference, the applications are mutually exclusive and must be designated for hearing in a consolidated proceeding; and that, except as indicated by the issues set forth below, each of the applicants is qualified to construct and operate as proposed.

3. The Martorell application was originally filed on April 10, 1962. Because of a major change in the proposal (moving the designated location from Dorado to

Loiza, P.R.), the Commission, on March 4, 1964, pursuant to § 1.571(j) (1) of the rules, ordered that it be assigned a new file number and placed on a new "cut-off" list. The Cavallaro application was tendered for filing on April 27, 1964, 1 day prior to Martorell's new "cut-off" date. On May 18, Martorell filed a petition opposing acceptance of the Cavallaro application. In it, Martorell alleged, inter alia, that the Cavallaro application was incomplete in certain respects, and that the proposed antenna-transmitter site—as indicated by the geographic coordinates set forth in the Cavallaro application—was both unfeasible and unavailable. On July 29, 1964, the Commission adopted a memorandum opinion and order denying the Martorell petition and accepting the Cavallaro application for filing. In that order, the Commission stated: "The Commission * * * is of the opinion that the application is substantially complete to comply for acceptance. The site may, in fact, not be available or feasible. If so, this can only be determined after an evidentiary hearing."

4. On September 29, 1964, Cavallaro filed an amendment stating that the coordinates originally set forth (north latitude, 18°19'47"; west longitude, 66°11'08") were incorrect, and that the proper coordinates were: North latitude, 18°18'57"; west longitude, 66°10'38". Cavallaro thus asserted that he had never sought to use the site objected to in Martorell's May 18, 1964, petition, but rather had intended to describe another site approximately 1 mile away.

5. In his "Petition for Relief," filed October 29, 1964,¹ and subsequent pleadings, Martorell contended that that assertion was "patently specious," and alleged that Cavallaro had not erred in his original statement of coordinates, but rather had specified them, despite the unavailability and obvious unfeasibility of the location, in order to camouflage the lack of an actual site; that his purpose in doing so was to get his application to the Commission before the filing deadline, and to hide what otherwise would have been a defect so patent and so gross as to guarantee the return of his application as unacceptable for filing. Thus, Martorell alleged, Cavallaro had willfully deceived the Commission and abused its processes, and had compounded his deceit by claiming, in his September 29, 1964, amendment, that he was not changing his site but merely correcting the coordinates. Moreover, Martorell alleged, Cavallaro had deliberately omitted data which would have revealed

¹ Cavallaro, on Nov. 19, 1964, filed a "Motion to Strike" Martorell's "Petition for Relief" on the grounds that its contents were "scandalous" and that Martorell's requests for reconsideration of the Cavallaro application and Aug. 22, 1963, amendment were untimely filed. Cavallaro's motion will be denied for the following reasons: (a) Martorell's petition appears to have sufficient substance to at least warrant its consideration for the purpose of determining whether the requests therein should be granted. (b) Martorell's requests for reconsideration are not the only requests in the petition.

the unsuitability of the site originally proposed. Alternatively, Martorell contended, Cavallaro was grossly negligent in failing to ascertain the availability and feasibility of that site.

6. On the basis of these and other allegations, Martorell has requested in his various pleadings that the Commission dismiss the Cavallaro application, or reconsider its acceptance of Cavallaro's application and August 22, 1963, amendment. As an alternative Martorell has requested that the Commission conditionally grant the Martorell application, pursuant to § 1.592 of the rules, pending a final determination regarding the two applications.

7. As a further alternative, Martorell has requested that any order designating the Martorell and Cavallaro applications for hearing include issues to determine: (1) The availability of the site indicated by the geographic coordinates originally specified by Cavallaro; (2) the feasibility of either that site or the site indicated by the coordinates set forth in Martorell's August 22, 1963, amendment; (3) whether Cavallaro is financially qualified; (4) whether Cavallaro, expressly or by omission, has made misrepresentations of fact in the materials he has submitted to the Commission regarding his Bayamon application; (5) whether Cavallaro, in the prosecution of his Bayamon application, has abused or attempted to abuse the Commission's processes; (6) whether Cavallaro has exhibited such negligence, carelessness, ineptness, or disregard of the Commission's procedures, in the prosecution of his application, as to demonstrate his unreliability as a licensee; and (7) whether, in view of the evidence adduced with respect to the foregoing proposed issues, Cavallaro has demonstrated a lack of the requisite qualifications of a broadcast licensee.

8. Our disposition of these requests, insofar as they are based upon the allegations set forth in paragraph 5 supra, depends at the outset upon whether a substantial question exists as to the truth of Cavallaro's assertion that his substitution of coordinate data was merely a correction of figures and did not represent an actual site change.

9. Martorell has attempted to refute that assertion by the submission of affidavits—by his consulting engineer and by Jesus Hernandez Ayala ("Hernandez"), owner of the site now proposed by Cavallaro—and a copy of a letter sent by Cavallaro to Victor Martin, a real estate broker in Bayamon.

10. Martorell's engineer, in his affidavit, concludes, after examining Cavallaro's original application and his September 29, 1964, amendment, that the contents of that amendment are inconsistent with Cavallaro's claim that they do not represent an actual change of site. The Commission has studied Cavallaro's application and the amendment in question in the light of both its own experience with such matters and the comments of Martorell's engineering consultant. We find that the difference between the two sets of coordinates

^{1a} Appendix A filed as part of original document.

amounts to less than 1.2 miles. In our experience coordinate-reading errors of at least that magnitude have occurred from time to time under circumstances in which no question of willful misrepresentation could reasonably exist, and in which the professional reputation of the engineer involved was deservedly good. In this case, we see nothing in the engineering material submitted by Cavallaro that would be inconsistent with the claim that his coordinate data amendment was filed for the sole purpose of correcting an error in the readings.

11. In the other affidavit accompanying Martorell's "Petition for Relief," Hernandez, owner of the site currently proposed by Cavallaro, states that, some months before, he advised a local real estate broker, Victor Martin, that the property in question was available for sale or lease; that in May 1964, Cavallaro visited the Hernandez property with Martin and mentioned to Hernandez that he was interested in buying a farm in the area; that on the following day Cavallaro came alone, took some photographs of the property, and inquired about other property nearby; that Cavallaro visited him again in June, with Martin, at which time Hernandez, in exchange for \$300, gave Cavallaro an option to lease his property. This affidavit by Hernandez is dated October 3, 1964.

12. Even considered in isolation, the October 3, 1964, Hernandez affidavit is of limited evidentiary significance. Hernandez' property may certainly be considered to have been available for sale or lease from the date (not specified) when he asked Martin to find a customer for him. Hernandez states that Cavallaro visited the farm in May; but he does not say—nor may one reasonably infer—that that was the first time Cavallaro inspected the Hernandez farm.

13. Whatever probative value that affidavit might have had, however, was substantially eliminated by Cavallaro's submission, on November 19, 1964,² of affidavits by Hernandez and Martin which were signed and notarized in June 1964—some 4 months before the signing and notarization of the Hernandez affidavit submitted by Martorell. In these affidavits, both Hernandez and Martin state, inter alia, that Cavallaro visited the Hernandez site on April 14 and 15, 1964. As we have noted above, the Cavallaro application, was tendered on April 27, 1964. In an affidavit filed on December 8, 1964, Martorell commented regarding the foregoing: "It is apparent to me now that Hernandez' [Jesus Hernandez Ayala's] affidavits cannot be relied upon fully."

14. Martorell also attempted to show that the Hernandez site was not available at the time Cavallaro submitted his application, by submitting a copy of a letter, dated May 15, 1964, from Cavallaro to Martin, which reflects the fact that as of that date Cavallaro had not yet obtained an option for the Hernan-

dez property.³ The Commission, however, does not require an applicant to enter into a final, binding agreement to establish that a site is available.⁴ Nonetheless, the letter is significant in that it fully confirms Mr. Cavallaro's claim that he visited Puerto Rico and consulted Mr. Martin there in April 1964. The opening sentence of the letter reads: "I would like to express my belated thanks for the help you gave me during my trip to Puerto Rico last month [i.e., April 1964]."

15. In view of the foregoing, we find no substantial reason to doubt Cavallaro's assertion that his substitution of coordinate data did not represent a change in site. On the basis of that finding, we also reject Martorell's contention that some engineering data, photographs, et al. were omitted from Cavallaro's original application in order to camouflage the obvious unsuitability of the site indicated by the initially submitted coordinate figures. Also, under these circumstances, no consideration need be given to Martorell's request for an issue concerning the availability and suitability of that location for use as a transmitter site.

16. A substantial question does exist, however, as to the suitability of Cavallaro's Hernandez-farm site. The aerial photograph of that site, submitted by Cavallaro, does not comply with the requirements specified in the application form, at section V-G, Item 11, in that it was taken from too great a height to permit identification of any structures in the vicinity. At section V-G, Item 2, of the application, Cavallaro states that the terrain in the vicinity exceeds the proposed tower height. Photographs of the Cavallaro site submitted by Martorell indicate that it is located on a hilltop and that the surrounding terrain is very rugged. Martorell contends that the site is unsuitable, first, because the expense of leveling it would be great, and, second, because the proposed directional operation is unpredictable in that it is not possible, or at least practicable, to determine what effect signal scattering and reflections would have on the efficiency and stability of the horizontal and vertical radiation patterns. The cost of leveling the site is essentially a financial rather than site-

suitability matter, and will be considered in that light. The other points mentioned in this paragraph, however, do raise substantial questions as to the suitability of the site proposed by Cavallaro, and, accordingly, an appropriate issue will be specified herein.

17. Martorell has requested in his various pleadings, that an issue be specified regarding Cavallaro's financial qualifications. Upon consideration of the material submitted by Martorell and Cavallaro, we find as follows:

(a) Cavallaro indicates that his construction and first-year operating expenses would total \$168,346, consisting of the following: Down payment for equipment, \$20,048; first-year periodic payments for equipment, \$20,048; land lease, \$2,000; land clearance and preparation, \$33,250; building, \$2,500; miscellaneous, \$6,500; and first-year working capital, \$84,000. His estimate of land-clearance and preparation costs, however, is unsupported by either an adequate description of the work to be performed or a clear identification of the engineer, "Ydrach," whose plan would be used. On the other hand, Martorell has submitted more detailed cost estimates for that Cavallaro project ranging, from \$50,000 or more to at least \$200,000, from three Puerto Rican civil engineers who are more fully identified and whose credentials are fully specified. In view of this, a substantial question exists as to the reasonableness of Cavallaro's estimate of expenses.

(b) Cavallaro has proposed to meet his initial construction and first-year operating expenses by reliance upon: A \$100,000 loan from the San Martin Mortgage & Investment Corp.; a \$50,000 personal loan from his father, Dr. Augustine Cavallaro, Sr.; and \$27,695 of his own "net quick" assets. On May 24, 1966, Cavallaro filed an amendment stating only that he had agreed to assign the license of his standard broadcast Station WTTT, Amherst, Mass., for \$200,000 plus \$50,000 in income from a forbearance covenant. One day before, however, Cavallaro had separately filed an application for Commission approval of the assignment (File No. BAL-5794). The agreement accompanying that application provided, inter alia, for a \$5,000 down payment (already paid), \$150,000 to be paid at the closing, and \$10,000 in further payments during the first year. The WTTT application was granted on August 30, 1966.

(c) Martorell has questioned the availability of the San Martin Mortgage & Investment Corp. ("San Martin") loan on two grounds: First, that Cavallaro had failed to show either that San Martin was a financial institution or that it had sufficient assets to meet its loan commitments; and, second, that the reliability of the San Martin "commitment" was highly questionable in view of San Martin's statement that "This loan is subject to our satisfaction at the time the loan is advanced with the borrower's financial condition and the proposed management of the station." In response to Martorell's first objection,

³ At section III ("Financial Qualifications * * *"), Item 1-a, of his application, Cavallaro responded to a question concerning the "estimated initial costs of * * * Acquiring land" by filling in the word, "Lease." Martorell contends that that answer was a misrepresentation, since Cavallaro did not have either a lease or an option for one for either the Hernandez site or the site indicated by the originally submitted coordinate figures. A more plausible interpretation of Cavallaro's response at section III, Item 1-a, is that he meant that the site would be acquired by lease, as a result of which no initial expenses of acquisition were anticipated. It would be reasonable to say that Cavallaro's answer at that point was ambiguous, but ambiguity and misrepresentation are not synonymous.

⁴ See Greater New Castle Broadcasting Corp., 8 RR 291 (1952), Sheffield Broadcasting, 31 FCC 563, 21 RR, 514a (1961), Suburban Broadcasting Co., Inc., FCC 60-182, 19 RR 956 (1960).

² Accompanying his "Motion to Strike" Martorell's "Petition for Relief."

Cavallaro submitted a San Martin balance sheet as of December 31, 1964, demonstrating ample ability to lend him \$100,000 at that time. However, in view of the quoted unusual language in the San Martin loan commitment letter, and the age of the San Martin balance sheet, we are unable to find that a \$100,000 loan from San Martin is now available to Cavallaro.

(d) We do not believe, moreover, that Cavallaro has adequately demonstrated the availability of the funds which he proposes to obtain by use of his own "net quick" assets—apart from the proceeds of the WTTT sale—and the contemplated loan from his father. Cavallaro's last-filed balance sheet indicates cash and quick assets totaling approximately \$3,470, far less than the \$27,695 "net quick" assets claimed. Although his father's balance sheet as of April 15, 1964, shows a net worth of \$316,471, (i) only \$6,300 of that is in cash, (ii) no information has been supplied indicating the type and marketability of his security holdings (e.g., information as to whether they are listed at stock exchanges), and (iii) no information has been supplied as to the quick-sale value of his real estate holdings. Although Cavallaro's father may possibly have considerable experience as an appraiser of property values, his estimate of the market value of his own property can hardly be considered impartial. As for the \$165,000 which Cavallaro may expect to receive within a year after the WTTT sale, the cryptic character of his May 24, 1966, amendment gives rise to a need for clarification as to how much of that sum will be made available, if need be, for construction and operation of the proposed Bayamon station.

(e) Apart from the aforementioned \$165,000 in early revenues from the sale of WTTT, Cavallaro has failed to demonstrate that he would obtain more than \$110,000 from loans and his own "net quick" assets. The total of those two figures is \$275,000—some \$60,000 short of the approximately \$336,000 initial construction and first-year operating costs of his proposal if the at-least-\$200,000 "land clearance and preparation" expense estimates proves to be correct. Thus, it may be that Cavallaro will be obliged to rely in part upon the first-year revenues of his proposed station. Cavallaro states in his application that he anticipates first-year revenues totaling \$121,000. In the absence of dependable supporting data, however, we are unable to credit that figure or to determine what percentage of it would be a reasonable estimate.

(f) In view of the foregoing, a financial issue regarding the Cavallaro application is clearly required.

18. Martorell has also contended that Cavallaro, in his initially filed application and subsequent amendments, pleadings, et al., has generally made such misrepresentations and/or demonstrated such carelessness as to raise a substantial question as to his qualifications for a broadcast license. This contention appears to be based primarily upon (a)

Cavallaro's alleged failure to recognize or acknowledge deficiencies of the site indicated by the antenna site coordinates originally submitted, or, (b) alternatively, his failure to submit the correct coordinate figures in the first place; and (c) his delay in recognizing, via amendments to his financial proposal, the considerable expense of clearing and preparing the Hernandez farm for use as a transmitter site. The first two of these arguments have already been disposed of in the preceding paragraphs of this order. As for the third, we are not sure whether Cavallaro's delay was the result of carelessness or an incorrect judgment of the situation, but in either case it is not of sufficient consequence to raise a question as to his qualifications. Martorell has also noted a number of omissions in the application data submitted by Cavallaro. They may well have resulted from some haste and carelessness in preparation of the application, but not, in our opinion, to such an extent as to put Cavallaro's qualifications in question.⁵

19. Martorell's application indicates that for some years he has been chief engineer of standard broadcast Station WITA, San Juan, P.R. A Commission study indicates that WITA's transmitter site is located approximately 12.3 miles from that of the proposed Martorell station, and that the 1 mv/m radiation contours of the two stations would overlap each other. In view of these facts, and to avoid any possible contravention of § 73.35(a) of the Commission's rules, we will provide herein that any grant of Martorell's application be conditioned by a requirement that he terminate his employment at WITA.

20. Data submitted by the applicants indicates that the 5 mv/m contour of each of the two proposals completely encompasses San Juan, P.R.,⁶ a city of over 400,000 population. Loiza and Bayamon are both approximately 11 miles from San Juan; their 1960 Census populations are, respectively, 3,097 and 15,109. Thus, a presumption that both applicants realistically propose to serve San Juan is raised under the Commission's "Policy Statement on Section 307 (b) Considerations for Standard Broadcast Facilities Involving Suburban Communities" (FCC 65-1153, 6 RR 2d 190, adopted Dec. 22, 1965).

21. Cavallaro did not attempt to rebut this presumption, but Martorell did. However, the material submitted by Martorell appears to be insufficient to overcome the presumption and, in any case, can best be weighed in the framework of the forthcoming proceeding. A "suburban community" issue will therefore be included with respect to each proposal.

22. Upon examination of the Cavallaro and Martorell applications and related materials, we find that a grant of Martorell's request for a conditional grant of its application pursuant to § 1.592 of

the rules is not warranted by the facts. Accordingly, Martorell's request for a conditional grant will be denied.

In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the Martorell and Cavallaro applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals and the availability of other primary service to such areas and populations.

2. To determine, (a) whether conditions exist in the vicinity of the antenna-transmitter site proposed by Cavallaro which would preclude satisfactory adjustment and maintenance of the proposed directional antenna system, and, (b) in light of the evidence adduced with respect to (a), whether the antenna-transmitter site proposed by Cavallaro is suitable.

3. To determine, with respect to the Cavallaro application:

(a) Whether Cavallaro's estimate of the cost of clearing and preparing his proposed transmitter-antenna site is reasonable, and, in the light of the evidence adduced with respect to that question, whether his estimate of initial construction and first-year operating costs is reasonable;

(b) Whether Cavallaro's father has sufficient cash and other liquid assets available to permit him to meet his loan commitment to Cavallaro;

(c) The extent of Cavallaro's own cash and other liquid assets, and the proportion of those assets which he intends to provide, if necessary, to meet the initial construction and first-year operating expenses of his proposed station;

(d) Whether the San Martin Mortgage & Investment Corp. possesses sufficient liquid assets to enable it to lend \$100,000 to Cavallaro, and, if so, whether such San Martin loan will be available to Cavallaro if his application is granted.

(e) The basis for Cavallaro's estimate of revenues in the proposed station's first year of operation, whether such estimate is reasonable, and the extent to which revenues may be relied upon to yield necessary funds for the operation of the proposed station during the first year; and

(f) In light of the evidence adduced pursuant to 3 (a) through (e), whether the applicant is financially qualified.

4. To determine whether the application of Luis Prado Martorell will realistically provide a local transmission facility for his specified station location or for another, larger community, in light of all of the relevant evidence, in-

⁵ This conclusion is reinforced by Cavallaro's generally satisfactory record as licensee of WTTT(AM), Amherst, Mass.

⁶ The penetration of San Juan is, in each case, in excess of 25 mv/m.

cluding, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programming needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programming needs of his specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within his specified station location are adequate to support his proposal, as compared with his projected sources from all other areas.

5. To determine, in the event that it is concluded, pursuant to Issue 4, that the Martorell proposal will not realistically provide a local transmission service for his specified station location, whether the proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically prove a local transmission service.

6. To determine whether the application of Augustine L. Cavallaro, Jr., will realistically provide a local transmission facility for his specified station location or for another, larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programming needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programming needs of his specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within his specified station location are adequate to support his proposal, as compared with his projected sources from all other areas.

7. To determine, in the event that it is concluded, pursuant to Issue 6, that the Cavallaro proposal will not realistically provide a local transmission service for its specified station location, whether the proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

9. To determine, in the event that it is concluded, pursuant to the foregoing

issue, that a choice between the two applicants should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Cavallaro's "Motion to Strike" is denied; that Martorell's "Petition for Relief" is granted to the extent indicated above and in all other respects is denied; and that Martorell's "Request for Immediate Conditional Relief" is denied.

It is further ordered, That, in the event of a grant of the Martorell application, the construction permit shall specify the following:

Painting and lighting of the proposed antenna system shall be in accordance with paragraphs 1, 3, 11, 21, and 22 of FCC Form 715.

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Program tests shall not be authorized until the permittee has severed all connections with standard broadcast Station WITA, San Juan, P.R., and has supplied the Commission with proof that he has done so.

If interference is caused to the Commission's monitoring activities in the vicinity of Sabana Seca, P.R., or to any other U.S. Government facility, immediate remedial action shall be taken to eliminate the problem involved.

It is further ordered, That in the event of a grant of the Cavallaro application, the construction permit shall specify the following:

Painting and lighting of the proposed antenna system shall be in accordance with paragraphs 1, 3, 12, 21, and 22 of FCC Form 715.

In the event that interference is caused to the Commission's monitoring facilities in the vicinity of Sabana Seca, P.R., or to any other U.S. Government facility, immediate remedial action shall be taken to eliminate the problem involved.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such

notice as required by § 1.594(g) of the rules.

Adopted: September 28, 1966.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,⁷

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10940; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket Nos. 16892, 16893; FCC 66-867]

COMMUNITY COMMUNICATORS OF OHIO, INC., AND DAVID JOSEPH KITTEL

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Community Communicators of Ohio, Inc., Wilmington, Ohio, Docket No. 16892, File No. BPH-5338, Requests: 102.3 mc, No. 272; 3 kw; 292 ft.; David Joseph Kittel, Wilmington, Ohio, Docket No. 16893, File No. BPH-5423, Requests: 102.3 mc, No. 272; 3 kw (H); 3 kw(V) 300 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of September 1966;

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Consideration of the programming proposals is required because of the substantial and material difference between the proposals in the amount of AM programming to be duplicated. Community Communicators of Ohio, Inc., proposes essentially complete duplication, while David Joseph Kittel proposes independent operation. Therefore, programming evidence will be admissible under the standard comparative issue.

3. Community Communicators of Ohio, Inc., has requested waiver of § 73.210(a) (2) of the Commission's rules to permit the main studio to be located outside the city limits of Wilmington, Ohio. The proposed main studio location is on a major artery, 250 feet from the city limits, and is already used as a main studio for companion AM station WMWM. Under these circumstances, we believe that adequate justification has been provided for waiver if the Community Communicators of Ohio, Inc. application is granted.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutually exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consoli-

⁷ Commissioners Bartley and Lee absent; Commissioner Johnson not participating.

dated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, in the event of a grant of the Community Communicators of Ohio, Inc., application, the permit shall contain the following condition: § 73.210(a) (2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of Wilmington, Ohio, one-quarter mile west of the intersection of Nelson Avenue and the Pennsylvania Railroad tracks.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10941; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket No. 16895; FCC 66-872]

BCU-TV

Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

In re application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, Battle Creek, Mich., Docket No. 16895, File No. BPCT-3654; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned application of Mary Jane Morris and James

R. Searer, doing business as BCU-TV, requesting a construction permit for a new television broadcast station to operate on Channel 41, Battle Creek, Mich., and a petition to deny, filed December 6, 1965, by West Michigan Telecasters, Inc., permittee of Television Broadcast Station WZZM-TV, Channel 13, Grand Rapids, Mich., and various pleadings filed in connection therewith.² The applicant is a general partnership with the two partners having equal interests.

2. Petitioner claims standing as a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the grounds that a grant of the application would cause petitioner economic injury because of the diversion of advertising revenues and viewership in the area where applicant's proposed Grade B contour would overlap the predicted Grade B contour of Station WZZM-TV. Petitioner also operates Television Broadcast Translator Station W12AI in Kalamazoo, Mich., which is within the applicant's proposed principal city contour.³ We find that petitioner has standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008.

3. Petitioner's principal contention⁴ in this proceeding is that the applicant has not shown that it is financially qualified to construct and operate the proposed new station. Based on information contained in the application, the applicant will require cash of approximately \$361,000 to construct and operate the station in the first year. Our review of the application discloses that the applicant does not have sufficient funds to meet the costs of construction⁵ and has not shown that any funds would be available for the operation of the station. The applicant relies upon the availability of revenues to meet the costs of operation, but it has not established the validity of its estimate of revenues as required by our decision in Ultravision Broadcasting Co., et al., FCC 65-581, 5 RR 2d 343.

4. The staffing figures set forth in the applicant's "Exhibit F-3" (as amended Mar. 4, 1966) cannot be reconciled with the staffing figures set forth in section IV, paragraph 12 of FCC Form 301. Since this appears to be an inconsistency with-

out decisional significance, we will not specify an issue with respect thereto, but we will expect the applicant to clarify its staffing plans by appropriate post-designation amendment.

5. The applicant proposes to locate its main studios outside the corporate limits of Battle Creek, Mich., for economic reasons. We believe that good cause has been shown for so locating the main studios and that the location proposed would not be inconsistent with the public interest. We will provide, therefore, that in the event of a grant of the application, the Commission's consent to the location will be granted, pursuant to § 73.613(b) of the rules.

6. Except as indicated by the issues specified below, we find the applicant to be qualified to construct, own and operate the proposed television broadcast station. The Commission, however, is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the extent to which the personal resources of Mary Jane Morris and James R. Searer may be relied upon to yield funds for the construction and operation of the proposed station for 1 year.

2. To determine the basis for the applicant's estimate of first-year revenues, whether such estimate is reasonable, and whether the revenues upon which the applicant relies can be realistically expected from the sources depended upon to yield such revenues.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the applicant is financially qualified.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the application, the applicant's request, pursuant to § 73.613(b) of the Commission's rules, to locate its main studios outside the corporate limits of Battle Creek, Mich., shall be granted.

It is further ordered, That the petition to deny filed herein by West Michigan Telecasters, Inc., is granted to the extent indicated herein and otherwise is denied.

It is further ordered, That West Michigan Telecasters, Inc. is made a party to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or

¹ Commissioners Bartley and Lee absent.

² The Commission also has before it for consideration an Opposition, filed Dec. 20, 1965, by the applicant and a reply thereto filed Dec. 27, 1965, by petitioner.

³ Petitioner states that Station WZZM-TV is affiliated with the ABC network and that applicant proposes an ABC affiliation. If the application is granted and applicant obtains an ABC network affiliation, petitioner contends, it will suffer economic injury in this manner also.

⁴ Petitioner also contends that the applicant has not demonstrated that it will operate in the public interest because there is no assurance that its programming proposal can be effectuated. Petitioner's conclusion on this point is not supported by the specific allegations of fact which section 309(d) of the Communications Act requires.

⁵ The applicant appears to have less than \$89,000 in current and liquid assets available to it for the construction of the station. At least \$106,000 will be needed for that purpose.

by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 28, 1966.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10942; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket No. 16894; FCC 66-869]

MARVIN H. OSBORNE

Order Designating Application for Hearing on Stated Issues

In re application of Dr. Marvin H. Osborne, Jackson, Miss.; Docket No. 16894, File No. BPCT-3506; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of September 1966;

1. The Commission has before it for consideration the above-captioned application of Marvin H. Osborne requesting a construction permit for a new television broadcast station to operate on Channel 40, Jackson, Miss. The following matters are to be considered in connection with the issues specified below:

a. Based on information contained in the application, cash in the amount of approximately \$241,000, will be required for the construction and operation of the proposed station for 1 year.¹ To meet these cash requirements, the applicant relies upon the availability of \$150,000 from First National Bank of Jackson, Miss., and advertising commitments aggregating \$43,650, or a total of \$193,650 if all of the funds upon which the applicant relies were available.

² Commissioners Lee and Wadsworth absent.

¹ Consisting of down payment for equipment (\$40,000, based upon General Electric letter of June 27, 1966, for equipment worth \$160,000), curtails for equipment (\$30,000), interest (\$4,550), buildings (\$15,000), other items (\$2,000), net current liabilities shown on applicant's balance sheet (\$24,800), curtails on bank loan, based on repayment in 10 years at 6½ interest as indicated by applicant's letter of Jan. 7, 1966 (\$15,000); interest (\$9,750); and costs of operation (\$100,000), totaling \$241,100.

No showing has been made as to how the remaining necessary funds will be obtained.

b. The letters from First National Bank of Jackson, purporting to represent the availability of funds of \$150,000 to the applicant do not contain any terms of repayment nor security required. The bank has indicated that 6 of the 12 parcels of land owned by the applicant and submitted to the bank as security " * * * are acceptable types of security for a bank loan," but the bank has not stated that it would accept these six parcels as security for the proposed \$150,000 loan. Moreover, in an amendment filed January 11, 1966, the applicant has stated that the bank " * * * could not give me a definite commitment until I am actually ready to borrow the money." Under the circumstances, therefore, the bank loan cannot be considered to be available to the applicant in the absence of a clear showing to the contrary. Central Broadcasting Corp., FCC 65-1123, released December 20, 1965.

c. As originally filed, the application proposed 105 hours per week operation with estimated first year operating expenses of \$37,500 and first year revenues of \$36,500. By amendment filed October 4, 1965, the applicant reduced proposed operating hours to 42 per week, increased his estimate of expenses to \$100,000 for the first year, and increased its estimate of revenues in the first year to \$110,000. No change in staff was proposed and no explanation has been furnished as to the basis for the increased estimate of revenues. Under these circumstances, an issue appears warranted to determine the basis for the applicant's estimates of expected first year expenses and revenues and whether the estimates are reasonable.

d. The applicant proposes to utilize a directional antenna which does not comply with the Commission's technical requirements. The proposed effective radiated visual power in the horizontal plane at approximately 120 degrees true azimuth is less than -10 dbk (100 watts). The proposal is, therefore, inconsistent with § 73.614(a) of the Commission's rules.

e. The proposed ratio of maximum to minimum radiation in the horizontal plane of approximately 30 db is in excess of the maximum value of 15 db permissible under § 73.685(e) of the Commission's rules.

f. The applicant's computed values of the effective radiated visual power in the horizontal plane from the proposed directional antenna appear to be in error. The proposed Grade A and Grade B contours based upon these values would, therefore, also be erroneous.

2. The applicant proposes to locate his main studios at the transmitter site outside the corporate limits of Jackson, Miss., and has requested authority to do so, pursuant to § 73.613(b) of the Commission's rules. The applicant has made the requisite showing of good cause and that such a location would not be inconsistent with the public interest. In

the event of a grant of the application, therefore, the request will be granted.

3. Except as indicated by the issues specified below, the applicant appears to be qualified to construct, own and operate the proposed new television broadcast station. The Commission is, however, unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Marvin H. Osborne is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the manner in which the applicant will obtain sufficient funds to construct and operate the proposed television broadcast station for 1 year.

2. To determine the terms, conditions, and security required, if any, of the proposed bank loan from First National Bank of Jackson, Miss.; whether the applicant can meet the bank's requirement and whether the bank loan will, in fact, be available to the applicant.

3. To determine the basis for the applicant's estimate of first year operating expenses and whether such estimate is reasonable.

4. To determine the basis for the applicant's estimate of first year revenues, whether such estimate is reasonable, and the extent to which revenues can be relied upon to produce funds for the operation of the proposed station in its first year.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the applicant is financially qualified.

6. To determine whether a grant of the application would be consistent with § 73.614(a) of the Commission's rules and if not, whether circumstances exist which would warrant a waiver of the rules.

7. To determine whether a grant of the application would be consistent with § 73.685(e) of the Commission's rules and if not, whether circumstances exist which would warrant a waiver of the rules.

8. To determine the correct values of the proposed effective radiated visual power in the horizontal plane and, on the basis thereof, to determine the correct locations of the proposed Grade A and Grade B contours.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application, the applicant's request for authority to locate his main studio outside the corporate limits of the city of Jackson, Miss., shall be granted, pursuant to § 73.613(b) of the Commission's rules.

It is further ordered, That, in the event of a grant of the application, operation of the station shall be in accord-

ance with offset designators to be specified in a subsequent order.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10943; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket Nos. 16737, 16738; FCC 66R-382]

ADIRONDACK TELEVISION CORP. AND NORTHEAST TV CABLEVISION CORP.

Memorandum Opinion and Order Amending Issues

In re applications of Adirondack Television Corp., Albany, N.Y.; Docket No. 16737, File No. BPCT-3511; Northeast TV Cablevision Corp., Albany, N.Y.; Docket No. 16738, File No. BPCT-3635; for construction permit for new television broadcast station.

1. The Review Board has before it a petition² filed July 25, 1966, by Adirondack Television Corp. (Adirondack) seeking deletion of financial issues and an air hazard issue.

2. This proceeding involves the mutually exclusive applications of Adirondack and Northeast TV Cablevision Corp. (Northeast), each seeking a construction permit for a new television broadcast station to operate on Channel 23, Albany, N.Y. The applications were designated for hearing by Order (FCC 66-578) released July 5, 1966. In the designation order, the Commission noted, among other things, that Adirondack's amended application indicated that \$432,800 would be needed for the construction and first year operation of the

proposed station; that Adirondack sought to finance the station with a \$100,000 stock subscription from Richard E. Bailey, a \$200,000 loan from Bailey, and estimated revenues of \$275,000; and that Adirondack had established the availability of the \$100,000 for the stock subscription. However, because it did not appear to the Commission that Bailey had committed himself to a \$200,000 loan, and because Bailey's balance sheet did not reveal sufficient liquid and current assets in excess of current liabilities to meet such a commitment, the Commission designated issues to determine whether Bailey would undertake to lend \$200,000 to Adirondack, and whether Bailey had sufficient current and liquid assets in excess of current liabilities to make the loan. In addition, other financial issues were designated to determine whether Adirondack would have available sufficient revenue to supplement its available funds, whether other sources of funds would be available to meet cash requirements in the event sufficient revenue were not available; and whether, in the light of the evidence adduced pursuant to the other financial issues, Adirondack is financially qualified.

3. In support of its request to delete the financial issues, Adirondack contends that prior to an amendment filed April 20, 1966, it relied upon the \$100,000 stock subscription from Bailey, a \$200,000 bank loan, and a loan from Bailey for the remaining amount (\$132,800); that on April 20, 1966, it filed an amendment to clarify its proposal but that the amendment was not intended to delete the \$200,000 bank loan;³ and that the Commission must have misinterpreted the amendment to mean that the \$200,000 bank loan was no longer available and that Bailey was to provide the \$200,000. Therefore, Adirondack contends, the issues concerning Bailey's willingness and ability to lend \$200,000 was specified under a misapprehension of the facts and should be deleted. Additionally, Adirondack claims that the other financial issues should also be deleted because Bailey would furnish the remaining \$132,800; and that since the amount Bailey is committed to lend is only a small portion of his total assets, it should be presumed "that he will be able to raise sufficient liquid assets to meet his commitment."

4. Although Adirondack's April 20, 1966, amendment is somewhat ambiguous, an examination of the record as whole, including the documents filed in connection with the petition to delete issues, reveals that Adirondack did not intend to delete the \$200,000 bank loan

from its application.⁴ However, even with the \$200,000 bank loan and the \$100,000 stock subscription, Adirondack has not shown the availability of the additional \$132,800 needed to establish its financial qualifications. Adirondack's statement that Bailey will lend Adirondack any additional amount of money needed is insufficient since there is no statement from Bailey that he will undertake to provide the money.⁵ Therefore issue 1(a) will be modified to determine whether Richard E. Bailey will undertake to lend Adirondack \$132,800. Moreover, since the current and liquid assets listed in Bailey's balance sheet do not approach the \$132,800 that Bailey may have undertaken to lend Adirondack, issue 1(b) must be retained, in order that it may be determined whether Bailey has current and liquid assets in excess of current liabilities in sufficient amount to meet a \$132,800 loan commitment.⁶ Finally, because the availability of the \$132,800 is in doubt, and because no commitment from Bailey for that amount has been submitted, the remaining financial issues will not be deleted.⁷

5. In its designation order, the Commission noted that the Federal Aviation Agency's approval of Adirondack's antenna structure had expired and therefore specified an air hazard issue. Adirondack, in its petition, contends that the approval has not expired and that even though an expiration date is contained in the FAA letter, it is valid until the date specified in the construction permit for completion of construction or until an application for a construction permit is denied. In support of its contention, Adirondack submits a letter from the Federal Aviation Agency, which states that according to FAA rules, the original approval has not expired. In view of the fact that the Federal Aviation Agency's approval has not expired, the air hazard issue will be deleted.

Accordingly, it is ordered, This 30th day of September 1966, That the petition filed July 25, 1966, by Adirondack Television Corp. to delete issues is granted to the extent indicated herein; that the petition is denied in all other respects; that Issue (2) is deleted; and that Issue 1(a) is modified to read as follows:

³ Although the original bank loan commitment has expired, Adirondack filed, with a supplement to its petition another bank letter extending the date of the commitment. Since this letter merely up-dates the original commitment it does not involve an attempt to prove the existence of the loan in a pleading.

⁴ Adirondack points out that it has pending an amendment which includes a statement from Bailey evidencing his willingness to furnish the necessary funds. However, this amendment has not yet been allowed.

⁵ Bailey's balance sheet shows a net worth of \$3,261,636. However, \$3,000,000 of this amount consists of stock in Sports Network, Inc., which is to be pledged to secure a \$100,000 loan to meet Bailey's stock subscription.

⁶ However, in the event Adirondack submits evidence establishing financial qualifications under Issues 1(a) and 1(b), Issues 1(c) and 1(d) would become moot.

¹ Commissioners Bartley and Lee absent.

² Before the Board is a petition to delete issues, filed July 25, 1966, by Adirondack; supplement to petition to delete issues filed July 27, 1966, by Adirondack; response filed Aug. 8, 1966, by the Broadcast Bureau; opposition, filed Aug. 9, 1966, by Northeast; and reply filed Aug. 16, 1966, by Adirondack.

³ The pertinent part of the amendment reads as follows: "Delete answer to loans from banks or others" and substitute therefor the following: "\$200,000".

⁴ "Richard E. Bailey will lend Adirondack Television Corp. any additional amounts it may need for construction and operation. This is over and above his commitment to purchase stock in the amount of \$100,000."

(a) Whether Richard E. Bailey will undertake to lend \$132,800 to the applicant.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10944; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket Nos. 15668, 15708; FCC 66M-1323]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Scheduling Prehearing Conference

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill.; Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill.; Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

The Hearing Examiner having for consideration an order of the Review Board released herein on September 30, 1966, wherein the issues were again enlarged;

It is ordered, This 3d day of October 1966, that:

- (1) The record is reopened; and,
- (2) Further hearing conference herein shall convene on October 12, 1966, at 9 a.m., in the offices of the Commission at Washington, D.C. for the purpose of establishing a hearing schedule on the enlarged issue.

Released: October 3, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10945; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket No. 15888; FCC 66M-1319]

SELMA TELEVISION, INC. (WSLA-TV)

Order Regarding Procedural Dates

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala.; Docket No. 15888, File No. BPCT-2827; for construction permit.

Pursuant to the agreements reached at the further prehearing conference held herein on September 29, 1966;

It is ordered, This 30th day of September 1966;

(a) The affirmative cases of all parties shall be presented in the form of written sworn exhibits;

(b) All additional exhibits shall be exchanged among the parties and copies thereof supplied the hearing examiner on October 21, 1966;

(c) Notification of witnesses to be called for cross-examination, if any, shall be given on or before November 4, 1966; and

(d) The date for commencement of hearing is continued from October 4, 1966, to November 15, 1966, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 3, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10946; Filed, Oct. 6, 1966;
8:49 a.m.]

[Docket No. 16709; FCC 66M-1322]

ISLAND BROADCASTING SYSTEM (WRIV), INC.

Order Regarding Procedural Dates

In re application of Island Broadcasting System (WRIV), Inc., Riverhead, N. Y.; Docket No. 16709, File No. BPCT-3475; for construction permit (Channel 55).

The Hearing Examiner having under consideration the motion for continuance of procedural dates filed on September 27, 1966, by Island Broadcasting System, Inc.;

It appearing, that the Broadcast Bureau, the other party in the proceeding, has consented to immediate consideration and grant of the said motion and good cause for a grant is set forth;
It is ordered, This 30th day of September 1966, that the said motion is granted and;

(a) The date for preliminary exchange of all exhibits to be offered into evidence is continued from September 30, 1966, to October 31, 1966;

(b) The date for final exchange of all exhibits to be offered into evidence is continued from October 10, 1966, to November 10, 1966;

(c) The date for giving notification of witnesses to be called for cross-examination is continued from October 14, 1966, to November 14, 1966; and

(d) The date for hearing is continued from October 20, 1966, to November 22, 1966, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 3, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10947; Filed, Oct. 6, 1966;
8:49 a.m.]

[Dockets Nos. 16678, 16831; FCC 66M-1320]

BAY BROADCASTING CO. AND REPORTER BROADCASTING CO.

Order Scheduling Hearing

In re applications of Bay Broadcasting Co., San Francisco, Calif.; Docket No. 16678, File No. BPCT-3621; Reporter Broadcasting Co., San Francisco, Calif.; Docket No. 16831, File No. BPCT-3562; for construction permit for new television broadcast station.

Following a prehearing conference held this date in the above matter; *It is ordered*, This 30th day of September 1966, that:

(1) Financial exhibits shall be exchanged November 1, 1966,

(2) All other exhibits shall be exchanged December 1, 1966,

(3) Notification of witnesses shall be made December 5, 1966, and

(4) The hearing on all issues shall commence at 10 a.m., December 12, 1966, in the Commission's offices in Washington, D.C.

Released: October 3, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10948; Filed, Oct. 6, 1966;
8:50 a.m.]

[Docket No. 16732; FCC 66M-1327]

CHARLES M. GOULD

Order Continuing Hearing

In the matter of Charles M. Gould, Framingham, Mass.; Docket No. 16732; order to show cause why the license for radio station KMA-8075 in the citizens radio service should not be revoked.

In accordance with the proceedings at today's hearing session, *It is ordered*, This 3d day of October 1966, that the hearing is rescheduled to November 25, 1966, at 10 a.m., in the offices of the Commission, Washington, D.C.

At today's session respondent Gould did not appear, and counsel for the Safety and Special Radio Services Bureau moved, under Rule 1.92(c), that by reason of "waiver" the hearing proceeding be terminated and the case certified to the Commission. The Hearing Examiner denied the motion, however, on the ground that there was no proof, beyond the unacceptable "presumption of regularity," that the notice of the time and place of the hearing had actually been "served" upon respondent. The hearing was therefore continued to permit appropriate service to be made and proof of service furnished.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10949; Filed, Oct. 6, 1966;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

SEA-LAND SERVICE, INC. AND AZTA SHIPPING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Scot Provan, Commerce Attorney, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9504-2, between Sea-Land Service, Inc. and Azta Shipping Co., proposes to modify the transshipment arrangement between the carriers by adding Baltimore, Md., and Jacksonville, Fla., as ports of destination for the receipt of Frozen Shrimp, all in accordance with the terms set forth in the agreement.

Dated: October 4, 1966.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 66-10924; Filed, Oct. 6, 1966;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-72]

CONTINENTAL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

SEPTEMBER 29, 1966.

On September 2, 1966, Continental Oil Co. (Continental)¹ tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated August 30, 1966.

Purchaser and producing area: Cities Service Gas Co. (South Sterling Field, Comanche County, Okla.) (Oklahoma "Other" Area).

Rate schedule designation: Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 184.

¹ Address is: Post Office Box 2197, Houston, Tex. 77001.

Effective date: October 17, 1966.²
Amount of annual increase: \$250.
Effective rate: 15.0 cents per Mcf.³
Proposed rate: 16.0 cents per Mcf.³
Pressure base: 14.65 p.s.i.a.

Continental's proposed increased rate and charge exceeds the area price level for increased rates in Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 184 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 184.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 184 is hereby suspended and the use thereof deferred until March 17, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 9, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10906; Filed, Oct. 6, 1966;
8:46 a.m.]

² The stated effective date is the effective date proposed by Respondent.

³ Subject to downward B.t.u. adjustment.

⁴ Periodic rate increase.

[Project 2561]

SHO-ME POWER CORP.

Notice of Application for License for Constructed Project

SEPTEMBER 29, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Sho-Me Power Corp. (correspondence to: C. E. Boulson, General Manager, Sho-Me Power Corp., 301 West Jackson Street, Marshfield, Mo.) for a license for constructed Project No. 2561, known as Niangua River, in the County of Camden, Mo.

The existing project consists of: (1) A dam having an overall length of about 878 feet comprised of a concrete gravity overflow section, a rock and earth-fill section, and a rock-filled crib section; (2) a reservoir at normal water surface elevation 711.5 feet, about 2.25 miles long with an area of about 360 acres and gross capacity of 2,650 acre-feet; (3) a concrete lined tunnel about 830 feet long to surge chamber section at powerhouse; (4) a powerhouse housing 2 vertical turbines directly connected to 2 generators rated at 1,500 kilowatts each; (5) an outdoor substation; (6) appurtenant facilities; and (7) access areas for public fishing and boating.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 21, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10909; Filed, Oct. 6, 1966;
8:46 a.m.]

[Docket No. CP67-75]

TRENTON ROCK OIL & GAS CORP.

Notice of Application

SEPTEMBER 29, 1966.

Take notice that on September 21, 1966, Trenton Rock Oil & Gas Corp. (Applicant), 311 South First Street, Belleville, Ill., filed an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission authorizing the abandonment of certain natural gas pipeline facilities in Indiana and Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon facilities which consist of (1) a 4-inch natural gas transmission pipeline approximately 8,800 feet in length extending easterly from a gas field in

Jay County, Ind., across the Indiana-Ohio State boundary line, to a point near the village of Fort Recovery, Mercer County, Ohio, and (2) a regulating and metering station at the corporate limits of Fort Recovery.

The application states that since approximately April 1956, the facilities have not been used or operated, the gas reserves of the Jay County field having become totally depleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10910; Filed, Oct. 6, 1966;
8:46 a.m.]

[Docket No. RI67-71]

BOWERS DRILLING CO., INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 29, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is

suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before November 9, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-71----	Bowers Drilling Co., Inc., 1434 Wichita Plaza Bldg. Wichita, Kans. 67202.	17	1	Cities Service Gas Co. (Little Bear Creek, Barber County, Kans.).	\$1,800	9-1-66	2 10-2-66	3 10-3-66	* 13.0	*** 14.0	

¹ Basic contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.

² The stated effective date is the effective date proposed by Respondent.

³ The suspension period is limited to 1 day.

⁴ Periodic rate increase.

⁵ Pressure base is 14.65 p.s.i.a.

⁶ Subject to downward B.t.u. adjustment.

The contract related to the rate filing proposed by Bowers Drilling Co., Inc. (Bowers) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Bowers' rate filing should be suspended for 1 day from October 2, 1966, the proposed effective date.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10912; Filed, Oct. 6, 1966;
8:46 a.m.]

[Docket Nos. CI65-974, etc.]

GEORGE DESPOT ET AL.

Order To Show Cause; Correction

SEPTEMBER 22, 1966.

George Despot, agent (Operator), et al.; Docket Nos. CI65-974, etc.

In the order to show cause issued September 14, 1966, and published in the FEDERAL REGISTER September 23, 1966 (F.R. Doc. 66-10385, 31 F.R. 12580), delete ordering paragraph (F) and redesignate paragraph (G) as paragraph (F);

also delete footnotes 7, 8, and 13 in appendix "A".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10907; Filed, Oct. 6, 1966;
8:46 a.m.]

[Docket Nos. CS66-2, etc.]

MAXWELL OIL CO. AND WOLFSON OIL CO.

Findings and Order; Correction

SEPTEMBER 22, 1966.

Maxwell Oil Co. (Operator), et al.; Docket Nos. CS66-2, etc.; Wolfson Oil Co. (Operator), et al.; Docket No. CS66-62.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity terminating certificates, severing and terminating proceedings, amending orders issuing certificates, canceling FPC gas rate schedules, and dismissing applications, issued July 20, 1966, and published in the FEDERAL REGISTER July 27, 1966 (F.R. Doc. 66-8127, 31 F.R. 10155), in the chart after Docket No. CS66-62 add the following:

Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated suspension dockets	Suspension dockets not to be terminated
3.-----	CI62-376	-----	RI65-248 ²
4.-----	CI62-444 ¹	-----	RI65-247 ²
5.-----	CI63-103	RI63-402 ²	-----

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10908; Filed, Oct. 6, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 981; Pfahler's Car Dist. Dir. 17]

CENTRAL RAILROAD CO. OF NEW JERSEY AND LEHIGH VALLEY RAIL- ROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Central Railroad Co. of New Jersey shall deliver to the Lehigh Valley Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian Ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., October 4, 1966.

(4) Expiration date. This direction shall expire at 11:59 p.m., October 23, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-10929; Filed, Oct. 6, 1966;
8:48 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 18]

LEHIGH VALLEY RAILROAD CO. AND NORFOLK & WESTERN RAILWAY CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Lehigh Valley Railroad Co. shall deliver to the Norfolk & Western Railway Co. a weekly total of 350 empty plain serviceable boxcars with inside length less than 44 feet, 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the num-

ber of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 4, 1966.

(4) Expiration date: This direction shall expire at 11:59 p.m., October 23, 1966, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-10930; Filed, Oct. 6, 1966;
8:48 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 19]

NORFOLK & WESTERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Norfolk & Western Railway Co. shall deliver to the Illinois Central Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet, 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the num-

ber of cars received during the preceding week, ending each Sunday at 11:59 p.m. (2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 4, 1966.

(4) Expiration date: This direction shall expire at 11:59 p.m., October 23, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1966.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66-10931; Filed, Oct. 6, 1966;
8:48 a.m.]

[Notice 264]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 4, 1966.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1966. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 220 TA), filed September 29, 1966. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: Citrus, juices, in bulk, in tank vehicles, from Corona and Ontario, Calif., to Glen Roy, Pa., for 180 days. Supporting shipper: Sunkist Growers, Orange Products Division, Mr. C. D. Van Treese, Traffic manager, 616 East Sunkist Street, Ontario, Calif. 91764. Send protests to: District Supervisor, John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 30837 (Sub-No. 340 TA), filed September 29, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New automobiles, in initial movements, by the truckaway method, from Milwaukee, Wis., to points in California, New York, and Texas, for 180 days. Supporting shipper: S. S. Automobiles, Inc., 1735 South 106th Street, Milwaukee, Wis. 53214, William C. Stevens, vice president. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 78786 (Sub-No. 266 TA) (Correction), filed September 23, 1966, published FEDERAL REGISTER, issue of October 1, 1966, and republished this issue. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: T. T. Edwards (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except commodities in bulk, commodities requiring special equipment, class A and B explosives and household goods as defined by the Commission, between points in California, Arizona, New Mexico, and Nevada, as follows: (A) (1) From San Francisco, Calif., to Stockton, Calif., over U.S. Highway 50; (2) from junction U.S. 50 and California Highway 120 near Banta, Calif., over California Highway 120 to junction U.S. Highway 99; (3) from Banta, Calif., over California Highway 33 to Los Banos, Calif.; (4) from Vernalis, Calif., to Modesto, Calif., over California Highway 132; (5) from Gustine, Calif., to Merced, Calif., over California Highway 140; (6) from Los Banos, Calif., to junction U.S. Highway 99 and California Highway 152 over California Highway 152; (7) from Sacramento, Calif., to Calexico, Calif., over U.S. Highway 99 to junction U.S. Highway 60, thence over U.S. Highway 60 to Coachella, Calif., thence over California Highway 86 to El Centro, Calif., thence over California Highway 111 to Calexico, Calif.; (8) from Coachella, Calif., to Brawley, Calif., over California Highway 111; (9) from San Diego, Calif., to Yuma, Ariz., over U.S. Highway 80; (10) from Arcata, Calif., to Santa Ana, Calif., over U.S. Highway 101; (11) from Benson, Ariz., to Lordsburg, N. Mex., over U.S. Highway 80; (12) from San Simon,

Ariz., to junction U.S. Highway 80 near Steins, N. Mex., over Arizona Highway 86; and (13) from Casa Grande, Ariz., to Gila Bend, Ariz., over Arizona Highway 84; and return over the same routes in (1) through (13) above serving all intermediate points and all off-route points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Marin, Mendocino, and Merced, Counties, Calif.

NOTE: Applicant states it proposes to tack the authority sought in (A) above to authority presently held by it in its certificate MC-78786; in Items 13, 20, 22B, 34, 36, 37, 38, 40, 97, 99, 100, 102, and Subs 219, 110, 113, 115, and 116. Applicant also states it proposes to interline traffic carried under the subject authority with other connecting motor common carriers at the usual gateways, namely, El Paso, Tex., Phoenix, Yuma, and Tucson, Ariz., San Diego, Santa Ana, El Centro, Los Angeles, Bakersfield, Fresno, Stockton, San Francisco, Oakland, Sacramento, Willits, Eureka, Red Bluff, and Redding, Calif.; and Medford, Klamath Falls, Coos Bay, Roseburg, Eugene, Albany, Salem, and Portland, Oreg., Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba, and the Arizona counties of Yuma, Maricopa, Pinal, Santa Cruz, Cochise, Graham, Greenlee, Gila, and Pima which are stations on the rail lines of Southern Pacific Co. and its wholly owned rail subsidiaries (Northwestern Pacific Railroad Co., Petaluma and Santa Rosa Railroad Co., Visalia Electric Railroad Co., San Diego and Arizona Eastern Railroad, and Holton Inter-Urban Railway Co. (B) (1) Alternate Routes: From Alturas, Calif., to Reno, Nev., over U.S. Highway 395; (2) from Hawthorne, Nev., to Phoenix, Ariz., over U.S. Highway 95 to junction U.S. Highway 93 near Boulder City, Nev., thence over U.S. Highway 93 to Kingman, Ariz., thence over U.S. Highway 66 to junction Arizona Highway 93, thence over Arizona Highway 93 to junction U.S. Highway 89, thence over U.S. Highway 89 to Phoenix; (3) from Las Vegas, Nev., to Yuma, Ariz., over U.S. Highway 95, serving Las Vegas for purposes of joinder only; (4) from Indio, Calif., to Phoenix, Ariz., over U.S. Highway 60; (5) from Globe, Ariz., to Glenbar, Ariz., over U.S. Highway 70; (6) from Canby, Calif., to Susanville, Calif., over California Highway 299 to Adin, Calif., thence over California Highway 139 to Susanville, Calif.; and return over same routes, as alternate routes for operating convenience only, serving no intermediate points, for 180 days. Supporting shippers: The application is supported by statements from 176 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden

Gate Avenue, Box 36004, San Francisco, Calif. 94102. NOTE: The purpose of this correction is to clarify that Routes B (1) through (6) above are alternate routes for operating convenience only.

No. MC 118159 (Sub-No. 30 TA), filed September 30, 1966. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration from the plant and warehouse facilities of The Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: The Pillsbury Co., Post Office Box 222, Minneapolis, Minn. 55440. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128147 TA, filed September 30, 1966. Applicant: BENTZINGER TRUCKING COMPANY, a corporation, Martell, Nebr. Applicant's representative: Nelson, Harding, Acklie, Leonard, and Tate, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared animal and poultry feed and grain products*, from Lincoln,

Nebr., to points in Colorado, Iowa, Illinois, Kansas, Minnesota, Missouri, South Dakota, and Wyoming, and (2) *feed ingredients*, from points in Iowa to Lincoln, Nebr., for 180 days. Supporting shipper: Gooch Milling & Elevator, Co., Lincoln, Nebr. 68501. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 128586 (Sub-No. 1 TA), filed September 30, 1966. Applicant: FEED HAULERS, INC., 1701 Thomas Avenue, Guntersville, Ala. Applicant's representative: Markstein and Morris, 818-821 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry feed ingredients, and supplements thereto*, both in bags and in bulk, between Geraldine, Trussville, and Guntersville, Ala., and Cornelia, Ga., and points within 3 miles of each on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Michigan, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10932; Filed, Oct. 6, 1966;
8:48 a.m.]

[Notice 1423]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 5, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69085. By order of September 30, 1966, the Transfer Board approved the transfer to King Motor Line, Inc., Greenville, Ala., of the certificate of registration in No. MC-121222 (Sub-No. 1), issued May 4, 1965, to Allison Transfer Co., Inc., Mobile, Ala., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce to the extent of certificate of public convenience and necessity No. 550 issued prior to October 15, 1962, by the Alabama Public Service Commission. F. A. Scott, Post Office Box 126, Greenville, Ala., attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10994; Filed, Oct. 6, 1966;
8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	14 CFR—Continued	Page	37 CFR	Page
PROCLAMATIONS:		PROPOSED RULES:		1.....	12922
3749.....	12935	39.....	12924	38 CFR	
3750.....	12995	71.....	12925	36.....	13003
EXECUTIVE ORDERS:		73.....	12925	41 CFR	
Sept. 24, 1847 (revoked by PLO 4100).....	12950	15 CFR		9-1.....	13046
April 17, 1926 (revoked in part by PLO 4098).....	12950	372.....	13040	9-2.....	13046
11122 (superseded by EO 11307).....	12917	373.....	13040	9-3.....	13046
11307.....	12917	374.....	13040	22-1.....	13001
11308.....	12919	379.....	13040	42 CFR	
5 CFR		382.....	13040	22.....	12939
213.....	12833, 12937	385.....	13040	43 CFR	
7 CFR		398.....	13040	PUBLIC LAND ORDERS:	
210.....	13035	399.....	13040	1195 (revoked in part by PLO 4099).....	12950
319.....	12834	16 CFR		3152 (revoked in part by PLO 4104).....	12951
701.....	13035	13.....	12937, 12938	3584 (revoked in part by PLO 4104).....	12951
722.....	13035, 13036	18 CFR		4097.....	12950
728.....	13036	204.....	12840	4098.....	12950
729.....	12921, 12940	19 CFR		4099.....	12950
874.....	12940	1.....	12938	4100.....	12950
905.....	12835	PROPOSED RULES:		4101.....	12951
908.....	12836	12.....	12964	4102.....	12951
910.....	12837	21 CFR		4103.....	12951
958.....	12940	8.....	12840	4104.....	12951
993.....	13037	17.....	12949	45 CFR	
1038.....	13037	27.....	12949	6.....	12842
1443.....	12837	51.....	12950	7.....	12842
1490.....	12997	53.....	12840	8.....	12842
PROPOSED RULES:		121.....	12841	46 CFR	
730.....	12952	146.....	12841	PROPOSED RULES:	
948.....	12953	PROPOSED RULES:		2.....	12860
982.....	12954	19.....	13005	24.....	12860
984.....	13005	121.....	12849	30.....	12860
1005.....	12845	191.....	13006	70.....	12860
1038.....	12954	24 CFR		90.....	12860
1126.....	13005	203.....	13000	110.....	12860
Ch. XI.....	12956	220.....	13000	175.....	12860
12 CFR		221.....	13000	188.....	12860
329.....	12837	232.....	13000	189.....	12860
526.....	13039	234.....	13000	190.....	12860
545.....	12838, 12839, 13000	1000.....	13000	191.....	12860
PROPOSED RULES:		26 CFR		192.....	12860
222.....	12965	PROPOSED RULES:		193.....	12860
13 CFR		1.....	12843, 12845	194.....	12860
121.....	12840	29 CFR		195.....	12860
PROPOSED RULES:		462.....	13001	196.....	12860
121.....	12849, 12924	31 CFR		47 CFR	
14 CFR		520.....	13001	PROPOSED RULES:	
37.....	12941	32A CFR		73.....	12965
39.....	12921	PROPOSED RULES:		50 CFR	
71.....	12840, 12921, 12943, 13038, 13039	Ch. X.....	12924, 13050	32.....	12923, 12939, 13003, 13004, 13048, 13049
73.....	12922, 12944			33.....	12939
95.....	12944				
208.....	12947				
295.....	12948				
378.....	12948				

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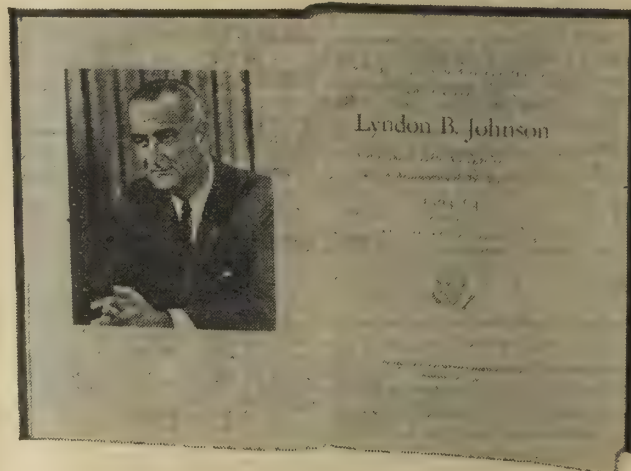
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VOLUME 31 • NUMBER 196

Saturday, October 8, 1966 • Washington, D.C.

Pages 13071-13108

Agencies in this issue—

The President
Air Force Department
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Housing and Urban Development
Department
Immigration and Naturalization
Service
Internal Revenue Service
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Park Service
Securities and Exchange Commission
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State Department
Veterans Administration
Wage and Hour Division

Detailed list of Contents appears inside.



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Contents

THE PRESIDENT

EXECUTIVE ORDER

Amending Executive Order No. 11215, relating to the President's Commission on the Patent System..... 13075

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Consumer and Marketing Service.

AIR FORCE DEPARTMENT

Rules and Regulations

Use of Air Force installations by other than U.S. Department of Defense aircraft..... 13081

COMMERCE DEPARTMENT

See also International Commerce Bureau; Maritime Administration.

Notices

Initial Federal motor vehicle safety standards; advance notice of promulgation..... 13094

COMMODITY CREDIT CORPORATION

Rules and Regulations

Grains and similarly handled commodities; 1966 oat loan and purchase program; correction..... 13078

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations:
Lemons grown in California and Arizona..... 13077
Valencia oranges grown in Arizona and designated part of California..... 13077

Proposed Rule Making

Milk in certain marketing areas:
Duluth-Superior..... 13091
Tri-State..... 13090
Pecans of domestic production; decision..... 13090

CUSTOMS BUREAU

Rules and Regulations

Ports of entry; correction..... 13080

DEFENSE DEPARTMENT

See Air Force Department.

FEDERAL AVIATION AGENCY

Rules and Regulations

Certain types of airplanes; operation..... 13078

FEDERAL MARITIME COMMISSION

Notices

Freight Bureau et al.; notice of intent and order to show cause.. 13094

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Arkansas Louisiana Gas Co..... 13101
Consolidated Edison Company of New York, Inc..... 13102
Consolidated Water Power Co.. 13102
Granite State Gas Transmission, Inc..... 13103
Home Gas Co..... 13103
Hyde Carbon Black Co..... 13103
Kentucky Gas Transmission Corp..... 13104
Kerr-McGee Corp., et al..... 13100
Maxwell Herring Drilling Corp., et al..... 13102
Northern Natural Gas Co..... 13104
Tennessee Gas Pipeline Co..... 13105
Texas Eastern Transmission Corp..... 13105
Tidewater Oil Co., et al..... 13106
Transwestern Pipeline Co. (2 documents)..... 13105
Volunteer Natural Gas Co., and East Tennessee Natural Gas Co..... 13106

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:
American Bakeries Co..... 13078
Lu Mar Fashions, Inc., et al..... 13078
Philip Morris Originals, Ltd., et al..... 13079
Winn-Dixie Stores, Inc..... 13080

FISH AND WILDLIFE SERVICE

Rules and Regulations

Benton Lake National Wildlife Refuge, Montana; hunting.... 13088

Notices

Master hull policies; intent to request proposals..... 13092
Russell, James O., Jr.; notice of loan application..... 13092

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules and Regulations

Rent supplement payments; eligible housing owner..... 13081

IMMIGRATION AND NATURALIZATION SERVICE

Notices

Statement of organization; ports of entry; Point Roberts, Wash.. 13092

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Proposed Rule Making

Income tax; allocation of income and deductions among taxpayers and determination of sources of income..... 13091

INTERNATIONAL COMMERCE BUREAU

Notices

Electrical Agencies (London) Ltd., and F. Gevirtzman; order terminating denial order..... 13093

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief..... 13100
Motor carrier temporary authority applications..... 13099
Organization of divisions and boards; assignment of duties... 13099

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LABOR DEPARTMENT

See Wage and Hour Division.

LAND MANAGEMENT BUREAU

Notices

Arizona; proposed classification of public lands (2 documents).... 13092
Eastern States Office; notice of new location..... 13092

MARITIME ADMINISTRATION

Notices

Applications filed:
American Export Isbrandtsen Lines, Inc..... 13093
Delta Steamship Lines, Inc..... 13094

NATIONAL PARK SERVICE

Notices

Delegations of authority:
Administrative Assistant and General Supply Assistant, Carlsbad Caverns National Park..... 13093
Assistant Superintendent et al., Canyonlands National Park, Arches and Natural Bridges and National Monuments.... 13093
Certain designated officials.... 13093

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Consolidated Natural Gas Co.. 13098
General Precision Equipment Corp..... 13098
Sheraton Corporation of America et al..... 13098

(Continued on next page)

**SMALL BUSINESS
ADMINISTRATION****Notices**

New Jersey; declaration of dis-
aster area..... 13107

STATE DEPARTMENT**Rules and Regulations**

Immigrants and nonimmigrants;
documentation; miscellaneous
amendments..... 13080

TREASURY DEPARTMENT

See Customs Bureau; Internal
Revenue Service.

VETERANS ADMINISTRATION**Rules and Regulations**

Waiver of overpayments; fraud.... 13088

WAGE AND HOUR DIVISION**Notices**

Certificates authorizing employ-
ment of learners at special mini-
mum rates..... 13097

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

3 CFR**EXECUTIVE ORDERS:**

11215 (amended by EO 11309).... 13075
11309..... 13075

7 CFR

908..... 13077
910..... 13077
1421..... 13078

PROPOSED RULES:

994..... 13090
1005..... 13090
1069..... 13091

14 CFR

121..... 13078

16 CFR

13 (4 documents)..... 13078-13080

19 CFR

1..... 13080

22 CFR

41..... 13080
42..... 13080

24 CFR

5..... 13081

26 CFR**PROPOSED RULES:**

1..... 13091

32 CFR

855..... 13081

38 CFR

3..... 13088

50 CFR

32..... 13088

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11309

AMENDING EXECUTIVE ORDER NO. 11215, RELATING TO THE PRESIDENT'S COMMISSION ON THE PATENT SYSTEM

By virtue of the authority vested in me as President of the United States, it is ordered that Section 4(a) of Executive Order No. 11215¹ of April 8, 1965, entitled "Establishing the President's Commission on the Patent System", is hereby amended by deleting "18 months" and inserting in lieu thereof "20 months".

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 6, 1966.

[F.R. Doc. 66-11030; Filed, Oct. 6, 1966; 1:15 p.m.]

¹ 3 CFR, 1965 Supp., p. 123; 30 F.R. 4661.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 182]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.482 Valencia Orange Regulation 182.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in or-

der to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 6, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 9, 1966, and ending at 12:01 a.m., P.s.t., October 16, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 400,000 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 7, 1966.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11074; Filed, Oct. 7, 1966; 11:42 a.m.]

[Lemon Reg. 235]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.535 Lemon Regulation 235.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is

declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 4, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m. P.s.t., October 9, 1966, and ending at 12:01 a.m., P.s.t., October 16, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 106,950 cartons;
- (iii) District 3: 89,886 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11022; Filed, Oct. 7, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Support Regs., 1966 Crop Oat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 Crop Oat Loan and Purchase Program

Correction

In F.R. Doc. 66-7411 appearing on page 9337 in the issue of Friday, July 8, 1966, in § 1421.2665 in the third column under the heading "Wisconsin", the rate per bushel for Burnett which now reads ".60" should read ".59".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7329; Amdt. 121-22]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Operation of Certain Aircraft

The purpose of this amendment to § 121.161(b) of the Federal Aviation Regulations is to permit the operation of Martin 404 and Convair Model 240 (CV-240), 580 (CV-580), 600 (CV-600), and 640 (CV-640) airplanes in extended overwater operations without being certificated or approved as adequate for ditching under the airworthiness requirements of Part 25.

This amendment is based on a notice of proposed rule making (Notice No. 66-17) issued on April 27, 1966, and published in the FEDERAL REGISTER on May 3, 1966 (31 F.R. 6592). Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

The comments generally supported the proposal in the notice which applied to the Martin 404 and CV-240 airplanes only. Two comments suggested inclusion of the CV-600, representing a conversion of the CV-240D to turbopropeller power through use of Rolls Royce engines and Dowty Rotal propellers; the CV-640, representing a conversion of the CV-340/440D to turbopropeller power in the same manner; and the CV-580, representing a conversion of the CV-340/440 to turbopropeller through use of Allison engines and Aeroproducts propellers. These comments pointed out that the conversions of the CV-240, CV-340, and CV-440 airplanes to turbopropeller power would not adversely affect the ditching characteristics of the basic model type since the external configuration of these airplanes, which would play a significant

role in determining the ditching characteristics of the airplanes, remained substantially the same.

The Agency agrees that the conversion of the CV-240, CV-340, and CV-440 airplanes to turbopropeller power without substantial changes to the external configuration of the basic model type does not alter the ditching characteristics of the basic model type. Therefore, the CV-580, CV-600, and CV-640 airplanes in addition to the CV-240 and Martin 404 airplanes (as proposed in the notice) have been included with the DC-3, C-46, CV-340, and CV-440 airplanes as exceptions to the requirement of § 121.161(b) that land airplanes operated under Part 121 in extended overwater operations be certificated or approved as adequate for ditching under the ditching provisions of Part 25.

Since inclusion of the CV-580, CV-600, and CV-640 airplanes within the scope of this amendment represents a minor change, I find that notice and public procedure relating to this aspect of the amendment are unnecessary.

In consideration of the foregoing and for the reasons stated in Notice No. 66-17, § 121.161(b) of the Federal Aviation Regulations is amended effective November 7, 1966, to read as follows:

§ 121.161 Airplane limitations: type of route.

* * * * *

(b) No certificate holder may operate a land airplane (other than a DC-3, C-46, CV-240, CV-340, CV-440, CV-580, CV-600, CV-640, or Martin 404) in an extended overwater operation unless it is certificated or approved as adequate for ditching under the ditching provisions of Part 25 of this chapter.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, and 1424)

Issued in Washington, D.C., on October 3, 1966.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 66-10955; Filed, Oct. 7, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1111]

PART 13—PROHIBITED TRADE PRACTICES

American Bakeries Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, American Bakeries Co., Chicago, Ill., Docket C-1111, Sept. 14, 1966]

Consent order prohibiting one of the nation's largest wholesale baking com-

panies with headquarters in Chicago from acquiring any domestic producer or seller of bakery products for the next 10 years without prior approval of the Federal Trade Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. It is ordered, That for ten (10) years from the date this order becomes final, respondent shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, any part of the share capital or other assets of any firm, partnership, or corporation engaged in the production or sale of bakery products (U.S. Bureau of Census SIC Codes 2051 and 2052) in the United States.

II. It is further ordered, That respondent shall, within sixty (60) days after the date of service of this order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying or has complied with this order.

Issued: September 14, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10972; Filed, Oct. 7, 1966; 8:47 a.m.]

[Docket C-1113]

PART 13—PROHIBITED TRADE PRACTICES

Lu Mar Fashions, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 *Fur Products Labeling Act;* 13.1212-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfair or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 *Fur Products Labeling Act;* 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 69f, 68) [Cease and desist order, Lu Mar Fashions, Inc., et al., New York, N.Y., Docket C-1113, Sept. 19, 1966]

In the Matter of Lu Mar Fashions, Inc., a Corporation, and Louis Marangione and William Gordon, Individually and as Officers of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding its fur and wool products and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lu Mar Fashions, Inc., a corporation, and its officers, and Louis Marangione and Wil-

liam Gordon, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on invoices the item number or mark assigned to each such fur product.

It is further ordered, That respondents Lu Mar Fashions, Inc., a corporation, and its officers, and Louis Marangone and William Gordon, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined

in the Wool Products Labeling Act of 1939, do forthwith cease and desist from: Misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10973; Filed, Oct. 7, 1966;
8:47 a.m.]

[Docket C-1112]

PART 13—PROHIBITED TRADE PRACTICES

Philip Morris Originals, Ltd., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1255 *Manufacture or preparation*; § 13.1325 *Source or origin*: 13.1325-70 *Place*: 13.1325-70(a) Domestic product as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Philip Morris Originals, Ltd., et al., New York, N.Y., Docket C-1112, Sept. 19, 1966]

In the Matter of Philip Morris Originals, Ltd., a Corporation, and Saul Devorkin, Individually and as an Officer of the Aforesaid Corporation, and Philip Morris Devorkin, Individually and as Manager and Principal Stockholder of Said Corporation

Consent order requiring a New York City manufacturer of men's slacks to cease misbranding and falsely guaranteeing its wool and textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Philip Morris Originals, Ltd., a corporation, and its officers, and Saul Devorkin, individually and as an officer of said corporation, and Philip Morris Devorkin,

individually and as manager and principal stockholder of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment or shipment in commerce, of men's slacks composed in whole or in part of wool, or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

A. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the character or amount of constituent fibers included therein.

B. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the country of origin of such wool product.

C. Setting forth on labels affixed to any such wool product such terms as "Creazione Italiana" and "DEL'ORSO di ROMA," or any words, terms, depictions, or symbols of similar import, connoting Italian origin when such wool product is not of Italian origin.

D. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the method of manufacture of such wool product.

E. Setting forth on labels affixed to any such wool product such terms as "Hand Needed," or any words, terms, depictions, or symbols of similar import, connoting the product to be substantially hand-sewn, when such wool product is not substantially hand-sewn or hand stitched.

F. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the construction or composition of such wool product.

G. Setting forth on labels affixed to any such product such terms as "genuine Raeford 2/80's 2 Ply—80's quality," or any words, terms, depictions, or symbols of similar import, connoting two-ply construction or composition, when such wool product is not of a two-ply construction or composition.

H. Failing to securely affix to, or place on, each such wool product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

I. Failing to set forth the common generic name of fibers in naming such fibers in the required information on stamps, tags, labels, or other means of identification attached to wool products.

It is ordered, That respondents Philip Morris Originals, Ltd., a corporation, and its officers, and Saul Devorkin, individually and as an officer of said corporation, and Philip Morris Devorkin, individually and as manager and principal stockholder of said corporation, and re-

spondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10974; Filed, Oct. 7, 1966;
8:47 a.m.]

[Docket C-1110]

PART 13—PROHIBITED TRADE PRACTICES

Winn-Dixie Stores, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Winn-Dixie Stores, Inc., Jacksonville, Fla., Docket C-1110, Sept. 14, 1966]

Consent order prohibiting the seventh largest ranked national retail grocery chain store with headquarters in Jacksonville, Fla., from acquiring any retail food or grocery stores in the United States for a period of ten (10) years without the prior consent of the Federal Trade Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That for ten (10) years from the effective date of this order, respondent shall not, without the prior approval of the Federal Trade Commission, make any acquisition, directly or indirectly, of any retail food or grocery stores in the United States.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the

Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as set forth herein.

Issued: September 14, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10975; Filed, Oct. 7, 1966;
8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-212]

PART 1—GENERAL PROVISIONS

Ports of Entry

Correction

In F.R. Doc. 66-10804 appearing in the issue for Wednesday, October 5, 1966, at page 12938, the word "ports" in the first line of the second paragraph, should read "parts".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.540]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects and to make necessary editorial changes. Section 41.114 is being amended to authorize consular officers to waive personal appearance requirements for certain airmen. Section 41.120 is being amended to provide for the revalidation in the United States of certain nonimmigrant visas for a period not to exceed 48 months from the date of issuance of the original visa, regardless of the date of expiration.

1. Section 41.114 is amended to read as follows:

§ 41.114 Personal appearance.

(a) Except as otherwise provided in this section, every alien seeking a nonimmigrant visa shall be required to apply in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is:

- (1) A child under 14 years of age,
- (2) Within a class of nonimmigrants classifiable under the visa symbols A-1, A-2, A-3, C-2, C-3, G-1, G-2, G-3, G-4, G-5, NATO-1, NATO-2, NATO-3,

NATO-4, NATO-5, NATO-6, or NATO-7.

(3) An applicant for a diplomatic or official visa,

(4) An applicant for a nonimmigrant visa under the provisions of section 101 (a) (15) (B) of the Act,

(5) Within a class of nonimmigrants classifiable under the visa symbols C-1, H-1, or I,

(6) Within a class of nonimmigrants classifiable under the visa symbol J-1, who qualifies as a leader in a field of specialized knowledge or skill and who is the recipient of a U.S. Government grant, and the spouse and children of such an alien who qualify for J-2 classification,

(7) An airman applying for a nonimmigrant visa under the provisions of section 101(a) (15) (D) of the Act if the application is supported by a letter from the employing carrier certifying that the applicant is employed as an airman and the consular officer is satisfied in the individual case that the personal appearance of the alien is not necessary to a determination of his eligibility to receive a visa, or,

(8) A nonimmigrant in any category in whose case the principal officer or, at a diplomatic mission, the Chief of Mission, or the Deputy Chief of Mission, the Counselor for Consular Affairs, or the Supervising Consul General determines that a waiver of personal appearance in the individual case is warranted in the national interest or because of unusual circumstances, including hardship to the visa applicant.

(b) In the categories described in subparagraphs (2) and (3) of paragraph (a) of this section the filing of a visa application by the applicant may be waived in the discretion of the consular officer. In cases in which personal appearance is waived pursuant to paragraph (a) (8) of this section the filing of a visa application by the applicant may be waived in the discretion of the consular officer in hardship, emergency or national interest cases. In any case in which personal appearance is waived pursuant to any other subparagraph of paragraph (a) of this section, application for a visa shall be made on either Form FS-257 or Form FS-257a as determined to be appropriate by the consular officer.

2. Paragraph (a) of § 41.115 is amended to read as follows:

§ 41.115 Application forms.

(a) *Aliens required to execute applications.* Every alien applying for a nonimmigrant visa shall make application therefor on Form FS-257 (Application for Nonimmigrant Visa and Alien Registration) or Form FS-257a (see definition of Form FS-257 contained in § 41.1) unless personal appearance is waived and submission of the application form by the applicant is not required pursuant to § 41.114(b) or unless there is a Form FS-257 available at the consular office which can be appropriately amended to bring the application up to date. In cases in which the filing of the visa application is waived, the consular officer shall prepare a Form FS-257 on behalf of the applicant from the data available

in the passport or other documents submitted. In the case of an alien under 16 years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, or, if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, the alien.

3. Section 41.117 is amended to read as follows:

§ 41.117 Signature.

When personal appearance is required, Form FS-257 shall be signed by or on behalf of the applicant in the presence of the consular officer. The application shall be verified by the applicant before the consular officer who shall then sign the Form FS-257. If personal appearance is waived, and the submission of an application form by the alien is required, the form shall be signed by the applicant. If the filing of an application form is also waived, the consular officer shall so indicate on the Form FS-257 prepared on behalf of the applicant.

4. Paragraph (b)(2) of § 41.120 is amended to read as follows:

§ 41.120 Authority to issue visas.

(b) *Issuance or revalidation in the United States for certain other nonimmigrants.* * * *

(2) The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to revalidate F, H, and J visas, including diplomatic visas, for qualified aliens in the United States who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in their visas, regardless of the expiration date of the original visa, provided the revalidation does not extend its validity for more than 48 months from the date the original visa was issued.

5. Paragraph (c)(1) of § 41.124 is amended to read as follows:

§ 41.124 Procedure in issuing visas.

(c) *Form of visa stamp.* (1) The non-immigrant visa stamp shall be in the form prescribed by the Department. It shall contain the following data: (i) The number of the visa; (ii) the title and location of the issuing office; (iii) the classification of the visa; (iv) the date of issuance; (v) the expiration date; (vi) the number of applications for admission for which it is valid; (vii) the name(s) of the person(s) to whom issued; (viii) the fee, if any, or the word "Gratis"; and (ix) the signature and title of the issuing officer.

6. Section 42.110 is amended to read as follows:

§ 42.110 Place of application.

Every alien applying for an immigrant visa shall make application at a U.S. con-

sular office in the consular district in which he has his residence, except that the consular officer shall accept an application for an immigrant visa from an alien having no residence in the consular district if the alien is physically present therein, and may, in his discretion, or at the direction of the Department, accept applications from aliens who are neither residents of, nor physically present in, the consular district. An alien residing temporarily in the United States is considered to be a resident of the consular district of his last residence abroad.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

PHILIP B. HEYMANN,
*Acting Administrator, Bureau of
Security and Consular Affairs.*

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10998; Filed, Oct. 7, 1966;
8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

**Subtitle A—Office of the Secretary,
Department of Housing and Urban
Development**

PART 5—RENT SUPPLEMENT PAYMENTS

Eligible Housing Owner

In § 5.15 paragraph (d) is amended to read as follows:

§ 5.15 Eligible housing owner.

(d) Where the project is to be insured under section 221(d)(3) of the National Housing Act and is to be located in a community in which a workable program was required and was in effect at an earlier date (at which time a loan or grant was made under title I of the Housing Act of 1949 or under the United States Housing Act of 1937), the workable program requirement of paragraph (c)(1) of this section must be met and the requirements of paragraph (c)(2) of this section shall not be applicable.

(Sec. 101(g), P.L. 89-117, 79 Stat. 453)

Effective as of the 8th day of October 1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

ROBERT C. WEAVER,
*Secretary of Housing and
Urban Development.*

[F.R. Doc. 66-10986; Filed, Oct. 7, 1966;
8:48 a.m.]

Title 32—NATIONAL DEFENSE

**Chapter VII—Department of the Air
Force**

SUBCHAPTER F—AIRCRAFT

PART 855—USE OF AIR FORCE IN- STALLATIONS BY OTHER THAN U.S. DEPARTMENT OF DEFENSE AIRCRAFT

Part 855 is revised to read as follows:

Sec.	Purpose.
855.1	Purpose.
855.2	Definitions.
855.3	Policy.
855.4	Types of civil aircraft use.
855.5	Emergency landing at an Air Force installation.
855.6	Processing violations of this part.
855.7	How to request the use of an Air Force installation.
855.8	Who has approving authority.
855.9	Processing procedure of the approving authority.
855.10	Cooperation with customs, immigration, health, and other local authorities.
855.11	Aviation fuel and oil purchases.
855.12	Supply and service charges.
855.13	Insurance requirements.
855.14	Cancellation or suspension of the landing permit (AF Form 181).
855.15	Landing, parking, and storage fees.
855.16	Joint use of an Air Force installation by a community.

AUTHORITY: The provisions of this Part 855 issued under sec. 8012, 70A Stat. 488, secs. 1107, 1108, 72 Stat. 798; 10 U.S.C. 8012, 49 U.S.C. 1507, 1508.

SOURCE: AFR 55-20, May 16, 1966.

§ 855.1 Purpose.

This part establishes the responsibilities and describes the procedures for the use of Air Force installations by aircraft other than U.S. Department of Defense aircraft.

§ 855.2 Definitions.

The terms used in this part are explained as follows:

(a) *Installation.* An officially defined area of real property, operated by the U.S. Air Force as an airfield facility, which:

- (1) The U.S. Air Force controls; or
- (2) HQ USAF has designated as an Air Force installation; or
- (3) The U.S. Air Force utilizes in a foreign country by agreement or by right of occupation.

(b) *Civil aviation.* All flying activity by civil aircraft including:

(1) *Commercial aviation.* Transportation by aircraft of passengers or cargo for hire; this includes both regularly scheduled and nonscheduled (i.e., one-time or irregular) flights.

(2) *General aviation.* All types of civil aviation not involving the transportation of passengers or cargo for hire.

(c) *Weather alternate use.* Use of an Air Force installation for a weather alternate in accordance with Federal Aviation or other pertinent regulations.

(d) *Scheduled use.* Use of an Air Force installation on a scheduled or regularly recurring basis by an air carrier certificated by the Civil Aeronautics

Board to provide passenger and cargo service to a community or area.

(e) *Civil aircraft.* Domestic or foreign aircraft of any national registry operated by private individuals or corporations, and foreign government-owned aircraft operated for commercial purposes.

(1) *Contract aircraft.* Civil aircraft operated under charter or other contract to any U.S. Government department or agency.

(2) *Leased aircraft.* U.S. Government-owned aircraft delivered by the Government to a lessee subject to terms and conditions prescribed in an agreement which does not limit the lessee's use of the aircraft to Government business or performance of Government contracts.

(f) *Government aircraft.* Aircraft owned, operated by or on behalf of, or controlled by any department or agency of either the United States or a foreign government (except a foreign government-owned aircraft operated for commercial purposes). Aircraft owned by any department, agency, or political subdivision of a State of the United States when the State, county, or municipality has sole responsibility for operating the aircraft.

(1) *Military aircraft.* Aircraft used in the military services of any government.

(2) *Loaned aircraft.* U.S. Government-owned aircraft delivered gratuitously by any DOD agency to another Government agency or to a USAF Aero Club.

(3) *Bailed aircraft.* U.S. Government-owned aircraft delivered by the Government to a Government contractor for a specific purpose directly related to a Government contract.

(4) *Foreign government aircraft.* Foreign military and other foreign government-owned aircraft which are not being operated commercially.

(g) *User.* An individual or corporation operating civil aircraft. A user will be named on the AF Form 180, Hold Harmless Agreement; the AF Form 181, Civil Aircraft Landing Permit; and the AF Form 203, Certificate of Insurance. The user named on each of the above forms must be the same.

(h) *Hold Harmless Agreement.* An agreement on AF Form 180 executed by the user which releases the U.S. Government from all liabilities incurred in connection with civil aircraft use of Air Force installations. Unless this form is already on file with the approving authority, it is submitted with the AF Form 181.

(i) *Civil Aircraft Landing Permit.* An application on AF Form 181 completed by the user and submitted to an approving authority at least 30 days prior to the first intended landing. Upon approval, the user is authorized to use Air Force installations in accordance with the terms of the permit and this part.

(j) *Certificate of Insurance.* A certificate on AF Form 203 executed by an insurance company which is in consonance with this part and evidences the amount

of aircraft liability insurance carried by the user. Unless a valid certificate is on file with the approving authority, it is submitted with the AF Form 181.

(k) *Joint use installation.* An Air Force installation where civil aircraft use of the runways and taxiways is authorized by a specific agreement between the Air Force and a community (see § 855.16) or between the U.S. Government authorities and foreign government authorities. The civil aircraft terminal, parking, and servicing facilities are established and controlled by the community or its agent and are normally located in a civil area separate from the military. Civil aircraft normally are restricted to the civil parking and terminal areas at joint use installations, except for those aircraft on official business or under contract to the U.S. Government.

(1) *Technical use.* Use of an Air Force installation, under other than emergency conditions, by civil aircraft for servicing or obtaining supplies. The servicing and supplies must be obtained from civil sources (see AFR 67-53 (Selling Aviation Fuel and Oil for Contract, Charter, and Civil Aircraft) for purchase of petroleum, oil, and lubricants).

(m) *Authorized supplier.* A commercial petroleum company doing business in the United States which has an agreement with the Air Force to guarantee payment for aviation fuel and oil furnished by the Air Force to civil aircraft (see AFR 67-53).

(n) *Official business.* Business, in the interest of the U.S. Government, which personnel aboard an aircraft must transact with U.S. Government personnel, units, or organizations at or near the Air Force installation concerned. (The use of an Air Force installation by transient aircraft to petition for U.S. Government business or to obtain clearance, servicing, or other items pertaining to itinerant operations is not considered official business.)

§ 855.3 Policy.

Except for those users declaring an inflight emergency (see § 855.5), civil and foreign government aircraft may not land at any Air Force installation or use the Air Force area of a joint use installation other than in exceptional circumstances. In an exceptional circumstance landing may be authorized, provided permission from the Air Force is obtained in the form of an approved AF Form 181 or an approved "Foreign Government Aircraft Landing Request." Air Force installations are established and facilities, personnel, and materiel are maintained at such installations only to the extent necessary to support the Air Force mission and the needs of national defense. Consequently, the Air Force cannot authorize the use of its installations for other than official business unless an exceptional reason exists for granting such authorization and unless, in addition, the Air Force finds, in its sole discretion, that the requested use will be compatible with current and programmed military activities at the installation after considering security, volume, and type of military flights, avail-

ability of supplies, maintenance services, crash protection, and any other pertinent factors, such as international agreements or arrangements. When a request for use of an Air Force installation has been approved, the approving authority or the installation commander, providing advance notice where practicable, may suspend the authorization or require a change in the proposed time of landing or takeoff, if such suspension or flight plan revision is deemed necessary, to prevent interference with military activities at the installation. Air Force authority applies only to the use of Air Force installations; the installation commander is responsible for and authorized to exercise administrative and security control over both the aircraft and passengers while on his installation.

(a) *Civil aircraft.* Domestic or foreign civil aircraft will normally not be permitted to use an Air Force installation unless an official requirement exists for the aircraft or its passengers to be at the installation and a written authorization permits such use. Use of an Air Force installation for other than official business will require full justification and will be acted upon only under exceptional circumstances. Where the requested use is for other than official business, the request from the prospective user must include an explanation of why a civil airfield cannot be used; mere convenience is not sufficient reason to justify authorization to use an Air Force installation. Except for certain joint use Air Force installations, Air Force installations are not appropriate for technical use and requests for such use will normally not be approved. The Air Force is not obligated to permit civil aircraft to use Air Force installations or the Air Force area of a joint use installation except in the performance of Air Force contracts which specify landings and use of the facilities at named installations; consequently, an approving authority receiving an AF Form 181 may disapprove and return the request form without further action. Landing clearance granted by a tower does not nullify the requirements of this part; except for those users declaring an inflight emergency, an approved AF Form 181 or other written authorization must be aboard the aircraft before making any landing at an Air Force installation and will be presented upon demand. The types of civil aircraft use that may be considered are described in § 855.4.

(b) *Foreign government aircraft.* Foreign government aircraft are not required to submit AF Forms 180, 181, and 203 to request permission to land at an Air Force installation. Instead, and except for a declared inflight emergency, such aircraft must submit in advance a written request to HQ USAF (AFNICBB) Washington, D.C. 20330. (For procedure, see § 855.7(b).) Diplomatic clearance must be obtained as explained in paragraph (c) (1) of this section.

(c) *All aircraft.* Except for an inflight emergency, all aircraft must have a UHF or VHF two-way radio capable of voice communication with the control tower, and the associated approach con-

trol facilities, on the air-ground frequencies assigned to the Air Force installation being utilized. Authorization to use an Air Force installation under the provisions of this part extends only to the landing, taxiing, and normal parking of the aircraft and does not represent, or take the place of:

(1) *Diplomatic clearance.* Diplomatic clearance must be obtained through the proper channels from the United States and from each of the other foreign countries which is to be overflown or in which a landing is to be made.

(2) *Authorization to use real property.* Requests for such use must be submitted according to the procedure outlined in AFR 87-3 (Granting Temporary Use of Real Property).

(d) *International operations.* Civil aircraft performing scheduled or non-scheduled international flights, whether for commercial or noncommercial purposes, will normally not be permitted to use Air Force installations unless they are performing under a U.S. Government contract or providing charter service for a U.S. Government contractor where use of the installation is necessary. Where the Air Force has designated an installation for use by air carriers of countries that are members of the International Civil Aviation Organization (ICAO), or has authorized the use of a specific installation by civil aircraft engaged in a specified type of international operation, the Air Force will normally authorize other civil aircraft registered in ICAO countries (or, in the case of aircraft performing scheduled flights, registered in countries which are parties to the International Air Services Transit Agreement) to use the same installation for similar international operations, provided that the prospective user has obtained all necessary authorization from the authorities responsible for civil aviation, has complied with all the requirements of this part and other applicable laws and regulations of the United States, and that the prospective use is not inconsistent with national defense interests.

§ 855.4 Types of civil aircraft use.

This section defines, but does not limit, the types of use of Air Force installations by civil aircraft which the Air Force may act on, but only if the Air Force has determined, in its sole discretion, that the requested use will be compatible with the current and programed military activities at the installation. The types of use are:

(a) *U.S. Government contract.* An air carrier may be permitted to use an Air Force installation when the carrier is operating under an agreement with any U.S. Government agency or at the request of an authorized Air Force contracting or transportation officer, i.e., under a charter or other contract with the Military Traffic Management and Terminal Service (MTMTS) or Military Airlift Command (MAC). However, in addition:

(1) An official U.S. Government document (e.g., a certificate of operations, U.S. Government bill of lading, cargo

manifest, transportation request, or MAC Form 8—see para. 3, AFR 67-53) must be presented with the approved AF Form 181 to substantiate that the use is a bona fide U.S. Government charter/contract operation.

(2) Loading, enroute, and terminal stops at Air Force installations will be used only for the on-and-off loading of Government passengers and cargo, unless the contract, charter, or MAC Form 8 expressly permits landing for another purpose.

(b) *Scheduled air carrier.* Scheduled and weather alternate use are the only two types of scheduled air carrier use recognized by the Air Force. Each use is permitted as follows:

(1) Scheduled use, where authorized, is that regular scheduled air carrier service to a community or area for the purpose of on-or-off loading passengers and cargo (see § 855.16 on joint use).

(2) Weather alternate use, when authorized, permits the diversion to and actual use of an Air Force installation only when unforecast weather conditions require the aircraft to change from its original to the alternate destination while in flight. Aircraft may not be dispatched from a point of departure to an approved weather alternate.

(c) *Nonscheduled air carrier.* Air taxi and charter service are the only two types of nonscheduled air carrier use recognized by the Air Force. Each use is permitted as follows:

(1) Air taxi service must be sanctioned by a written agreement with the installation commander concerned who is also the approving authority for the AF Form 181. Only official passengers and cargo may be carried (see par. 304011, AFM 75-2 (Military Traffic Management Regulation)).

(2) Charter service is that air transport service rendered to an individual or corporation where part or all of the capacity of the aircraft is chartered for transportation on official business as authorized by the installation commander or in the performance of a specific Government contract. The aircraft may be used to transport the contractor's supplies and personnel needed to perform the specific contract; but, the aircraft cannot be used for daily transportation of employees in competition with public transportation. The individual(s) or corporation(s) chartering such service must submit a letter of justification addressed to the approving authority specifying the name of the chartered air carrier and how use of the Air Force installation will facilitate the official business or contract performance. Upon approval, the installation may be used only when providing transport service to the individual or corporation having official business; such stops at authorized Air Force installations will be used for the on- and off-loading of official business passengers and cargo only, unless other written authorization expressly permits use for private commercial charter passengers and cargo. In Item 7 of AF Form 181 the prospective user must list each installation to be visited with its applicable contract

numbers, name(s) of chartering individual or corporation, description of work to be performed, period of use, and any other pertinent details.

(d) *Civil Air Patrol.* Aircraft owned by either the Civil Air Patrol (CAP) or its members are considered civil aircraft and must comply with this part. Such aircraft, when operated by CAP members, may be permitted to use designated Air Force installations in connection with CAP activities. (Aircraft under lease or contractual agreement with the U.S. Government and operated by USAF-CAP liaison officers on official business are considered DOD aircraft and not required to submit AF Forms 180, 181, and 203.)

(e) *Government personnel.* Aircraft privately owned, or leased, and operated by military personnel on active duty or retired, members of the Air National Guard (ANG) or Air Force Reserve (AFRes), and civil employees of the U.S. Government may be granted permission to use an Air Force installation on official business. Active duty military personnel may use an Air Force installation for private, non-revenue-producing purposes. Retired military personnel may use an Air Force installation for those activities authorized to them by law. None of these aircraft may carry passengers or cargo for revenue producing purposes.

(f) *Non-Government personnel.* Aircraft which are privately owned and noncommercially operated by other than U.S. Government personnel for purposes of interest to the U.S. Government not involving transportation of passengers or cargo for hire may be authorized the use of an Air Force installation as follows:

(1) By an individual or corporation for transportation on official business as authorized by the installation commander (e.g., in connection with sales or service representation to authorized military agents such as the exchange, commissary, or contracting officer) or in the performance of a specific Government contract at specified Air Force installations. The aircraft may be used to transport the contractor's supplies and personnel needed to perform the specific contract, but the aircraft cannot be used for daily transportation of employees in competition with public transportation. In item 7 of the AF Form 181 the prospective user must list each installation to be visited with its applicable contract number(s), description of work to be performed, duration of use, and any other pertinent details.

(2) By a manufacturer (or others) to demonstrate or to show civil aircraft or installed equipment to official representatives of the U.S. Government who have a procurement interest, who have approval or certification responsibility for the aircraft or equipment, and who have requested the demonstration or showing.

(g) *Other.* In appropriate circumstances civil aircraft may be considered for use of an Air Force installation for such purposes as: FAA certification, testing, developmental testing, aircrew training, technical use, ferrying aircraft, non-

scheduled charter operations where the aircraft is used for purposes unrelated to any U.S. Government contract, and various other special uses. However,

(1) The request must be thoroughly substantiated.

(2) Ample reasons must be furnished to the approving authority as to why a civil airfield cannot be used.

(3) In item 7 of AF Form 181, the prospective user must list each requested installation to include its applicable purpose, justification, period of use, and any other pertinent details deemed necessary for consideration.

§ 855.5 Emergency landing at an Air Force installation.

Any aircraft involved in an inflight emergency that endangers the safety of its passengers and aircraft may land at an Air Force installation. Advance authorization or an approved AF Form 181 is not required. However, to avoid interference with military operations, the aircraft should land at a civil airfield if the pilot has time to select a landing place. After an emergency landing:

(a) The appropriate USAF authority may use any method or means to clear the aircraft or wreckage from the runway. Consistent with actual national defense requirements, care will be taken to preclude unnecessary damage in removing the aircraft or wreckage.

(b) The user will be billed for all costs to the Government that result from the emergency landing. No landing fee will be charged, but the charges will include the labor, material, parts, use of equipment, tools, etc., for:

(1) Spreading foam on the runway before landing.

(2) Damage to runway, lights, navigation aids, etc.

(3) Rescue, crash, and fire control.

(4) Movement and storage of aircraft.

(5) Performance of minor maintenance.

(c) The base operations officer will provide the base accounting and finance officer with all the necessary data to show what costs were incurred by the U.S. Government as a result of the civil aircraft emergency (see Part 812, Subchapter B of this chapter for guidance in determining costs).

(d) The base accounting and finance officer will prepare the bill of charges and collect payment therefor.

(e) The pilot or his employer will file a complete narrative report of the emergency with the installation commander. If there are no survivors to prepare this report, the base operations officer will use the most reliable information available to prepare it. A copy of the report will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(f) The aircraft operator, before taking off, must complete AF Forms 180 and 181 to cover the takeoff, if the aircraft is to be flown from the installation. (AF Form 203 is not required.)

(g) The installation commander will review and distribute the completed AF Form 181 as directed in § 855.9 (he need not complete the entries to be filled in by

the approving authority); he will also report the circumstances of the landing to:

(1) The General Aviation District Office of the Federal Aviation Agency, if the installation is in the United States or its possessions.

(2) The appropriate USAF authority, such as an air attache, if the installation is within a foreign country.

§ 855.6 Processing violations of this part.

Any aircraft that lands at an Air Force installation without obtaining prior permission from an approving authority, except in a bona fide emergency, is in violation of this part. Civil aircraft landing in violation of this part will have to pay the penalty fee prescribed in § 855.15(a) and will probably experience delays while authorization for departure is obtained pursuant to this part. Before the aircraft is authorized to depart, the installation commander must ensure full compliance with this part by doing the following.

(a) Inform the aircraft operator of the provisions of this part.

(b) Require the aircraft operator (or owner), before takeoff, to pay all fees and charges and to comply with the following procedure:

(1) Execute AF Forms 180 and 181; in item 7 of AF Form 181 explain the reason for the landing. In lieu of submitting an AF Form 203, evidence of sufficient insurance must be furnished by the insurer to include waiver of any right of subrogation against the United States and that such insurance applies to the liability assumed by the insured under the AF Form 180.

(2) When it appears that the violation may have been deliberate, or is a repeated violation, departure authorization must be obtained from HQ USAF as prescribed in § 855.7.

(c) If the violation is processed at the installation, the installation commander will review and distribute the completed AF Form 181 as directed in § 855.9 (he need not complete the entries to be filled in by the approval authority); he will also report the circumstances of the landing to:

(1) The General Aviation District Office of the Federal Aviation Agency, if the installation is in the United States or its possessions.

(2) The appropriate Air Force authority, such as an air attache, if the installation is within a foreign country.

§ 855.7 How to request the use of an Air Force installation.

The prospective user should obtain a copy of this part and the required forms (the "Foreign Government Aircraft Landing Request" is not a printed form but should be prepared by the foreign government) from any Air Force installation or approving authority and should review them before preparing the required documents for submission.

(NOTE: See paragraph (c) of this section for those users who are exempt from submitting AF Forms 180, 181, and 203.)

Prospective civil and foreign government users of an Air Force installation must apply for authorization as follows:

(a) Prospective civil aircraft users will:

(1) Complete, sign, and forward only 1 copy of AF Form 180 to the approving authority. When the user is a corporation, the "Certificate" of acknowledgment on AF Form 180 must be completed and signed by a second official of the corporation (other than the one executing the Hold Harmless Agreement) to certify the signature of the first official. As necessary, the Air Force also may require that the "Certificate" of acknowledgment be authenticated by an appropriately designed third official. Once the completed and signed AF Form 180, Hold Harmless Agreement, has been accepted by an approving authority, it is valid until obsolete and need not be re-submitted with future requests to the same approving authority.

(2) Prepare and sign a separate set (5 copies) of the user's portion of AF Form 181 for each type of use requested. The user should insure that all entries conform to the requirements of this part. Once the AF Form 181 has been approved and distributed, no further entries or amendments can be made. New requirements must be submitted on a new set of AF Forms 181, but may include the old listings.

(3) Have the insurer or his authorized agent complete, sign, and forward the original of AF Form 203 to HQ USAF (AFOAPDA), Washington, D.C. 20330. All coverages will be stated in U.S. dollars (see § 855.13 for required minimum coverage). When the approving authority is other than HQ USAF, a signed carbon copy of the original AF Form 203 will be submitted with the AF Forms 181 to that approving authority. Once an AF Form 203 is on file with an approving authority, it is valid until insurance expiration date and may be used by that approving authority as a basis for his action upon any subsequent AF Forms 181 submitted for approval. If necessary, insurance companies may reproduce the AF Form 203; however, reproductions or photo-stats of the completed form are NOT acceptable.

(4) Forward the completed forms direct to the appropriate approving authority (see § 855.8) at least 30 days prior to first intended landing in order to provide the approving authority with sufficient time for review and processing (i.e., to insure that the request, Certificate of Insurance, and Hold Harmless Agreement are valid and to notify the appropriate installations and commands).

(b) Prospective foreign government aircraft users: Foreign government aircraft are not required to submit AF Forms 180, 181, and 203 to request permission to land at an Air Force installation. Instead, the foreign government must:

(1) Complete and forward a written request through its air attache to HQ USAF (AFNICBB), Washington, D.C. 20330, at least 10 days prior to first in-

tended landing. (All Latin American countries are authorized to submit their requests for use of an Air Force installation in the Canal Zone or CONUS direct to USAFSA, APO New York 09825.)

(2) Submit a request for diplomatic clearance to the Department of State, where flight to U.S. territory is desired, unless flight in U.S. airspace is already authorized by an appropriate agreement. (Among the countries with which the United States has such agreements are: Costa Rica, Dominican Republic, Guatemala, Nicaragua, and Honduras. Certain government aircraft of these countries may use Air Force installations in accordance with existing Bilateral Military Air Transit Agreements.)

(3) Submit a request for diplomatic clearance to each appropriate foreign country which is to be overflown or in which a landing is to be made in addition to obtaining U.S. Air Force landing approval (where use of an Air Force installation in a foreign country is desired).

(c) Aircraft exempt from submitting AF Forms 180, 181, and 203: In addition to foreign government aircraft, certain other aircraft are permitted to use Air Force installations without completing AF Forms 180, 181, and 203. They are:

(1) Aircraft owned and operated by:

(i) An agency of the U.S. Government outside the Department of Defense.

(ii) USAF Aero Clubs established in accordance with Part 861 of this subchapter.

(iii) Aero Clubs of the other military services which are organized as a sundry fund activity and operated as an instrumentality of the U.S. Government.

(iv) A State, county, or municipality when use is in connection with the official business of the owner.

(2) Civil aircraft under lease or contractual agreement to:

(i) The U.S. Government and operated by employees of a U.S. Government agency outside the Department of Defense (e.g., the Federal Aviation Agency) on official business.

(ii) The Civil Air Patrol and operated by a USAF-CAP liaison officer on official Air Force business.

(3) Bailed aircraft, provided the contract under which the aircraft is bailed specifies that the U.S. Government is the insurer for liability.

§ 855.3 Who has approving authority.

The authority to approve and to disapprove the AF Form 181 and the "Foreign Government Aircraft Landing Permit" is delegated without right of redelegation to:

(a) HQ USAF—(1) *Directorate of Aerospace Programs (AFOAP)*. HQ USAF (AFOAPDA) will act on any request for civil aircraft to use Air Force installations but specifically reserves to itself exclusive approving authority on requests for:

(i) U.S. Government contract use.

(ii) Scheduled or weather alternate use by any scheduled air carrier.

(iii) Use of more than one installation. (Except for air taxi service, a user submitting an application to an installation commander for approval must have

interests at only the one Air Force installation.)

(iv) Use for commercial training, testing, or certification purposes.

(v) One-time use for on-and-off loading passengers or cargo not justified for performance of a U.S. Government contract or other official Government business.

(vi) Continuous use (i.e., for more than a 5-day period) by general aviation or by a nonscheduled commercial air carrier (except that an installation commander has sole authority to approve air taxi service).

(vii) Use on international flights (i.e., where the aircraft operates for a part of its journey, with or without landing, in the air space of a country other than the country where the installation is located).

(viii) Use by a foreign civil aircraft of an Air Force installation located in the United States or in a foreign country other than the country of aircraft registry.

(ix) Any other use not specifically delegated to a lower echelon for processing action.

(2) *Assistant Chief of Staff, Intelligence (AFNIN)*. HQ USAF (AFNICBB) will act on all requests for use of an Air Force installation by a foreign government aircraft except, as stated in paragraph (d) of this section, Commander, USAF Southern Command, has authority to approve certain requests from Latin American countries.

(b) *Major command*. The major commander may act only on requests for civil aircraft to use an installation under his control, provided an authorized supplier is not to be shown in Item 20 of AF Form 180 and, additionally, that the aircraft are operating on domestic flights performed entirely within the airspace of the country where the Air Force installation is located and do not involve flight through international airspace; and provided further, that the request for use is not specifically reserved to HQ USAF for approval and is one or more of the following:

(1) Directly connected with official Government business.

(2) Use in accordance with the provisions governing use by the Civil Air Patrol, Government personnel, and non-Government personnel on official business.

(3) A one-time request to make not more than eight landings during a 5-day period if the use is in connection with community or U.S. Government interests and no adequate civil airport is available. (However, such a request may not be approved under this category if an identical request has been approved in the previous 90 days.)

(4) A request for a civil aircraft to land at an installation under his control when use is:

(i) By a civil aircraft either owned or personally chartered by the President, Vice President, or a past President of the United States; the head of any Federal department or agency; or a Member of Congress.

NOTE: Compliance with this part is required whether use is for official or personal business. If time does not permit processing of the request prior to arrival at the installation, AF Forms 180, 181, and 203 must be complete immediately after aircraft arrival. Landing, parking, and storing fees will be collected when use is not for official business purposes, e.g., political campaigning is not considered official business. Requests by or for Members of Congress will be reported to the Director of Legislative Liaison (SAF-LL) in accordance with provisions of AFR 11-7 (Air Force Relations With Congress).

(ii) By a civil aircraft either owned or personally chartered by a presidential or vice-presidential candidate of a major party. Approval is contingent upon the presence of a presidential or vice-presidential candidate aboard the aircraft. Normal fees will be charged as prescribed in this part.

NOTE: To reduce conflict with U.S. statutes and Air Force operational requirements and to provide expeditious handling of aircraft carrying major party presidential and vice-presidential candidates, the following guidance applies: Minimum official (base officials) welcoming party, no special facilities need be provided, no plans should be approved for on-base political speeches, and no official transportation should be provided for unauthorized (press, local populace, etc.) personnel.

(c) *Commander, Alaskan Air Command*. In addition to the uses that may be approved by a major commander, he may act on occasional use of the various airstrip type installations under his control, without restriction as to type of use, provided such use does not interfere with the Air Force mission and does not involve the use of any Air Force supplies, equipment, or facilities except a landing strip.

(d) *Commander, USAF Southern Command*. In addition to the uses that may be approved by a major commander, he may act on a request from any Latin American country for its military aircraft, or other government-owned aircraft, not engaged in commercial operations, to use Air Force installations under his control and in the CONUS. Prior clearance for use of CONUS installations must be obtained, either formally or informally, from the installation commander concerned before issuing the landing authorization. Concurrent with obtaining clearance from the installation commander, informal notification of period of use and petroleum, oil, and lubricants (POL) billing instructions may be furnished; this information will be repeated in the landing authorization message. USAFSA will insure that all authorizations are consistent with current directives.

(e) *Air Force installation commander*. The installation commander may act on requests for civil aircraft to use only his installation for the same uses that may be approved by a major commander. The flights covered by AF Form 181 approved by an installation commander must be domestic flights performed entirely within the airspace of the country where the Air Force installation is located and must not involve flight through international airspace; and pro-

vided further, that the type of use requested is not specifically reserved to HQ USAF for approval. A request for a foreign civil aircraft to use his installation, where the installation is located in a country other than that of aircraft registry, will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(f) *USAF air attache.* The air attache must refer all requests direct to HQ USAF (AFOAPDA), Washington, D.C. 20330, except that he may act on a request for a civil aircraft one-time operation at an Air Force installation located within the country to which he is accredited, provided that:

(1) The aircraft is registered in that country.

(2) The landing is in connection with official interests of either that country or the U.S. Government.

(3) There is no adequate civil airport available.

(4) The request is a one-time request for not more than eight landings during a 5-day period.

(5) At least 90 days have elapsed since a similar 5-day request was approved.

§ 855.9 Processing procedure of the approving authority.

Upon receiving a request for the use of an Air Force installation, the approving authority will:

(a) Determine the availability of the installation and its capability to accommodate the type of use requested.

(b) Insure that the prospective civil aircraft user has a valid AF Form 180 and AF Form 203 on file at his approving level (this should be determined prior to completion of the approval section of the AF Form 181, if the request is to be approved).

(c) Determine the validity of the request and, if the request is to be approved, insure that all entries on the AF Form 181 conform to the requirements of this part. Approve the AF Form 181 (with or without stating any conditions or limitations that may be appropriate) by completing all items in the section reserved for the approving authority. Important items to check on AF Form 181 and AF Form 203 are:

(1) "Period of Use" "Thru" date and Landing Permit expiration date indicated on AF Form 181 must agree. (An "Indefinite" period of use or expiration date is not acceptable.)

(2) The "Period of Use" may not exceed 18 months. If the insurance is the limiting factor, landing permit expiration date in Item 17 of AF Form 181 must be 1 day prior to insurance coverage expiration date indicated in item 4C of AF Form 203.

(3) Type of use checked—one only.

(4) The amount of insurance indicated on the AF Form 203 must be stated in U.S. dollars and must be adequate for the type of use requested and for the passenger capacity and gross takeoff weight of the aircraft being operated.

(5) Items 1 through 23 of the landing permit must be filled with either the proper information, dashes, or X-ed out. Incorrect entries must be corrected to conform to the requirements of this part.

(6) If approving action is by an installation commander, and Item 20 on AF Form 181 is to indicate an authorized supplier, one copy of the "authorized supplier letter" will be retained and the original and second copy will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(d) Disapprove the request if it is determined not to be valid or if it does not comply with the requirements of this part. A request may be disapproved:

(1) If there is incompatibility with or priority of Air Force operations.

(2) If the use would interfere with current operations, security, or ground safety.

(3) If adequate civil facilities are available in the proximity of the Air Force installation requested for use.

(4) If the civil user has not fully complied with the requirements of this part.

(e) HQ USAF (AFNICBB) will assign an aircraft landing number (ALAN) to each request approved for foreign government aircraft and will notify Air Force installations, major commands, Air Staff offices, and HQ USAF (AFOAPDA) by message.

(f) Distribute the approved AF Form 181 and transmit the message granting foreign government aircraft clearance prior to the first intended landing, when possible, as follows:

(1) Original copy to HQ USAF (AFOAPDA), Wash., D.C. 20330. (If an installation commander has accepted an "authorized supplier letter," 1 copy of the letter is retained for file at the installation; the original and second copy are forwarded to HQ USAF (AFOAPDA), Wash., D.C. 20330.)

(2) Return 2 copies to the user.

(3) Send one copy to the appropriate major commands. (Those landing permits approved by HQ USAF for U.S. Government contract use will be distributed as follows: When approved for "All USAF Installations in CONUS," a copy will be sent to all CONUS Air Commands and MTMTS; when approved for "All USAF Installations in the Western Hemisphere," a copy will be sent to each CONUS Air Command, MTMTS, PACAF, AAC, and USAFSO; when approved for "All USAF Installations—Worldwide," a copy will be sent to each major command and MTMTS. Major commands may make further distribution to appropriate installations. Those landing permits approved by HQ USAF for other types of use requiring "All USAF Installations in CONUS," or "Worldwide," will be distributed to the appropriate major commands who may make further distribution to their appropriate installations.)

(4) Send one copy to each installation approved for use.

(5) Retain one copy for file.

§ 855.10 Cooperation with customs, immigration, health, and other local authorities.

The installation commander will cooperate with the local customs, immigration, health, and other public authorities when it is deemed necessary in connection with the arrival or departure

of an aircraft. Each appropriate installation will establish mutually acceptable procedures for the handling of aircraft. The Air Force will not grant clearance for takeoff until all requirements have been met. The user of an Air Force installation will:

(a) Comply with all laws and regulations administered by the public authorities.

(b) Pay all fees, charges for overtime services, and any other costs associated with the administration of such laws.

§ 855.11 Aviation fuel and oil purchases.

Air Force aviation fuel and oil may be purchased by the users of an Air Force installation as follows:

(a) Civil aircraft may purchase fuel and oil in accordance with AFR 67-53 and Part Three, Volume I, AFM 67-1 (USAF Supply Manual). Those aircraft operators desiring to purchase fuel on credit by the "authorized supplier" method must submit an "authorized supplier letter" as prescribed in AFR 67-53. Three signed copies of the letter should be submitted with AF Forms 181 to the approving authority. The approving authority will enter the name and address of the "authorized supplier" and the geographical area of coverage in item 20 of AF Form 181. Only HQ USAF and an installation commander may accept an authorized supplier letter.

(b) Foreign government aircraft may purchase fuel and oil only as authorized by separate agreement or as stated in the approved landing request.

(c) Aero club aircraft may purchase fuel and oil in accordance with AFR 67-147 (Sale of Aviation Fuels and Oils to Air Force Aero Clubs).

§ 855.12 Supply and service charges.

Charges for supplies and services furnished will be as prescribed in paragraph 28, Chapter 4, Volume II, AFM 67-1. For official business, communications service may be provided at no cost to the U.S. Government or on a reimbursable basis where additional charges accrue to the U.S. Government for such service. Communications service normally will not be provided for unofficial business.

§ 855.13 Insurance requirements.

Except for those aircraft specified in paragraph (g) of this section, each civil aircraft that is permitted to use an Air Force installation is required to carry the minimum coverage prescribed in this section. (Effective Nov. 16, 1967, the amounts stated within the parentheses in this section are the required minimum coverages.) All coverages on AF Form 203 must be stated in U.S. dollars. The policy must be carried at the expense of the civil aircraft owner or operator and with a company acceptable to the U.S. Air Force.

(a) Privately owned commercially operated aircraft used for cargo carrying only and aircraft being flight-tested or ferried without passengers will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least \$50,000 (\$100,000) for each person in any one accident with

at least \$500,000 (\$1,000,000) for each accident.

(2) *Property damage liability.* At least \$500,000 (\$1,000,000) for each accident.

(b) Privately owned commercially operated aircraft used for passenger carrying and privately owned noncommercially operated aircraft of 12,500 pounds or more certified maximum gross takeoff weight will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least \$50,000 (\$100,000) for each person in any one accident with at least \$500,000 (\$1,000,000) for each accident.

(2) *Property damage liability.* At least \$500,000 (\$1,000,000) for each accident.

(3) *Passenger liability.* At least \$50,000 (\$100,000) for each passenger, with a minimum for each accident determined as follows: multiply the minimum for each passenger, \$50,000 (\$100,000), by the next highest whole number resulting from taking 75 percent of the total number of passenger seats (exclusive of crew seats). For example: The minimum passenger coverage for each accident for an aircraft with 94 passenger seats is computed: $94 \times 0.75 = 70.5$ —next highest whole number resulting is 71. Therefore, $71 \times \$50,000 = \$3,550,000$ ($71 \times \$100,000 = \$7,100,000$).

(c) Privately owned noncommercially operated aircraft of less than 12,500 pounds will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least \$50,000 (\$100,000) for each person in any one accident with at least \$200,000 (\$500,000) for each accident.

(2) *Property damage liability.* At least \$150,000 (\$500,000) for each accident.

(3) *Passenger liability.* At least \$50,000 (\$100,000) for each passenger, with a minimum for each accident determined by multiplying the minimum for each passenger, \$50,000 (\$100,000), by the total number of passenger seats (exclusive of crew seats).

(d) Aircraft insured for a single limit of liability must have coverage equal to or greater than the combined required minimums for bodily injury, property damage, and passenger liability for the type of use requested and for the passenger capacity and gross takeoff weight of the aircraft being operated. For example: The minimum single limit of liability acceptable for an aircraft operating as described in paragraph (b) of this section is: $\$500,000 + \$500,000 + \$3,550,000 = \$4,550,000$ ($\$1,000,000 + \$1,000,000 + \$7,100,000 = \$9,100,000$).

(e) Aircraft insured by a combination of primary and excess policies must have combined coverage equal to or greater than the required minimums for bodily injury, property damage, and passenger liability, for the type of use and for the passenger capacity and gross takeoff weight of the aircraft.

(f) Each policy must specifically provide that:

(1) The insurer waives any right of subrogation the insurer may have against

the United States by reason of any payment under the policy for damage or injury which might arise out of or in connection with the insured's use of any Air Force installation or facility.

(2) The insurance afforded by the policy applies to the liability assumed by the insured under AF Form 180, Hold Harmless Agreement.

(3) If the insurer cancels or reduces the amount of insurance afforded under the listed policy, the insurer shall send written notice of the cancellation or reduction to HQ USAF (AFOAPDA), Washington, D.C. 20330, by registered mail at least 30 days in advance of the effective date of cancellation; the policy must state that any cancellation or reduction will not be effective until at least 30 days after such notice is sent, regardless of the effective date specified therein.

(4) If the insured requests cancellation or reduction, the insurer shall notify HQ USAF (AFOAPDA), Washington, D.C. 20330, immediately upon receipt of such request.

(g) Aircraft exempt from carrying the required insurance coverage are:

(1) Foreign government aircraft.

(2) Aircraft owned and operated by States, counties, or municipalities of the United States.

(3) Aircraft owned and operated by an Air Force Aero Club established in accordance with Part 861 of this subchapter.

(4) Aircraft owned and operated by Aero Clubs of other U.S. military services which are organized as sundry fund activities and operated as instrumentalities of the U.S. Government.

(5) Bailed aircraft, provided the contract under which the aircraft is bailed specifies that insurance is not required.

§ 855.14 Cancellation or suspension of the landing permit (AF Form 181).

(a) *Cancellation.* If HQ USAF (AFOAPDA) receives cancellation notice of either the user's insurance or authorized supplier letter of credit guarantee, or if the user fails to comply with the terms of the AF Form 181 or of any applicable regulations, all current AF Forms 181 for that user will be canceled. A canceled AF Form 181 cannot be reinstated; a new request must be submitted for approval (as explained in § 855.7).

NOTE: If an installation commander has reason to believe that use of a landing permit is not in connection with official Government business or in consonance with the reason(s) given on the AF Form 181 to justify the use of his installation, he should immediately notify HQ USAF (AFOAPDA), giving the name of the user, the identification number of the permit, and citing the circumstances of the use.

(b) *Suspension.* The approving authority (or the installation commander) may suspend an approved AF Form 181 when military activities or any other requirement at an Air Force installation become such that the authorized use would temporarily be inconsistent with Air Force or national defense interests. The Air Force will seek particularly to avoid such a suspension in the case of

aircraft authorized to use an Air Force installation in connection with official government business or for scheduled air carrier use. In all cases, suspensions will be lifted as quickly as possible; however, a suspension will not have the effect of extending the expiration date of an approved AF Form 181. Consequently, as a result of a suspension, if use of an Air Force installation is desired beyond the specified expiration date of the AF Form 181, a new set of AF Forms 181 must be submitted for approval.

§ 855.15 Landing, parking, and storage fees.

The base operations officer, acting for the installation commander, will collect fees from all users (see exemptions in par. (d) of this section) and will remit all fees, with supporting documentation, to the base accounting and finance officer each workday. All fees due will be collected at the time of use unless a prior agreement between the user and the installation commander specifies otherwise.

(a) *Penalty landing fee.* If an aircraft lands at an Air Force installation without obtaining prior permission (except for a bona fide emergency landing), a penalty landing fee will be charged to cover the additional expenses incurred due to special handling and processing. The penalty landing fee will be the greater of the following amounts:

(1) For aircraft weighing 12,500 pounds or less, triple the normal landing fee or \$200.

(2) For aircraft weighing more than 12,500 pounds, triple the normal landing fee or \$500.

(b) *Normal landing fee.* The normal landing fee is based on the frequency of operation (touch-and-go or full-stop landings) and on the aircraft maximum authorized gross takeoff weight, to the nearest 1,000 pounds. The maximum gross takeoff weight may be determined either from Item 11E of AF Form 181 or from the "Airplane Flight Manual" carried aboard each aircraft. If the weight cannot be determined, it should be estimated. Landing fees outside the CONUS normally will be the same as those at the nearest suitable civil airport within the same country; however, when the rates shown in the following table are higher, they will be charged. All active and inactive Air Force installations will charge the following normal landing fees:

Landings per month per user	Charge per landing
First 90-----	Inside CONUS—0.15/1,000 pounds or any portion thereof with a minimum of \$2.50. Outside CONUS—0.25/1,000 pounds or any portion thereof with a minimum of \$5.00.
Next 90-----	Inside CONUS—0.10/1,000 pounds or any portion thereof with a minimum of \$1.75. Outside CONUS—0.20/1,000 pounds or any portion thereof with a minimum of \$4.00.

*Landings
per month
per user*

Charge per landing

After first 180-- Inside CONUS—0.05/1,000 pounds or any portion thereof with a minimum of \$1.00.
Outside CONUS—0.15/1,000 pounds or any portion thereof with a minimum of \$3.00.

(c) *Parking and storing fees.* Parking and storing fees are based on the gross weight of the aircraft and the amount of time spent on the ground. An installation commander may limit the amount of time an aircraft is permitted to remain at his installation. Aircraft owned and noncommercially operated by active duty military personnel may be permitted free storage when facilities are available and it will not interfere with military requirements. All parking and storing will be nonexclusive, and either emergency, temporary, or intermittent. Parking and storing fees are:

(1) *Outside a hangar.* Charges begin 6 hours after the aircraft lands. The rate is 10 cents per 1,000 pounds for each 24-hour period or fraction thereof, with a minimum charge of \$1 per aircraft.

(2) *Inside a hangar.* Charges begin as soon as the aircraft is placed inside the hangar. The rate is 20 cents per 1,000 pounds for each 24-hour period or fraction thereof, with a minimum charge of \$3 per aircraft.

(d) *Exemptions.* Aircraft exempt from landing, parking, and storing fees are:

(1) All Government aircraft except that foreign government aircraft will be charged fees if their government charges similar fees for U.S. Government aircraft.

(2) Aircraft being produced under a contract of the U.S. Government.

(3) Any contract aircraft or other civil aircraft which is authorized to use the installation on official Government business.

(4) Aircraft employed to train operators in the use of ground control approach, instrument landing systems, et al., provided full-stop or touch-and-go landings are not performed.

(5) Aircraft owned and operated by a USAF Aero Club established under Part 861 of this subchapter.

(6) Aircraft owned and operated by an Aero Club of the other U.S. military services which is organized as a sundry fund activity and operated as an instrumentality of the U.S. Government.

(7) Aircraft privately owned, or leased, and operated by military and auxiliary personnel (CAP, AFRes, ANG, AFOTC) on active duty or retired, provided the aircraft is not used for commercial purposes.

§ 855.16 Joint use of an Air Force installation by a community.

Requests for joint use of an Air Force installation by any civil commercial or general aviation activities on a continuing basis (including scheduled commercial use) are accepted only from author-

ized community representatives (e.g., mayor, city council, airport committee) and are considered and evaluated on an individual basis. Such requests should be addressed to the installation commander concerned. The installation commander is not authorized to make even a tentative decision on such a request; however, he will forward the request with his comments through military channels to HQ USAF (AFOAP), Washington, D.C. 20330. Approval of a joint use request can be granted only by HQ USAF.

(a) A request for joint use must include the following information:

(1) Type and number of aircraft to be located on the installation;

(2) An estimate of the number of scheduled air carrier operations annually over a 5-year period (if applicable); and

(3) An estimate of the number of general aviation aircraft operations annually over a 5-year period (if applicable).

(b) In evaluating the request, the Air Force will consider all of the following factors:

(1) The current and programmed military activities at the installation (giving consideration to security, availability of supplies and maintenance services, volume, and type of military traffic, crash protection, and any other pertinent factors) and the extent to which the proposed civil use might detract from the installation capability to meet national defense needs.

(2) Availability of public airports to accommodate the current and future civil aviation requirements of the community and the practicality of constructing or expanding a public airport.

(3) The availability of sufficient land for civil facilities in an area separate from the Air Force facilities.

NOTE: If the community does not already own the land needed, the necessary land must be acquired either by purchase at no expense to the Government, or from land that is excess to Air Force needs. The availability of excess Air Force installation land may be requested through the Federal Aviation Agency and the General Services Administration (see 50 App. U.S.C. 1622(g)).

(4) Whether the community would acquire, construct, and maintain all necessary facilities for civil aviation operation, e.g., a terminal building, parking ramp, taxiways, and, if appropriate, a civil runway.

(5) Whether the community would reimburse the Government a proportionate share of the costs for maintenance and operation of the runway and other utilized facilities.

(c) If the request for joint use seems sufficiently meritorious to warrant such action, the Air Force will forward the request to the Federal Aviation Agency for appropriate review. In addition, when a scheduled commercial air carrier use is involved, the Air Force will forward the request to the Civil Aeronautics Board for review.

(d) If the request for joint use is approved, HQ USAF will negotiate and conclude the agreement on behalf of the

Air Force. The joint use agreement will state the extent to which the provisions of this part will apply to all civil use authorized.

By order of the Secretary of the Air Force.

LUCIEN M. FERGUSON,
Colonel, U.S. Air Force, Chief,
Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 66-10954; Filed, Oct. 7, 1966; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION

Subpart E—Waiver of Overpayments

WAIVER OF OVERPAYMENTS; FRAUD

In § 3.1902(b), subparagraph (7) is amended to read as follows:

§ 3.1902 "Overpayments."

* * * * *

(b) * * *

(7) Overpayments due to forfeiture of benefits, except that where forfeiture was based on fraud, any portion of the overpayment which was not due to fraud may be waived.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective September 1, 1966.

Approved: September 27, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-10987; Filed, Oct. 7, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Benton Lake National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, geese, and gallinules on Benton Lake National Wildlife Refuge, Mont., is permitted from October 8, 1966, through January 5, 1967, inclusive, but only on the area designated by signs as open to hunting. The 2,350 acre public hunting

area is designated on maps available at refuge headquarters, Great Falls, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with applicable State and Federal regulations and subject to the following special condition:

(1) Hunters shall report at such designated checking stations as may be established when entering or leaving the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

ABRAM V. TUNISON,
Deputy Director.

OCTOBER 6, 1966.

[F.R. Doc. 66-11056; Filed, Oct. 7, 1966;
9:30 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 994]

[Docket No. AO-359]

PECANS OF DOMESTIC PRODUCTION

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), herein-after referred to as the "act," this decision with respect to a proposed marketing agreement and order regulating the handling of domestically produced pecans is issued.

The recommended decision, based on record evidence adduced at the hearing pursuant to notice thereof (31 F.R. 8021) and after consideration of briefs thereafter submitted, was filed August 9, 1966, with the Hearing Clerk, U.S. Department of Agriculture. Notice of the filing of the recommended decision, affording opportunity through September 9, 1966, to file written exceptions was published August 12, 1966, in the FEDERAL REGISTER (31 F.R. 10747). No exceptions to the recommended decision were filed with the Hearing Clerk.

Hearing record evidence both by proponents in justification of, and by opponents in opposition to, a marketing agreement and order for pecans of domestic production, as set forth in the hearing notice and later modifications thereof proposed during the hearing, was carefully analyzed and considered together with the recommended decision.

The material issues, findings and conclusions, and rulings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 66-8798; 31 F.R. 10747) are hereby approved and adopted as set forth below.

Preliminary statement. A public hearing was held to consider a proposed marketing agreement and order for pecans of domestic production pursuant to notice thereof which was published in the FEDERAL REGISTER of June 7, 1966 (31 F.R. 8021). The notice set forth the proposed marketing agreement and order which was submitted by the Federated Pecan Growers' Associations of the United States which represents pecan growers in most of the pecan producing States. The hearing, pursuant to the above notice was held in Albany, Ga., June 23 and 24, 1966, continued in Jackson, Miss.,

June 27, 1966, and in Dallas, Tex., on June 30 and July 1, 1966.

Material issues. The material issues presented on the record of the hearing are as follows:

- (1) The existence of Federal jurisdiction;
- (2) The need for the proposed regulatory program to effectuate the declared policy of the act;
- (3) The specific terms and provisions of a proposed marketing agreement and order.

Findings and conclusions. On hearing record evidence, the following facts are found:

Hearing sessions were held at three locations in the pecan producing areas, beginning at Albany, Ga., then continuing at Jackson, Miss., and concluding at Dallas, Tex. Numerous witnesses testified for the record. The record shows a broad coverage of the proposals in the notice of hearing. However, there is substantial variation in the views of the witnesses who testified. These views ranged from strong support to strong opposition with various modifications among the different witnesses. The evidence shows a rather wide divergence of opinion among substantial numbers of leaders within the pecan industry on the proposed program.

The evidence of the hearing does not permit recommendation of a sound, workable marketing agreement and order of the general nature proposed. This is particularly true on domestic quality regulation and collection of assessments. Of these two matters, proponent witnesses from different States within the production area, favored different provisions. In addition, the evidence indicates a lack of such industry demand and support at this time as will assure the support and cooperation required to make operation of a program of this type and scope feasible. Therefore, it is concluded that a marketing order program should not be recommended on the basis of this record. Hence, there is no need for further findings or conclusions on issues which relate to Federal jurisdiction, need, or the particular terms and provisions of a proposed regulatory program.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed July 22, 1966, as the latest day on which interested parties could file with the Hearing Clerk, U.S. Department of Agriculture, briefs with respect to the testimony presented in evidence at the hearing, and the findings and conclusions to be drawn therefrom.

Briefs were filed within the specified time by the following:

Western Irrigated Pecan Growers' Association, Las Cruces, N. Mex.
National Pecan Shellers and Processors Association, Chicago, Ill.
Tom Gist, Jr., Vice President, Eastern Arkansas, Pecan Growers Association, Helena, Ark.

Each brief was carefully considered along with the record evidence in reaching the findings and conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with those contained herein, the requests to make such findings or to reach such conclusions are denied.

In view of the aforesaid findings and conclusions, a marketing agreement should not be entered into and an order should not be issued at this time for regulating the handling of domestically produced pecans. This decision shall be published in the FEDERAL REGISTER and there shall be no further action in this proceeding.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 5, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-11001; Filed, Oct. 7, 1966; 8:49 a.m.]

[7 CFR Part 1005]

[Docket No. AO-177-A27]

MILK IN TRI-STATE MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area, which was issued September 27, 1966 (31 F.R. 12845), is hereby extended to October 7, 1966.

Signed at Washington, D.C., on October 4, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10984; Filed, Oct. 7, 1966; 8:48 a.m.]

[7 CFR Part 1069]

[Docket No. AO 153-A12]

**MILK IN DULUTH-SUPERIOR
MARKETING AREA**

**Notice of Extension of Time for
Filing Briefs**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held August 10-11, 1966, at Duluth, Minn., with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Duluth-Superior marketing area, pursuant to notice thereof issued July 25, 1966 (31 F.R. 10131), is hereby extended to October 15, 1966.

Signed at Washington, D.C., on October 5, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10985; Filed, Oct. 7, 1966;
8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

**Allocation of Income and Deductions
Among Taxpayers and Determina-
tion of Sources of Income**

The notice of hearing on the proposed amendment to the regulations under sections 482 and 861 of the Code relating to the Allocation of Income and Deductions Among Taxpayers as published in the **FEDERAL REGISTER** for September 30, 1966 (31 F.R. 12809), is hereby withdrawn.

The public hearing on this amendment as originally scheduled for November 2, 3, and 4 has been rescheduled and will be held starting Monday, November 14, 1966, at 10 a.m., e.s.t., and continuing if necessary on November 15 and 16 to hear oral comments. The hearing will be held in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Written comments on the proposed amendment submitted at any time prior

to or at the hearing will be considered before the final regulations are promulgated.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 9, 1966, Telephone (Washington, D.C.—area code 202) 964-3935.

In order to provide an orderly schedule of appearances at a convenient time, it will be appreciated if all persons who desire an opportunity to present oral comments will so notify the Commissioner at the earliest practicable date, even if they expect to defer submission of their written comments until the hearing. It will also be appreciated if such persons will, where possible, indicate the specific sections of the amendment on which they plan to comment. Further, it is requested that the oral comments be presented to the extent practicable on an industry- or association-wide basis.

LESTER R. URETZ,
Chief Counsel.

By: **JAMES F. DRING,**
*Director, Legislation and
Regulations Division.*

[F.R. Doc. 66-11073; Filed, Oct. 7, 1966;
11:24 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Ports of Entry; Point Roberts, Wash.

Effective upon publication in the *FEDERAL REGISTER*, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, is prescribed:

"Point Roberts, Wash.," of District No. 12—Seattle, Wash., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended to read: "Point Roberts, Wash."

Dated: October 4, 1966.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 66-10979; Filed, Oct. 7, 1966;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 155]

ARIZONA

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

OCTOBER 3, 1966.

In F.R. Doc. 66-10073, appearing on page 12065 of the issue of September 15, 1966, the following change should be made:

The land description in T. 24 N., R. 19 W., is amended to include secs. 22, 23, 24, 25, 26, and 27.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-10990; Filed, Oct. 7, 1966;
8:48 a.m.]

[A 156]

ARIZONA

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

OCTOBER 3, 1966.

In F.R. Doc. 66-10074, appearing on pages 12065 and 12066 of the issue of September 15, 1966, the following change should be made:

The sections in T. 16½ N., R. 18 W., are changed to secs. 19, 20, and 30.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-10991; Filed, Oct. 7, 1966;
8:48 a.m.]

EASTERN STATES OFFICE

Notice of New Location

Notice is hereby given that effective October 17, 1966, the Eastern States Office of the Bureau of Land Management, including the Eastern States Land Office, will be located at 7981 Eastern Avenue, Silver Spring, Md. 20910.

On and after this date all matters required to be filed with the Eastern States Land Office should be sent to the above address. For a period of 60 days after publication of this notice in the *FEDERAL REGISTER* any such filings transmitted by mail or by telegram will also be accepted at the Bureau of Land Management, Department of the Interior, 19th and E Streets NW., Washington, D.C. 20240.

At the conclusion of the 60-day period above provided such filings with the Eastern States Land Office will be accepted only at the Silver Spring, Md., address. Necessary revisions will be made to appropriate sections of Title 43 of the Code of Federal Regulations as soon as practicable.

EUGENE V. ZUMWALT,
Acting Director.

OCTOBER 6, 1966.

[F.R. Doc. 66-11057; Filed, Oct. 7, 1966;
9:48 a.m.]

Fish and Wildlife Service

[Docket No. G-376]

JAMES O. RUSSELL, JR.

Notice of Loan Application

James O. Russell, Jr., Star Route, Box 5, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 67-foot steel vessel to engage in the fishery for all commercial species of shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this

notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director, Bureau of
Commercial Fisheries.

OCTOBER 4, 1966.

[F.R. Doc. 66-10951; Filed, Oct. 7, 1966;
8:45 a.m.]

MASTER HULL POLICIES

Intent To Request Proposals

Under the terms of the mortgages utilized in connection with loans to commercial fishermen authorized in section 4 of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c), a mortgagor is required to obtain, among other things, hull insurance satisfactory to the Secretary of the Interior. Some of the basic requirements as respects the hull insurance coverage are that (a) the United States of America be the sole loss payee; (b) the vessel be insured for its full commercial value but in no event less than 110 percent of the outstanding balance of the note secured by the mortgage; and (c) the policy contain satisfactory Inchmaree and Breach of Warranty Clauses.

In the past, as a service to our borrowers and to potential borrowers, the Bureau of Commercial Fisheries has notified the interested public that the Commercial Fishermen's Inter-Insurance Exchange had a Master Hull Policy which, both in form and substance, met the requirements of our mortgage. This notice was merely informational and did not require the utilization of said Master Hull Policy. This Master Hull Policy expires on January 1, 1967.

The Bureau of Commercial Fisheries, in fulfilling its obligations under the Fish and Wildlife Act of 1956, as amended, desires to again notify the interested public of the existence of any Master Hull Policies which may be available to commercial fishing vessel owners or operators whose vessels serve as collateral for fisheries loans. The name of any qualified insurance company submitting a Master Hull Policy, found acceptable for use in connection with the Bureau's lending program, will be placed in an informational release along with the applicable premium charges. While this release will be distributed to the interested public there will be no compulsion that a borrower utilize any Master Hull Policy listed in such release.

Notice is hereby given of the intent to issue a request for such proposals. Interested persons may submit written comments, suggestions, or objections

with respect to the proposed request to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, by November 1, 1966.

WILLIAM M. TERRY,
Acting Director, Bureau of
Commercial Fisheries.

OCTOBER 4, 1966.

[F.R. Doc. 66-10952; Filed Oct. 7, 1966;
8:45 a.m.]

National Park Service

[Order 3]

CERTAIN DESIGNATED OFFICIALS; BIGHORN CANYON RECREATION AREA

Delegation of Authority Regarding Execution of Contracts and Pur- chase Orders for Supplies, Equip- ment, or Services

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 2. *Supervisory Park Ranger* (North District Park Ranger) and *Supervisory Park Ranger* (South District Park Ranger). The Supervisory Park Ranger (North District Park Ranger) and the Supervisory Park Ranger (South District Park Ranger) may execute and approve contracts not in excess of \$2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 3. *Revocation.* This order supersedes Order No. 2, Bighorn Canyon Recreation Area, published May 18, 1966 (31 F.R. 7251).

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Midwest Region Order No. 4 (31 F.R. 5769))

Dated: September 18, 1966.

JOSEPH C. RUMBURG, Jr.,
Superintendent,
Bighorn Canyon Recreation Area.

[F.R. Doc. 66-10976; Filed, Oct. 7, 1966;
8:47 a.m.]

[Order 1]

ASSISTANT SUPERINTENDENT, AD- MINISTRATIVE OFFICER, GENERAL SUPPLY ASSISTANT; CANYON- LANDS NATIONAL PARK

Delegation of Authority Regarding Execution of Contracts for Sup- plies, Equipment or Services

1. Assistant Superintendent and Administrative Officer. The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of \$50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. General Supply Assistant. The General Supply Assistant may execute and approve contracts not in excess of \$2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

3. The authorities stated herein are applicable to Canyonlands National Park in its entire jurisdiction, including Arches and Natural Bridges National Monuments and the National Park Service Office of State Coordination, Salt Lake City, Utah.

4. *Revocation.* This order supersedes Arches National Monument Order No. 1, published April 26, 1963.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

BATES E. WILSON,
Superintendent, Canyonlands
National Park, Arches and
Natural Bridges National
Monuments.

[F.R. Doc. 66-10977; Filed, Oct. 7, 1966;
8:47 a.m.]

[Order 2]

ADMINISTRATIVE ASSISTANT, GEN- ERAL SUPPLY ASSISTANT; CARLS- BAD CAVERNS NATIONAL PARK

Delegation of Authority

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

SEC. 2. *General Supply Assistant.* The General Supply Assistant may execute and approve contracts not in excess of \$2,500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

SEC. 3. *Revocation.* This order supersedes Order No. 1 filed March 26, 1959 (F.R. Doc. 59-2579).

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

PHILIP F. VAN CLEAVE,
Acting Superintendent,
Carlsbad Caverns National Park.

SEPTEMBER 14, 1966.

[F.R. Doc. 66-10978; Filed, Oct. 7, 1966;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File Nos. 22-46, 22-53]

ELECTRICAL AGENCIES LTD. AND F. GEVIRTZMAN

Order Terminating Indefinite Denial Order

In the matter of Electrical Agencies (London) Ltd. and F. Gevirtzman, Managing Director; 15 Percy Street, Totten-

ham Court Road, London, W. 1, England; Respondents; File Nos. 22-46, 22-53.

On May 1, 1953 (18 F.R. 2659), the Office of International Trade, Predecessor of the Bureau of International Commerce, entered an order against the above respondents denying them, for an indefinite period, all privileges of participating in exportations from the United States, for failure to answer interrogatories served under authority of the Export Control Act of 1949, and without giving reasons for such failure.

The respondents have petitioned for relief from the denial order and the matter was referred to the Compliance Commissioner for consideration. The Compliance Commissioner has found that adequate reasons have now been given for failure to answer the interrogatories and that good cause for terminating the denial order has been shown. He has recommended that an order be entered terminating the denial order. I concur in the Compliance Commissioner's finding and adopt his recommendation.

Accordingly, it is ordered, That the said order of May 1, 1953, be and is hereby terminated and the respondents' export privileges are restored.

Dated: October 3, 1966.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 66-10950; Filed, Oct. 7, 1966;
8:45 a.m.]

Maritime Administration

[Docket No. S-200]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has filed application dated August 2, 1966, for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit a gas turbine roll-on/roll-off ship, to be owned and operated by its related companies under a long-term charter to Military Sea Transportation Service, to be used from time to time in domestic intercoastal and coastwise service during the period of such charter, as directed by the Military Sea Transportation Service or the Department of Defense.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or submit a written statement with reference to the application must, before the close of business on October 24, 1966, make such submission or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds

of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78) petitions for leave to intervene received after the close of business October 24, 1966, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held October 26, 1966 at 10 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

Dated: October 5, 1966.

By order of Maritime Subsidy Board/
Maritime Administration.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 66-10988; Filed, Oct. 7, 1966;
8:48 a.m.]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has applied for permission to provide service without prior approval of the Maritime Administration between U.S. ports in the Gulf of Mexico and Barbados, British West Indies, with freight ships operating in its subsidized service on Trade Route No. 14 between U.S. Atlantic ports and ports on the West Coast of Africa. This company may presently provide service with these ships between U.S. ports in the Gulf of Mexico and the West Indies but only with the prior approval of the Maritime Administration.

Any person, firm, or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on October 24, 1966, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of Practice and Procedure of the Maritime Subsidy Board/Maritime Administration.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route

or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 5, 1966.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 66-10989; Filed, Oct. 7, 1966;
8:48 a.m.]

Office of the Secretary INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Advance Notice of Proposed Rule Making

The Secretary of Commerce is now developing the initial Federal motor vehicle safety standards contemplated by section 103(h), first sentence, of the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718 (the Act).

This advance notice of proposed rule making solicits suggestions, opinions, and proposals that interested persons believe the Secretary should consider in promulgating the initial Federal Motor Vehicle Safety Standards pursuant to the Act. Among the definitions in the Act that are most pertinent to the comments solicited herein are:

"Motor vehicle safety" means the performance of motor vehicles or motor vehicle equipment in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design, construction, or performance of motor vehicles and is also protected against unreasonable risk of death or injury to persons in the event accidents do occur, and includes nonoperational safety of such vehicles.

"Motor vehicle safety standards" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance, which is practicable, which meets the need for motor vehicle safety and which provides objective criteria.

"Motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

"Motor vehicle equipment" means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or im-

provement of such system, part, or component or as an accessory, or addition to the motor vehicle.

The Act provides in section 201 of Title II that in all standards for pneumatic tires established under Title I, the Secretary shall require that tires subject thereto be permanently and conspicuously labeled with appropriate safety information. Comments on these tire matters are also invited.

The law requires that the initial Federal Motor Vehicle Safety Standards be based upon existing safety standards. The Secretary has tentatively decided that the existing safety standards he will consider include, among others, the regulations prescribed by the General Services Administration for vehicles purchased by the Federal Government (41 CFR Subpart 101-29.3), the regulations on parts and accessories necessary for safe operation of certain vehicles issued by the Interstate Commerce Commission (49 CFR Part 193), and the trade conference rules prescribed by the Federal Trade Commission for the rubber tire industry (16 CFR Part 115). Comments are invited on any other existing safety standards that interested persons believe the Secretary should consider as well.

All communications must be addressed to the Secretary of Commerce, U.S. Department of Commerce, Washington, D.C. 20230, and transmitted to him in twenty (20) legible copies. All communications received on or before November 1, 1966, will be considered. All communications received will be available both before and after the closing date for examination by interested persons.

After further consideration and in light of the comments received hereon and other material data, a notice of rule-making will be issued, in conformity with section 4(a) of the Administrative Procedure Act, proposing the initial motor vehicle safety standards to be adopted by the Secretary. Further comments will be received on that notice at that time.

This action is taken under the authority of section 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718.

Issued in Washington, D.C., on October 6, 1966.

JOHN T. CONNOR,
Secretary of Commerce.

[F.R. Doc. 66-11028; Filed, Oct. 7, 1966;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-52]

NEW YORK FREIGHT BUREAU ET AL. Notice of Intent and Order To Show Cause

By declaratory order served this date,¹ we decided that:

¹ In the matter of the petition of New York Freight Bureau (Hong Kong) for a declaratory order.

1. States Marine Lines' telegram protest of March 1, 1966, filed prior to approval of Agreement 5700-8 operated to withdraw Agreement 5700-8 from the Commission's consideration.

2. Our order of May 13, 1966, which approved Agreement 5700-8 in part, was void ab initio since said agreement was not properly before the Commission for approval.

3. Agreements 5700-6 and 5700-7 have been withdrawn prior to approval.

4. That Agreement 5700-4 as approved on July 29, 1960, is presently in full force and effect and constitutes the basic agreement under which the New York Freight Bureau (Hong Kong) is permitted to operate.

5. Agreement 5700-4 does not satisfy the requirements of section 15 and General Orders 7 and 9 promulgated thereunder, in that it does not contain a system of self-policing and does not meet the required criteria for admission, withdrawal, and expulsion of members.

The members of the New York Freight Bureau (Hong Kong) were able to agree upon amendments to this conference agreement which would satisfy the requirements of General Orders 7 and 9. Agreements 5700-6 and 5700-7 received the unanimous support of all the Bureau members. Similarly, Agreement 5700-8 was approved unanimously by the Bureau. Nevertheless, States Marine Lines has chosen to withdraw from these amended agreements prior to approval, thereby removing them from the Commission's consideration.

There are only two courses of action now open to the Commission. The first would be to withdraw approval of Agreement 5700-4. Unless satisfactory self-policing and membership provisions are added to the agreement, this course is clearly necessary under section 15.

The second would be to modify Agreement 5700-4 by adding amendments which would give the conference an adequate system of self-policing and proper provisions for the admission, withdrawal, and expulsion.

Under section 15, we are empowered "by order, after notice and hearing," to modify or disapprove any agreement found to be in violation of the Act.

Accordingly, the members of the New York Freight Bureau (Hong Kong) are hereby notified, pursuant to our authority under section 15 of the Shipping Act, 1916, that we intend to modify Agreement 5700-4 by deleting subparagraphs 10(b), 10(c), 10(d), and 10(e) and by adding new paragraphs 12 through 16, as set forth in the Appendix A below.

We see no need for the taking of evidence in this proceeding since no genuine issues of material fact are presented. The modifications to Agreement No. 5700-4, which the Commission proposes to make as specified in this notice, have twice been considered and "approved" by the Commission as satisfying the requirements of section 15 and General Orders 7 and 9. Should any of the parties to this proceeding consider that there are disputed issues of fact which are relevant to this proceeding, such

facts shall be specified with particularity by means of affidavits setting forth such facts, together with a statement of their relevance to the issue in question. Should any other parties dispute these facts by a similar affidavit, the disputed issues of fact, if relevant, will be set down for an evidentiary hearing.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended,

It is ordered, That the common carriers by water designated in Appendix B hereto show cause why Agreement No. 5700-4 should not be amended in the manner proposed in this notice or, in the alternative, why approval of Agreement No. 5700-4 should not be withdrawn on the grounds that:

1. It fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal, as required by section 15 of the Act and General Order 9; and

2. Fails to contain provisions for adequate policing of the obligations under it, as required by section 15 of the Shipping Act, 1916, and General Order 7 of the Federal Maritime Commission promulgated thereunder.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business October 18, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business October 28, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies are to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument, if granted, will be heard at a date and time to be announced later.

It is further ordered, That the carriers indicated in Appendix B are hereby made respondents in this proceeding;

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than the close of business October 11, 1966, with a copy to respondents.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

APPENDIX A

12. Copies of the minutes of all meetings, including meetings of the committees authorized to take final action as well as those

of the conference shall be promptly furnished to the Federal Maritime Commission. These minutes shall be authenticated by the Chairman/Secretary or other duly authorized New York Freight Bureau (Hong Kong) official.

13. Faithful Performance: Bond.

As a guarantee of faithful performance hereunder, and of prompt payment of any liquidated damages which may accrue against them or of any award or judgment which may be rendered against them hereunder, the parties hereto agree to deposit with the New York Freight Bureau Chairman/Secretary the sum of US\$30,000 (thirty thousand) or its equivalent in Hong Kong currency or a confirmed irrevocable letter of credit, in such form as may be approved by the New York Freight Bureau, in the aforesaid sum of US\$30,000 (thirty thousand) or its equivalent in Hong Kong currency established by a bank being a member of the Hong Kong Exchange Banks Association and which is acceptable to the New York Freight Bureau, providing that it may be drawn upon by draft signed in the name of the New York Freight Bureau by the Chairman/Secretary and by the authorized representatives of any two Member Lines and payable to the New York Freight Bureau to which there shall be attached a certificate signed by the Chairman/Secretary to the effect that there has been assessed or adjudged against the party who shall have deposited the said letter of credit a penalty or penalties in the amount of the said draft. Such depositing party undertakes and agrees in the event of the payment of the said draft to cause a new letter of credit in the sum of US\$30,000 (thirty thousand) or its equivalent in Hong Kong currency, similar in its terms, to be issued immediately in replacement for that upon which the draft has been made. Among other such provisions as the New York Freight Bureau may require, the New York Freight Bureau may insist upon provisions in such letter of credit which will render it most certain that payment must be made by the bank immediately upon the compliance by the Chairman/Secretary with the aforesaid conditions.

14. Self-Policing System.

It is hereby agreed and declared by and between the parties hereto that:

(a) A report shall immediately be made in writing to the Chairman/Secretary in respect of any information which appears to such party hereto to be reasonably reliable of the commission by any other party hereto of a violation of this Agreement.

(b) A report shall immediately be made in writing to the Chairman/Secretary in respect of any information which such party hereto shall have received from any shipper or from any other source considered to be reliable that any party hereto has committed a violation of this Agreement.

(c) It shall be the duty of the Chairman/Secretary to investigate immediately all such reports submitted by parties hereto in addition to any such reports in writing he may receive direct from shippers or from any other source considered to be reliable, for which purpose the Chairman/Secretary shall hereby be authorized to engage the services of such qualified persons as he may consider necessary for a thorough and complete investigation to be made.

(d) It shall also be the duty of the Chairman/Secretary to ascertain, on his own initiative, whether or not the parties hereto have strictly complied with the terms of this Agreement, the provisions incorporated in the New York Freight Bureau tariff and all other decisions regularly and properly made by the parties hereto and, in the event that there is any reason to believe that there has been a violation of any of the aforesaid obligations, he shall file a complaint with respect thereto as above provided.

(e) The Chairman/Secretary shall be furnished such pertinent records of the parties hereto, their agents, subagents, affiliates, subsidiaries, freight brokers, compradores and/or Chinese Freight Agents, wherever located, as may be required in the enforcement of this Agreement and the decisions of the New York Freight Bureau, and the failure of any party hereto either on their own behalf or the aforementioned additional parties shall constitute a violation of this Agreement.

(f) Upon the completion of such investigations, the Chairman/Secretary shall lay before the membership his written report thereon, and such report shall include all relevant particulars thereto other than the identity of the party hereto or other person from whom the report originated.

(g) Such written reports shall constitute and are hereafter referred to as complaints. A copy thereof shall be furnished to the accused party not less than 20 days prior to the time that the matter is submitted to a vote of the parties as provided in subparagraph (h), of the paragraph.

(h) All such complaints shall be submitted to a vote of the parties hereto other than the party charged with the violation, after giving the party charged in the respective complaint an opportunity to adduce evidence in its defense. If the parties hereto, other than the party so charged shall, by a three-fourths affirmative vote of all parties entitled to vote, determine that the violation or violations alleged in the complaint have been proved, the party charged with the violation or violations shall be subject to liquidated damages as hereinafter provided in respect of each and every violation so proved; but if the party accused is dissatisfied with the decision reached as aforesaid, such party shall have the right to appeal, it being incumbent upon the accused party to make any such appeal within 10 days following the aforementioned determination. In which event the question of violation shall be left to the determination of a majority of three arbitrators, one arbitrator to be nominated by the accused, the second by a three-fourths affirmative vote of the remaining parties, and the third arbitrator to be nominated by the arbitrators so chosen, it being incumbent upon the parties concerned to nominate the first and second arbitrators within 30 days of the appeal being made by the accused party. In the event the accused party does not appoint an arbitrator within the said 30 days, the accused party will thereby forfeit its right to appeal. Such arbitrations shall take place in Hong Kong and any decision so arrived at shall be binding and final, and the parties hereto agree that such decision shall be equivalent to a legal judgment given by the highest court of law, and the parties to this Agreement hereby waive and abandon every right to take any legal action to obtain a review or reversal of the decision so made.

However, it shall not be a breach of this agreement for any line to refer any matter arbitrated to the Federal Maritime Commission for a decision as to whether or not the matter arbitrated was within the jurisdiction of the arbitrators in the terms of this agreement; or, as to whether or not any decision rendered constitutes a modification of this agreement.

(i) Inasmuch as it will be impossible to ascertain or measure the amount of damages which the parties hereto will suffer by reason of the breach of this Agreement, the parties hereto expressly agree that the damages suffered thereby by each party hereto shall be assessed on the basis of a three-fourths majority vote as above provided but that, in any event, such damages shall be subject to the undernoted maxima, exclusive of any arbitration costs which may accrue to the accused party:

(i) First offence—Up to a maximum of US-\$10,000.00 or its equivalent in H.K. currency.

(ii) Second offence—Up to a maximum of US\$15,000.00 or its equivalent in H.K. currency.

(iii) Third offence—Up to a maximum of US\$20,000.00 or its equivalent in H.K. currency.

(iv) Fourth and any subsequent offences—Up to a maximum of US\$30,000.00 or its equivalent in H.K. currency.

(j) The Chairman/Secretary shall notify in writing the party against whom a violation shall have been found of the decision against it and the amount of liquidated damages which shall have been assessed against it. In the absence of any appeal by such notified party in accordance with the provisions of Article 14(h) hereof, the party thus notified shall pay the amount of such liquidated damages within a period of ten (10) days. In the event that it shall fail or refuse to make such payment within said period, the other parties may have resort to the performance bond which such party shall have deposited in accordance with the provisions contained in Article 13 of this Agreement; and each party hereto hereby authorizes the Chairman/Secretary, in case that a decision shall be made against it, to the effect that it has violated this Agreement, and in case liquidated damages are assessed against it and it shall fail to pay said damages within the period of ten (10) days after such notice has been given to it by the Chairman/Secretary, to pay the amount of said liquidated damages to the other parties hereto from the cash which it shall have deposited or, if its performance bond shall be by way of a confirmed irrevocable letter of credit, to draw upon the letter of credit and pay the amount of such liquidated damages to the other parties from the proceeds thereof, such payments to the other parties being on a pro rata basis. The costs incurred in arbitration proceedings shall be dealt with in the award.

(k) It is hereby agreed and declared by and between the parties hereto that each party hereto shall be fully responsible for the acts and omissions of its parent companies, agents, subagents, affiliates, subsidiaries, freight brokers, compradores, and/or Chinese Freight Agents, and an act done or omitted to be done by an agent, subagent, affiliate, subsidiary, freight broker, compradore, and/or Chinese Freight Agent, which would constitute a violation of this Agreement, if done or omitted to be done by the party itself, shall for all purposes hereof, constitute a violation of this Agreement by such party, for which such party shall be liable for damages in the same amount as if it had done or omitted the said act.

(l) In the event of the termination of this Agreement or the expulsion or voluntary withdrawal of any of the parties hereto, the performance bond deposited by the parties concerned shall be returned to them, together with accrued interest, but only after any complaints which may be pending against the parties concerned at the time of its expulsion or withdrawal or at the time of the termination of this Agreement, as the case may be, have been satisfied.

15. Admission to Membership.

(a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this Agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this Agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this Agreement, may hereafter become a party to the New York Freight Bureau, promptly following written application to the New York Freight Bureau for membership, such application to set forth

evidence demonstrating compliance with the foregoing requirements, by affixing its signature hereto, or to a counterpart hereof, and by payment to the New York Freight Bureau of any outstanding financial obligation arising from prior membership of the New York Freight Bureau, and by posting with the New York Freight Bureau security for faithful performance of its obligations as provided in Article 13 hereof.

(b) Every application for membership shall be acted upon promptly.

(c) No carrier which has complied with the conditions set forth in paragraph (a) of this article, shall be denied admission or readmission to membership.

(d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice.

(e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

16. Withdrawal and Expulsion of Membership.

(a) Any party may withdraw from the Conference without penalty by giving at least sixty (60) days' written notice of intention to withdraw to the Conference: *Provided, however, That action taken by the Conference to compel the payment of outstanding financial obligations by the resigning Member shall not be construed as a penalty for withdrawal.*

(b) Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.

(c) No party may be expelled against its will from this Conference except for failure to maintain a common carrier service between the ports within the scope of this Agreement, or for failure to abide by all the terms and conditions of this Agreement.

(d) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished to the expelled Member and a copy of such notification submitted to the Federal Maritime Commission.

APPENDIX B

New York Freight Bureau, Hong Kong, D. Parker, Chairman/Secretary, P & O Building, Des Voeux Road Central, Hong Kong, British Crown Colony.
American President Lines, Ltd., 29 Broadway, New York, N.Y. 10006.
Barber-Wilhelmsen Line—Joint Service, c/o Barber Steamship Line, Inc., 17 Battery Place, New York, N.Y. 10004.
Blue Sea Line, c/o Funch, Edye & Co., 25 Broadway, New York, N.Y. 10004.
Central Gulf Steamship Corp., 1 Whitehall Street, New York, N.Y. 10004.
Japan Line, Ltd., c/o A. L. Burbank & Co., Ltd., 120 Wall Street, New York, N.Y. 10005.
Kawasaki Kisen Kaisha, Ltd., c/o Kerr Steamship Co., 51 Broad Street, New York, N.Y. 10004.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y. 10004.
Marchessini Lines, c/o P. D. Marchessini & Co., Inc., 26 Broadway, New York, N.Y. 10004.
Maritime Co. of the Philippines, Inc., c/o Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.
Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y. 10004.
Moller-Maersk Lines, A.P., c/o Moller Steamship Co., Inc., 67 Broad Street, New York, N.Y. 10004.
Nedlloyd Lines, Inc., 25 Broadway, New York, N.Y. 10004.
Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y. 10004.

States Marine Lines—Joint Service, c/o States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.
 United Philippine Lines, Inc., c/o Stockard Shipping Co., Inc., 17 Battery Place, New York, N.Y. 10004.
 United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y. 10004.
 Yamashita-Shinnihon Steamship Co., Ltd., c/o Texas Transport & Terminal Co., Inc., 52 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-10993; Filed, Oct. 7, 1966; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

The Arrow Co., 2022 Murphy Avenue, SW., Atlanta, Ga.; 10-1-66 to 9-30-67 (men's shirts).

Michael Berkowitz Co., Inc., Uniontown, Pa.; 9-12-66 to 9-11-67 (men's, ladies', and children's pajamas).

Big Ace Corp., 355 Oneta Street, Athens, Ga.; 9-13-66 to 9-12-67 (overalls and dungarees).

Bryan Infants' Wear, Inc., 6907 East 14th Street, Tulsa, Okla.; 9-29-66 to 9-28-67; 10 learners (infants' wear).

Continental Manufacturing Co., Knoxville, Iowa; 9-20-66 to 9-19-67 (single pants).

Continental Manufacturing Co., Oskaloosa, Iowa; 9-20-66 to 9-19-67 (single pants).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; 9-14-66 to 9-13-67 (men's shirts and ladies' blouses).

Elder Manufacturing Co., Sainte Genevieve, Mo.; 9-19-66 to 9-18-67 (boys' shirts).

Fairmont Manufacturing Co., Inc., Post Office Box 625, Fairmont, N.C.; 9-14-66 to 9-13-67; 10 learners (ladies' nightgowns, pajamas, etc.).

Gregg-Harriet Shirt Co., Broad Street, Exmore, Va.; 9-16-66 to 9-15-67 (men's shirts).
 Higginsville Garment Co., Inc., Higginsville, Mo.; 10-1-66 to 9-30-67 (ladies' uniforms).

Janmark, Inc., Post Office Box 8, Highway 111 North, Albemarle, N.C.; 9-20-66 to 9-19-67; 10 learners (girls' outerwear jackets).

Johnson Garment Corp., Marshfield, Wis.; 9-14-66 to 9-13-67; 8 learners (men's outerwear jackets).

Laurel Industrial Garment Manufacturing Co., Post Office Box 2397, Laurel, Miss.; 9-20-66 to 9-19-67 (men's shirts).

Logan Manufacturing Co., Johnson and Spring Streets, Russellville, Ky.; 9-24-66 to 9-23-67 (work pants).

Miller Manufacturing Co., Inc., 928 Virginia Street, Joplin, Mo.; 9-27-66 to 9-26-67 (trousers and shirts).

Morehead City Garment Co., Inc., Morehead City, N.C.; 9-13-66 to 9-12-67 (men's shirts).

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa; 9-19-66 to 9-18-67; 10 learners (work clothes).

Prescott Manufacturing Corp., Prescott, Ark.; 9-15-66 to 9-14-67 (men's and boys' pajamas).

Ridgely Manufacturing Co., Ridgely, Tenn.; 9-14-66 to 9-13-67 (outerwear jackets).

Roydon Wear, Inc., McRae, Ga.; 9-12-66 to 9-11-67 (boys' trousers and shorts).

Salley Manufacturing Co., Post Office Box 516, Salley, S.C.; 9-12-66 to 9-11-67 (ladies' slacks and shorts).

Levi Strauss & Co., Denison Branch, Highway 84 West, Post Office Box 328, Denison, Tex.; 9-27-66 to 9-26-67 (men's and boys' slacks).

Sun-Flo Sportswear, 219 Arch Street, Nanticoke, Pa.; 9-18-66 to 9-17-67; 10 learners (ladies' blouses).

Toll Gate Garment Co., Inc., Hamilton, Ala.; 10-1-66 to 9-30-67 (men's and boys' shirts).

Westmoreland Manufacturing Co., Westmoreland, Tenn.; 9-21-66 to 9-20-67 (ladies' blouses).

Wilcox Garment Co., Inc., Rochelle, Ga.; 9-15-66 to 9-14-67 (men's and boys' shirts).

Winston Uniform Corp., Highway 278 East, Box 296, Double Springs, Ala.; 9-19-66 to 9-18-67 (men's coveralls, trousers, and outerwear jackets).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Michael Berkowitz Co., Inc., Uniontown, Pa.; 9-12-66 to 3-11-67; 45 learners (men's, ladies', and children's pajamas).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85)

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; 9-29-66 to 9-28-67; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended)

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; 9-17-66 to 9-16-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Post Office Box 111, Elizabethton, Tenn.; 9-12-66 to 3-11-67; 40 learners for plant expansion purposes (ladies' and children's nylon and rayon undergarments).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Post Office Box 111, Elizabethton, Tenn.; 9-21-66 to 9-20-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's nylon and rayon undergarments).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; 9-13-66 to 9-12-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Puritana Manufacturing Corp., Apartado 8, Aguas Buenas, P.R.; 8-18-66 to 8-17-67; 39 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a cleaning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and \$1.03 an hour for the remaining 240 hours; and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and \$1.03 an hour for the remaining 160 hours (full-fashioned sweaters and shirts).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below:

Oak Park Academy, Nevada, Iowa; 9-8-66 to 8-31-67; authorizing the employment of: (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of \$1.10 an hour for the first 500 hours and \$1.15 an hour for the remaining 500 hours; and (2) 20 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of \$1.10 an hour for the first 180 hours and \$1.15 an hour for the remaining 180 hours (replacement certificate).

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The

certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 30th day of September 1966.

ROBERT G. GRONEWALD,
*Authorized Representative
of the Administrator.*

[F.R. Doc. 66-10980; Filed, Oct. 7, 1966;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2613]

GENERAL PRECISION EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Oppor- tunity for Hearing

OCTOBER 3, 1966.

In the matter of application of the Pacific Coast Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

General Precision Equipment Corp., File 7-2613.

Upon receipt of a request, on or before October 18, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 66-10941; Filed, Oct. 7, 1966;
8:47 a.m.]

[File Nos. 7-2615-7-2617]

SHERATON CORPORATION OF AMERICA ET AL.

Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

OCTOBER 3, 1966.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Sheraton Corporation of America	File 7-2615
Bourns, Inc.	7-2616
Scientific Data Systems, Inc.	7-2617

Upon receipt of a request, on or before October 18, 1966, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 66-10982; Filed, Oct. 7, 1966;
8:48 a.m.]

[File No. 70-4418]

CONSOLIDATED NATURAL GAS CO. Charter Amendment Relating to Stock Split and Order Authorizing Soli- citation of Proxies

OCTOBER 4, 1966.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company

Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes to amend its Certificate of Incorporation to increase and reclassify its authorized capital stock from 9,500,000 shares, par value \$10 per share ("old shares"), to 20,000,000 shares, par value \$8 per share ("new shares"), and to issue and distribute to its stockholders one additional new share for each of the 9,056,808 old shares presently outstanding. After the reclassification, the outstanding certificates for old shares will evidence a like number of new shares. To give effect to the foregoing transactions, the aggregate par value of the capital stock will be increased from \$90,568,080 to \$144,908,928 by the transfer of \$54,340,848 from the capital surplus account to the capital stock account. It is stated that the proposed reclassification and issue of the additional shares of capital stock will result in a wider distribution and a broader market for such stock.

The proposed amendment of the Certificate of Incorporation will require the affirmative vote of the holders of a majority of Consolidated's outstanding capital stock, and Consolidated proposes to solicit proxies with respect thereto for use at a special meeting of stockholders to be held on December 2, 1966. The solicitation material and the form of proxy have been filed pursuant to Rule 62 under the Act, and Consolidated has requested that the declaration under Rule 62 be accelerated so as to become effective on or before October 4, 1966.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at \$175,000, including \$23,000 charges of the transfer agent in connection with the solicitation of proxies and the special meeting of stockholders, \$90,000 fees and expenses of the transfer agent in issuing additional certificates, \$7,000 fees of registrar, \$23,000 New York Stock Exchange listing fee, and \$7,500 charges of the system service company, at cost.

Notice is further given that any interested person may, not later than November 1, 1966, request in writing that a hearing be held in connection with the proposed amendment of the Articles of Incorporation and the issuance of additional shares of capital stock, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served person-

ally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

It appearing to the Commission that Consolidated's request for acceleration of the effectiveness of its declaration, as amended, under Rule 62 should be granted:

It is ordered, That the declaration, as amended, filed pursuant to Rule 62 regarding the proxy solicitation be, and the same hereby is, permitted to become effective forthwith.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,

Secretary.

[F.R. Doc. 66-10992; Filed, Oct. 7, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 265]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 5, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 108207 (Sub-No. 208 TA), filed September 30, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, General Traffic Manager, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Oleomargarine and salad dressing*, from Memphis, Tenn., to points in Mississippi on and north of U.S. Highway 80, for 180 days. Supporting shipper: Anderson, Clayton & Co. Foods Division, Post Office Box 35, Dallas, Tex. 75221. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 123393 (Sub-No. 167 TA), filed October 3, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods, and pies not baked, and agricultural commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Act if transported in vehicles not used in carrying any other property when moving in the same vehicle at the same time with foodstuffs from Turlock, Calif., and named origin points in Missouri, and when moving in vehicles equipped with mechanical refrigerating and heating units, (1) from Turlock, Calif., to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, Wyoming, Colorado, Nebraska, Arizona, New Mexico, and Texas, (2) from Carrollton, Macon, Marshall, Milan, Moberly, St. Joseph, Sedalia, Mo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, West Virginia, Virginia, Delaware, Maryland, Pennsylvania, and the District of Columbia, for 180 days. Supporting shipper: Banquet Canning Co., Division of F. M. Stamper Co., 1221 Locust Street, St. Louis, Mo. 63103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125708 (Sub-No. 62 TA), filed October 3, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Creosoted poles and lumber*, from Meridian, Miss., to Tremont, Ill., for 180 days. Supporting shipper: Moss-American, Inc., Security Building, St. Louis, Mo. 63102. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325

West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10996; Filed, Oct. 7, 1966; 8:49 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS

Assignment of Duties

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of September 1966.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration with a view to reassigning uncontested revocations of water carrier and freight forwarder authorities to the Temporary Authorities Board:

It is ordered, That the "Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of Work," issue of July 27, 1965, as amended (30 F.R. 11189, 12559, 13302; 31 F.R. 242, 4762, 9529, 12693), be further amended as follows:

1. Under the heading Assignment of Duties to Division, paragraphs (c) and (t) of Item 4.2 are amended to read as follows:

4.2 *Division One—Operating Rights Division.*

(c) Section 212(a) (including sec. 204 (c) when pertinent thereto), relating to suspension, change, and revocation of certificates, permits, and licenses except determination of uncontested revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board.

(t) Sections 303(1), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities, when certified to the Division by the Temporary Authorities Board; section 312(a), relating to revocation of certificates and permits except determination of uncontested proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits, except matters assigned to and determined by an Operating Rights Board pursuant to Item 7.11(a) (1) or the Temporary Authorities Board pursuant to Item 7.4(c).

2. Under the heading Assignments to Boards, Item 7.4(c) is amended to read as follows:

1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Rates on stone, broken, crushed, or ground, in carloads, from Antonito and McClintock, Colo., to points in western trunkline territory.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10995; Filed, Oct. 7, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6378, etc.]

KERR-McGEE CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

SEPTEMBER 29, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

7.4 Temporary Authorities Board:
* * * * *
(c) Determination of uncontested motor carrier, broker, water carrier, and freight forwarder revocation proceedings under sections 212(a), 312a, and 410(f) which have not involved the taking of testimony at a public hearing.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10997; Filed, Oct. 7, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40730—Chlorine from Calvert, Ky. Filed by O. W. South, Jr., agent (No. A4948), for interested rail carriers. Rates on chlorine, in tank carloads, from Calvert, Ky., to Charlotte and Chemway, N.C.

Grounds for relief—Market competition. Tariff—Supplement 107 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 40731—Cinders to points in southern territory. Filed by Southwestern Freight Bureau, agent (No. B-8910), for interested rail carriers. Rates on cinders, clay, or shale, in carloads, from Arkalite and Edmondson, Ark., also Alexandria, La., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 113 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 40732—Stone to points in western trunkline territory. Filed by Western Trunk Line Committee, agent (No. A-2473), for interested rail carriers.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Presure base
G-6378 D 9-19-66	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102 (partial abandonment).	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Uneconomical	-----
G-8789 C 9-16-66	Colorado Oil & Gas Corp., Post Office Box 749, Denver, Colo. 80201.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	\$ 15.0	14.65
G-16218 D 8-23-66	Gulf Oil Corp. (Operator), et al., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., acreage in Harper County, Okla.	Uneconomical	-----
G-18977 C 9-30-66	do.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	\$ 18.2	14.65
G-19200 D 9-19-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Hub Field, Marion County, Miss.	Assigned	-----
G-20223 E 8-12-66	George R. Brown (successor to Herman Brown Estate), c/o J. L. Bianchi, attorney, 1201 San Jacinto Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., Headlee Field, Ector County, Tex.	\$ 10.0408	14.65
CI61-262 C 9-22-66	Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	\$ 17.0	14.65
CI61-276 D 9-15-66	Anax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103 (partial abandonment).	Lone Star Gas Co., South Alma Field, Stephens County, Okla.	Decline in pressure	-----
CI61-295 E 9-14-66	Robert Lindholm, et al. (successor to United Penn Oil & Gas Co.), 504 Broadway, Gary, Ind. 46401.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI61-843 E 9-14-66	do.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	25.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[Docket No. CP67-83]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 3, 1966.

Take notice that on September 26, 1966, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP67-83 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of transportation facilities for the purposes of making direct sales of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to utilize the facilities for direct sales to diverse customers within its distribution area. The application states further that the maximum delivery to any one customer will not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes, as defined by § 157.7(c)(9) of the Commission's regulations under the Natural Gas Act.

The total estimated cost of the proposed construction will not exceed \$300,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10956; Filed, Oct. 7, 1966; 8:45 a.m.]

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI61-1348 E 9-14-66	do	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI64-90 E 9-16-66	W. & J. Oil and Gas Producers (successor to Parker Petroleum), c/o Harry A. Jones, agent, Route 2, Cairo, W. Va. 26337.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI64-423 C 9-16-66	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	*19.5	14.65
CI64-1066 D 9-22-66	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001 (partial abandonment).	United Gas Pipe Line Co., Emma Haynes Field, Goliad County, Tex.	(*)	-----
CI65-1321 E 9-16-66	Hugh K. Spencer (successor to Tuscarora Oil & Gas Corp., et al.), West Union, W. Va. 26456.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	25.0	15.325
CI66-1330 9-15-66 ¹	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	United Fuel Gas Co., Longview Field, Franklin Parish, La.	17.5	15.025
CI67-206 A 8-22-66	Pauley Petroleum Inc., 10,000 Santa Monica Blvd., Los Angeles, Calif. 90067.	El Paso Natural Gas Co., Cotton Draw Unit Area, Lea and Eddy Counties, N. Mex.	16.58	14.65
CI67-320 A 9-15-66	Oil Industries Associates, 9307 Mercer Dr., Dallas, Tex. 75228.	Equitable Gas Co., Olney District, Ritchie County, W. Va.	25.0	15.325
CI67-321 (G-2999) F 9-15-66	Coastal States Gas Producing Co. (successor to Champlin Petroleum Co., et al.), Post Office Drawer 521, Corpus Christi, Tex. 78403.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., El Ebanito Field, Starr County, Tex.	15.0	14.65
CI67-322 A 9-16-66	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., McQuiddy Ranch Area, Hemphill County, Tex.	*17.0	14.65
CI67-323 (CI63-96) F 9-16-66	Pan American Petroleum Corp. (successor to Global Oils, Inc., et al.), Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Woodward Gas Area, Major County, Okla.	15.0	14.65
CI67-324 A 9-19-66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Northwest Lovedale Field, Harper and Woods Counties, Okla.	(*)	14.65
CI67-325 A 9-19-66	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Keyes Field, Cimarron County, Okla.	*17.0	14.65
CI67-326 A 9-19-66	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Feldman Douglas Field, Hemphill County, Tex.	¹⁰ 20.4	14.65
CI67-327 A 9-19-66	Quaker State Oil Refining Corp., Post Office Box 337, Bradford, Pa. 16701.	United Fuel Gas Co., Jefferson District, Lincoln County, W. Va.	20.0	15.325
CI67-328 A 9-19-66	Bentzen-Whittington Oil Co., et al., 301 First National Bank Bldg., McAllen, Tex. 78501.	Texas Eastern Transmission Corp., East Gorce Field, Bee County, Tex.	12.0	14.73
CI67-329 A 9-12-66	John A. Hairford, Post Office Box 594, Hooker, Okla. 73945.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton-Kansas Gas Field, Finney County, Kans.	12.0	14.65
CI67-330 A 9-16-66	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	¹¹ 16.0	14.65
CI67-332 A 9-21-66	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Kinta Field (Moffett Area), Sequoyah County, Okla.	15.0	14.65
CI67-334 A 9-21-66	W. O. McBride, Inc., 25 North Brentwood Blvd., Clayton, Mo. 63105.	Michigan Wisconsin Pipe Line Co., Northwest Lovedale Area, Harper County, Okla.	*17.0	14.65
CI67-335 A 9-22-66	Union Oil Company of California (Operator), et al., Union Oil Center, Los Angeles, Calif. 90017.	Panhandle Eastern Pipe Line Co., Northeast Seiling Field, Dewey County, Okla.	*17.0	14.65
CI67-336 B 9-19-66	MPS Production Co. (Operator), et al., c/o Vinson, Elkins, Weems & Searls, 2100 First City National Bank Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	Depleted	-----
CI67-337 A 9-20-66	MAPCO Production Co., 800 Oil Center Bldg., Tulsa, Okla. 74119.	Western Gas Service Co., Wide-A-Wake Field, Seward County, Kans.	16.0	14.65
CI67-338 A 9-22-66	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Natural Gas Pipeline Company of America, Onitwood (Shallow) Field, Grady County, Okla.	15.0	14.65

¹ Subject to upward and downward B.t.u. adjustment.

² Includes 1.2 cents upward B.t.u. adjustment.

³ Rate increase to 17.2295 cents per Mcf suspended in Docket No. RI60-82.

⁴ Less downward B.t.u. adjustment to 14.144 cents per Mcf.

⁵ Effective rate subject to refund in Docket No. RI66-284. Applicant requests that sales from the additional acreage be subject to the same refund obligation.

⁶ Abandons service insofar as the Emma Haynes Lease which has expired.

⁷ Amendment to certificate filed to include interest of co-owners.

⁸ By letter filed Sept. 14, 1966, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

⁹ 17.0 cents per Mcf, plus B.t.u. adjustment for production from acreage in Harper County; 15.0 cents per Mcf, plus B.t.u. adjustment for production from acreage in Woods County.

¹⁰ Subject to upward and downward B.t.u. adjustment. Includes 3.4 cents upward adjustment.

¹¹ Less 0.95 cent downward B.t.u. adjustment.

[F.R. Doc. 66-10911; Filed, Oct. 7, 1966; 8:45 a.m.]

[Project No. 2338]

**CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.****Notice of Place of Hearing**

SEPTEMBER 30, 1966.

Notice is hereby given that the hearing scheduled to be held on November 14, 1966, by order issued June 3, 1966, in the above-designated project, shall commence at 10 a.m., e.s.t., in the Corinthian Room of the Park Sheraton International Hotel, located at 870 Seventh Avenue (Seventh Avenue and 56th Street), in the city of New York, N.Y.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10957; Filed, Oct. 7, 1966;
8:45 a.m.]

[Project No. 2590]

CONSOLIDATED WATER POWER CO.**Notice of Application for License
for Constructed Project**

SEPTEMBER 30, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Consolidated Water Power Co. (correspondence to: F. E. Husting, Assistant Secretary, Consolidated Water Power Co., Wisconsin Rapids, Wis. 54494), for constructed Project No. 2590, known as the Wisconsin River Division Project, located on the Wisconsin River in the town of Linwood, village of Whiting, in Portage County, Wis.

The existing project consists of: (1) A dam consisting of the following six sections: (a) a 255-foot long grinder-building substructure; (b) a 16.5-foot long powerhouse substructure; (c) a 108-foot long spillway section with crest at elevation 1,070.02 (U.S.G.S. datum); (d) a 484-foot long section having 20 taintor gates, each 20 feet wide; (3) a 338-foot long section of concrete gravity wall backed by a compacted sand-fill dike; and (f) a 555-foot long section of compacted sand-fill dike (about 1,756 feet in total length); (2) a reservoir of 76 acres with normal elevation 1,070.02 feet, and reaching upstream approximately 3 miles to the tailrace of applicant's licensed Stevens Point Project No. 2110; (3) a powerhouse integral with the dam, housing an 1,800 kw electric generator and a turbine; (4) a grinder building integral with the dam, housing the nine project turbines (three rated at 530 hp., three at 700 hp., and three at 800 hp.) utilized for hydromechanical power; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 9,

1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10958; Filed, Oct. 7, 1966;
8:45 a.m.]

[Docket No. CI65-974, etc.]

**MAXWELL HERRING DRILLING CORP.,
ET AL.****Order Consolidating Orders To Show
Cause and Setting Procedures**

OCTOBER 3, 1966.

George Despot, agent (Operator), et al., Docket No. CI65-974; Maxwell Herring Drilling Corp. (Operator), et al., Docket No. CI65-1176; Skelly Oil Co., Docket No. CI66-468; Phillips Petroleum Co., Docket No. CI66-500; International Helium, Inc. (Operator), et al., Docket No. CI66-564; J. W. Baton (Operator), et al., Docket No. CI66-1169; W. R. Hughey Operating Co., agent (Operator), et al., Docket No. CI66-1170; Robbins Petroleum Corp. (Operator), et al., Docket No. CI66-1208; B. Reagan Mc-Lemore, et al., Docket No. CI66-1220; Trice Production Co. (Operator), et al., Docket No. CI66-1228; Phillips Petroleum Co., Docket No. CI66-498; Texaco, Inc., Docket Nos. CI66-536, CI66-537; Humble Oil & Refining Co., Docket No. CI66-591; Phillips Petroleum Co., Docket No. CI66-1038; Northern Pump Co. (Operator), et al., Docket No. CI66-1124; Forest Oil Corp. (Operator), et al., Docket No. CI66-1159; Forest Oil Corp., Docket No. CI66-1160; Gulf Oil Corp., Docket No. CI66-68; Mobil Oil Corp., Docket Nos. CI65-1227, CI67-338; Texaco, Inc. (Operator), et al., Docket No. CI67-170; J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., Docket No. CI67-132; Gulf Oil Corp., Docket No. G-16141; Continental Oil Co., Docket No. CI66-1099; Union Texas Petroleum, a division of Allied Chemical Corp., et al., Docket No. CI66-1167; Mobil Oil Corp., Docket No. CI67-364; Sinclair Oil & Gas Co., Docket No. CI67-365.

On September 14, 1966, orders to show cause were issued separately by the Commission in the following proceedings:

(a) Socony Mobil Oil Co., Inc., Docket No. CI65-1227, and

(b) George Despot, agent (Operator), et al., Dockets Nos. CI65-974, et al.

The latter proceeding (i.e., George Despot, agent (Operator), et al.) represents a consolidation of 20 dockets involving common questions of law and fact.

It appears that Docket No. CI65-1227 involves essentially the same issues of law and fact as the consolidated dockets captioned George Despot, agent (operator), et al., Docket Nos. CI65-974, et al., i.e., that in all of the above-mentioned dockets the Commission has not authorized the sales of gas for compressor fuel

or other purported intrastate use and that under the holding of the Supreme Court in *California v. Lo Vaca Gathering Co.*, 379 U.S. 366 they appear to be jurisdictional sales.

Docket Nos. CI67-338 and CI67-170 involve applications for certificates to sell natural gas pursuant to new contracts rededicating acreage from which sales were previously made without authorization from the Commission on the purported ground that such sales were nonjurisdictional. Docket No. CI67-132 involves an application to sell gas to Lone Star Gas Co. similar to certain sales already consolidated in *George Despot, et al.*, Docket Nos. CI65-974, et al. Docket No. G-16141 involves an amended letter agreement which now dedicates acreage to jurisdictional sales from which previous sales have been made without Commission authorization. Docket Nos. CI66-1099, CI67-364, and CI67-365 involve sales to El Paso similar to the sales to Lone Star previously consolidated in *George Despot, agent (operator), et al.*, Docket Nos. CI65-974, et al., i.e., sales restricted by contract for intrastate use but commingled with gas purchased from other producers and transported to points outside the State. It is apparent that all of the above sales, with some minor variation in the facts, are nevertheless jurisdictional sales under the holding of the Supreme Court in *California v. Lo Vaca Gathering Co.*, supra.

Consequently, in order to avoid unnecessary duplication of a trial record on substantially the same issues it would be in the public interest to consolidate the above dockets including the already issued order to show cause in Docket No. CI65-1227 and to provide uniform procedures for presentation of evidence and dates of hearing.

The Commission finds:

(1) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(2) The expeditious disposition of these proceedings may be effectuated by providing a uniform procedure for prehearing conference and dates of public hearing.

The Commission orders:

(A) Docket Nos. CI65-1227, CI67-338, CI67-170, CI67-132, G-16141, CI66-1099, CI66-1167, CI67-364, and CI67-365 are hereby consolidated with Docket Nos. CI65-974, et al. for the purposes of hearing and decision.

(B) The prehearing conference provided for on October 26, 1966, in paragraph (D) of the order to show cause captioned *George Despot, agent (operator), et al.*, Docket Nos. CI65-974, et al., as well as the other procedures in that order shall also apply to the following companies:

Mobil Oil Corp.	Docket Nos. CI65-1227, CI67-338
Texaco Inc. (Operator), et al.	CI67-170
J. C. Trahan, Drilling Contractor, Inc. (Operator), et al.	CI67-132
Gulf Oil Corp.	G-16141
Continental Oil Co.	CI66-1099
Union Texas Petroleum, a division of Allied Chemical Corp., et al.	CI66-1167
Mobil Oil Corp.	CI67-364
Sinclair Oil & Gas Co.	CI67-365

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10959; Filed, Oct. 7, 1966;
8:45 a.m.]

[Docket No. CP67-80]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Granite State Gas transmission, Inc. (Applicant), 66 Market Street, Portsmouth, N.H. 03802, filed in Docket No. CP67-80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission and delivery facilities for the sale and delivery of natural gas to Allied New Hampshire Gas Co. (Allied), an existing customer of Applicant, and authorizing an increase in maximum daily deliveries to Allied, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate a tap and meter station on its main transmission line in Rockingham County, N.H., in the vicinity of East Kingston, N.H., in order to establish a new delivery point for sales to Allied. Natural gas delivered through these new delivery points will be distributed and resold by Allied in the towns of East Kingston, Kensington, and Hampton Falls, N.H., as recently authorized by the Public Utilities Commission of New Hampshire. Applicant further seeks authority to operate a tap and meter station which was constructed without the Federal Power Commission's certification in August 1966, near Plaistow, N.H., for delivery also to Allied.

The application also states that Applicant requests authority to increase maximum day deliveries to Allied from 3,570 Mcf per day to 3,855 Mcf per day, beginning with the 1966-1967 winter season. The third year annual natural gas requirements of Plaistow and East Kingston delivery stations are 23,560 Mcf and 41,640 Mcf, respectively at 14.73 p.s.i.a. The total estimated cost of the new facilities is \$20,187, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure

18 CFR (1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10960; Filed, Oct. 7, 1966;
8:45 a.m.]

[Docket No. CP 67-76]

HOME GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 22, 1966, Home Gas Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP 67-76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Cattaraugus County, N.Y., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate 4.0 miles of 12-inch pipeline from the Pennsylvania-New York State line in the town of Allegheny to a point in the town of Olean, all in Cattaraugus County, N.Y. Applicant states that the purpose of the proposed construction is to provide the facilities required for increased off peak sales at Olean, N.Y. Applicant further states that higher pressures are required to make such sales and it is not economical to upgrade existing facilities which in the future will be used as reserve facilities to be operated for limited periods.

The estimated total cost of the proposed facilities is \$260,000 which Applicant proposes to finance through the issuance and sale of promissory notes and/or common stock to Applicant's parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the reg-

ulations under the Natural Gas Act (157.10) on or before October 26, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10961; Filed, Oct. 7, 1966;
8:46 a.m.]

[Docket No. RI66-319]

HYDE CARBON BLACK CO.

Order Amending Order Accepting Superseding Contract, Providing for Hearing on and Suspension of Proposed Change in Rate To Permit Substitute Rate Filing, and Making Rate Effective Subject to Refund

SEPTEMBER 30, 1966.

On February 24, 1966, Hyde Carbon Black Co. (Hyde) filed with the Commission a proposed renegotiated contract and a related rate increase¹ from 25.0 cents to 27.5 cents per Mcf at 15.025 p.s.i.a. for a sale of gas to The Sylvania Corp. in Elk County, Pa. The renegotiated contract superseded a contract dated December 1, 1948, on file with the Commission as Hyde's FPC Gas Rate Schedule No. 1, and provides the basis for the proposed rate change. The Commission by order issued on March 29, 1966, accepted for filing Hyde's superseding contract to be effective as of April 1, 1966, and suspended Hyde's rate increase and deferred the use thereof for 5 months until September 1, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Hyde's suspended rate increase has not been placed in effect.

On August 31, 1966, Hyde submitted a letter agreement dated April 25, 1966,² and a notice of change in rate proposing a rate increase from 25.0 cents to 27.0 cents per Mcf, amounting to \$800 annually, which amends the presently suspended rate increase from 25.0 cents to 27.5 cents per Mcf suspended in Docket

¹ Designated as Supp. No. 1 to Hyde's FPC Gas Rate Schedule No. 2.

² Designated as Supp. No. 2 to Hyde's FPC Gas Rate Schedule No. 2.

No. RI66-319 until September 1, 1966. The proposed amended notice of change in rate has been designated as Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2. Under the substitute filing, the estimated annual amount of the increase to The Sylvania Corp. would be reduced from \$1,000 to \$800.

No formal price ceilings have been announced by the Commission for the Pennsylvania area. However, the proposed rate may be unjust and unreasonable. Since Hyde's proposed change is in effect a reduction in a rate that has already been suspended for 5 months to September 1, 1966, we conclude that it would be in the public interest to accept for filing Hyde's proposed superseding rate of 27.0 cents per Mcf and permit such rate to be collected subject to refund in Docket No. RI66-319 effective as of September 1, 1966, the proposed effective date.

The Commission finds: Good cause exists for amending the Commission's order issued on March 29, 1966, in Docket No. RI66-319, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued on March 29, 1966, in Docket No. RI66-319, is amended only so far as to permit the 27.0 cents per Mcf rate contained in Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2 to be filed to supersede the 27.5 cents per Mcf rate provided in Supplement No. 1 to Hyde's FPC Gas Rate Schedule No. 2, subject to the suspension proceeding in Docket No. RI66-319. The suspension period for such substitute rate filing to terminate concurrently with the suspension period (Sept. 1, 1966) presently in effect in said docket.

(B) Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2 shall become effective subject to refund as of September 1, 1966, in the manner prescribed by the Natural Gas Act if within 20 days from the date of the issuance of this order, Hyde shall execute and file under Docket No. RI66-319, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Hyde is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Hyde's Letter Agreement dated April 25, 1966, which provides for the 27.0 cents per Mcf rate, designated as Supplement No. 2 to Hyde's FPC Gas Rate Schedule No. 2, is accepted for filing as a contract amendment and not as a notice of change in rate. Such contract amendment is permitted to become effective as of June 12, 1966, the date of expiration of the statutory notice.

(D) In all other respects, the order issued by the Commission on March

29, 1966, in Docket No. RI66-319, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10962; Filed, Oct. 7, 1966;
8:46 a.m.]

[Docket No. CP67-82]

KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Kentucky Gas Transmission Corp. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP67-82 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the sale and delivery of natural gas to Columbia Gas of Kentucky, Inc. (Columbia of Kentucky) for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority to construct and operate a tap, measuring, and regulating facilities on its 20-inch gas transmission line in Boyd County, Ky., for the wholesale sale of natural gas to Columbia of Kentucky which will distribute and sell the gas in the town of Cannonsburg and environs in Boyd County.

The estimated third year annual and peak day deliveries through the new facilities are 26,000 Mcf and 270 Mcf respectively.

The total estimated cost of the new facilities is \$8,400 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10963; Filed, Oct. 7, 1966;
8:46 a.m.]

[Docket No. CP67-79]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the merger of its wholly owned subsidiary Northern Natural Gas Pipeline Co. (Pipeline Company), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that on June 30, 1961, Applicant purchased all of the outstanding securities of Pioneer Gathering System, Inc. and since that date has been operating such company as a wholly owned subsidiary under the name of Northern Natural Gas Pipeline Co. Applicant now plans to turn over all the common stock of Pipeline Company in exchange for all of the assets of such company. After completing the transfer the common stock of Pipeline Company will be canceled.

The application further states that upon dissolution of Pipeline Company, Applicant will continue to render through the facilities now owned by Pipeline Company all services now rendered or contemplated by Pipeline Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10969; Filed Oct. 7, 1966;
8:46 a.m.]

[Docket No. CP67-78]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP67-78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point for one of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a new delivery point in Highland Township, Elk County, Pa., on its pipeline system for delivery of natural gas to Manufacturers Light & Heat Co., which construction will consist of a side valve and the required metering facilities.

The estimated cost of construction of the proposed facilities is \$24,713, which cost will be financed from current operating funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10965; Filed, Oct. 7, 1966;
8:46 a.m.]

[Docket No. CP67-84]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 3, 1966.

Take notice that on September 27, 1966, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67-84 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gas transmission facilities during the calendar year 1967, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate gas transmission facilities at various points along its transmission lines in order to take into its system increased quantities of natural gas from producers along its facilities.

The total cost of the facilities is estimated not to be in excess of \$2,000,000 and no single project will cost in excess of \$500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10966; Filed, Oct. 7, 1966;
8:46 a.m.]

[Docket No. CP64-34]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP64-34 a petition to amend further the order issued in the said docket on December 4, 1964, by authorizing increased deliveries of natural gas to Pacific Lighting Service & Supply Co. (Pacific Lighting), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the order issued December 16, 1963, in the instant proceeding, the Commission granted Petitioner a limited term certificate of public convenience and necessity authorizing Petitioner to sell and deliver to Pacific Lighting up to 410,000 Mcf of natural gas per day on an annual basis with a maximum daily demand quantity of 410,000 per day for a period ending November 1, 1965, or upon commencement of new service as might be ordered by the Commission.

By the amending order issued in said docket on December 4, 1964, Petitioner was authorized to provide for the sale and delivery of 430,000 Mcf per day on an annual average basis, and the period of the authorization was extended from November 1, 1965, to December 31, 1965. By the amending order issued December 27, 1965, Petitioner was further authorized to sell and deliver up to 440,000 Mcf per day on an annual average basis with the maximum daily demand obligation of 430,000 Mcf, and the period of authorization was extended through December 31, 1966.

Specifically, Petitioner requests the following:

- (1) That authorization to sell and deliver gas to Pacific Lighting be increased to 460,000 Mcf per day on an annual average basis,
- (2) That the term of the certificate be extended from December 31, 1966, to the date of commencement of any new service resulting from the order accompanying Opinion No. 500 issued July 26, 1966, in Docket Nos. CP63-204, et al.
- (3) That effective January 1, 1967, Petitioner's maximum daily demand obligation be increased to 460,000 Mcf when border delivery pressure is reduced to 620 p.s.i.g.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 28, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10967; Filed, Oct. 7, 1966;
8:45 a.m.]

[Docket No. CP67-81]

TRANSWESTERN PIPELINE CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-81

an application pursuant to section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the construction and operation of facilities in Texas and New Mexico for the transportation and sale in interstate commerce of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install, operate, and maintain 8 miles of 36-inch loop line and 8 miles of 30-inch loop line along the West Texas lateral. The application states that these facilities will provide approximately 25,000 Mcf per day additional capacity for deliveries from Applicant's Compressor Station WT-2 to Roswell, N. Mex.

The estimated total cost of construction of these facilities is \$2,613,000 which cost will initially be financed out of funds made available from company operations and may be refinanced at a later date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on

its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10968; Filed Oct. 7, 1966;
8:46 a.m.]

[Docket No. CP67-77]

VOLUNTEER NATURAL GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 22, 1966, Volunteer Natural Gas Co. (Applicant), 334 East Main Street, Johnson City, Tenn. 37602, filed in Docket No. CP67-77 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (Respondent) to establish physical connection with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale in Gray, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks a physical connection of its proposed facilities near Gray, Tenn., with the existing 8 $\frac{3}{8}$ -inch lateral of Respondent in Washington

County, Tenn. It is contemplated that Respondent would tap its line and provide a regulating and metering station, as provided by its existing tariff.

The estimated third year annual and peak day requirements of service to Gray, Tenn. are 43,622 Mcf and 506 Mcf respectively, at 14.73 p.s.i.a.

Applicant estimates that the total cost of the proposed construction is \$10,525, which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10969; Filed, Oct. 7, 1966;
8:46 a.m.]

[Docket Nos. RI67-73, etc.]

TIDEWATER OIL CO., ET AL.

Order Permitting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates¹

SEPTEMBER 30, 1966.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ Does not consolidate for hearing or dispose of the matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-73...	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attn: A. M. Mouser, Manager, Gas Utilization Department.	102	3	Michigan Wisconsin Pipe Line Co., (Lacassine Refugio Field, Cameron Parish, La.) (Southern Louisiana).	\$1,030	9-9-66	10-10-66	3-10-67	\$ 19.75	\$ 20.00	
RI67-74...	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attn: F. C. Sweat, Man- ager Gas Utiliza- tion.	180	3	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., (West Cam- eron Block 192 Field, Offshore Louisiana).	13,200	9-9-66	11-1-66	4-1-67	23.40	23.55	RI65-475.
	Shell Oil Co.-----	263	3	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Chalkley Field, Cameron Parish, La.) (Southern Louisiana).	26,158	9-9-66	11-1-66	4-1-67	\$ 22.8333	\$ 23.55	RI65-652.

² The stated effective date is the effective date proposed by Respondent.

³ "Fractured" rate increase which represents a portion of the 2.5 cents periodic increase contractually due Apr. 1, 1962. Settlement provides for 1.0 cent maximum rate filing.

⁴ Pressure base is 15.025 p.s.i.a.

⁵ Inclusive of 1.5 cents per Mcf tax reimbursement.

⁶ Settlement rate pursuant to Commission order issued June 15, 1962, amended July 11, 1962, in Docket Nos. G-13310, et al.

The sale related to Shell Oil Co.'s (Shell) rate increase contained in Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263 was initially made under a temporary certificate containing a Condition (2) provision prohibiting changes in the initial rate unless ordered

in the related certificate proceeding, Docket No. CI62-625. Shell requests waiver of such condition inasmuch as 3 years have elapsed since Shell initiated service under its temporary certificate. Shell's Docket No. CI62-625 is included in the South Louisiana "in-line" certi-

cate proceeding, Opinion No. 436, which is currently involved in a judicial review proceeding. Condition (2) provision contained in the temporary certificate was previously waived by the Commission with respect to the last rate increase filing made by Shell under this rate

⁷ "Fractured" rate increase which represents a portion of the 2.0 cents periodic increase contractually due Nov. 1, 1966.

⁸ "Fractured" rate increase which represents a portion of the 1.0 cent periodic increase contractually due Nov. 1, 1966.

⁹ Includes 1.21667 cents tax reimbursement.

schedule on June 1, 1965. Under the circumstances, we believe it would be in the public interest to again waive Condition (2) in Shell's temporary certificate issued January 17, 1962, in Docket No. CI62-625, to permit Shell's proposed notice of change in rate (Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263) to be filed as hereinafter ordered.

Shell and Tidewater Oil Co.'s proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56). The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for waiving Condition (2) in the temporary certificate issued in Docket No. CI62-625 with respect to Shell's notice of change, designated as Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263, and that such notice of change be permitted to be filed as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon public hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Condition (2) in the temporary certificate issued in Docket No. CI62-625 is hereby waived with respect to Shell's notice of change, designated as Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263, and such rate change is permitted to be filed.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 9, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10971; Filed, Oct. 7, 1966;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 591]

NEW JERSEY

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1966, be-

cause of the effects of certain disasters, damage resulted to residences and business property located in the city of Elizabeth in the State of New Jersey;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid city and areas adjacent thereto, suffered damage or destruction resulting from flooding and accompanying conditions occurring on or about September 22, 1966.

Office: Small Business Administration Regional Office, 10 Commerce Court, Newark, N.J. 07102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1967.

BERNARD L. BOUTIN,
Administrator.

SEPTEMBER 26, 1966.

[F.R. Doc. 66-10983; Filed, Oct. 7, 1966;
8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	14 CFR—Continued	Page	32A CFR	Page
PROCLAMATIONS:		121.....	13078	PROPOSED RULES:	
3749.....	12935	208.....	12947	Ch. X.....	12924, 13050
3750.....	12995	295.....	12948		
		378.....	12948		
EXECUTIVE ORDERS:		PROPOSED RULES:		37 CFR	
Sept. 24, 1847 (revoked by		39.....	12924	1.....	12922
PLO 4100).....	12950	71.....	12925		
April 17, 1926 (revoked in part		73.....	12925	38 CFR	
by PLO 4098).....	12950			3.....	13088
11122 (superseded by EO				36.....	13003
11307).....	12917				
11215 (amended by EO 11309).....	13075	15 CFR		41 CFR	
11307.....	12917	372.....	13040	9-1.....	13046
11308.....	12919	373.....	13040	9-2.....	13046
11309.....	13075	374.....	13040	9-3.....	13046
		379.....	13040	22-1.....	13001
		382.....	13040		
		385.....	13040	42 CFR	
		398.....	13040	22.....	12939
		399.....	13040		
5 CFR				43 CFR	
213.....	12833, 12937	16 CFR		PUBLIC LAND ORDERS:	
		13.....	12937, 12938, 13078-13080	1195 (revoked in part by PLO	
				4099).....	12950
7 CFR		18 CFR		3152 (revoked in part by PLO	
210.....	13035	204.....	12840	4104).....	12951
319.....	12834			3584 (revoked in part by PLO	
701.....	13035	19 CFR		4104).....	12951
722.....	13035, 13036	1.....	12938, 13080	4097.....	12950
728.....	13036	PROPOSED RULES:		4098.....	12950
729.....	12921, 12940	12.....	12964	4099.....	12950
874.....	12940			4100.....	12950
905.....	12835	21 CFR		4101.....	12951
908.....	12836, 13077	8.....	12840	4102.....	12951
910.....	12837, 13077	17.....	12949	4103.....	12951
958.....	12940	27.....	12949	4104.....	12951
993.....	13037	51.....	12950		
1038.....	13037	53.....	12840	45 CFR	
1421.....	13078	121.....	12841	6.....	12842
1443.....	12837	146.....	12841	7.....	12842
1490.....	12997	PROPOSED RULES:		8.....	12842
PROPOSED RULES:		19.....	13005		
730.....	12952	121.....	12849	46 CFR	
948.....	12953	191.....	13006	PROPOSED RULES:	
982.....	12954			2.....	12860
984.....	13005	22 CFR		24.....	12860
994.....	13090	41.....	13080	30.....	12860
1005.....	12845, 13090	42.....	13080	70.....	12860
1038.....	12954			90.....	12860
1069.....	13091	24 CFR		110.....	12860
1126.....	13005	5.....	13081	175.....	12860
Ch. XI.....	12956	203.....	13000	188.....	12860
		220.....	13000	189.....	12860
12 CFR		221.....	13000	190.....	12860
329.....	12837	232.....	13000	191.....	12860
526.....	13039	234.....	13000	192.....	12860
545.....	12838, 12839, 13000	1000.....	13000	193.....	12860
PROPOSED RULES:				194.....	12860
222.....	12965	26 CFR		195.....	12860
		PROPOSED RULES:		196.....	12860
13 CFR		1.....	12843, 12845, 13091		
121.....	12840	29 CFR		47 CFR	
PROPOSED RULES:		462.....	13001	PROPOSED RULES:	
121.....	12849, 12924			73.....	12966
		31 CFR			
14 CFR		520.....	13001	50 CFR	
37.....	12941			32.....	12923,
39.....	12921	32 CFR			12939, 13003, 13004, 13048, 13049,
71.....	12840, 12921, 12943, 13038, 13039	855.....	13081		13088.
73.....	12922, 12944			33.....	12939
95.....	12944				

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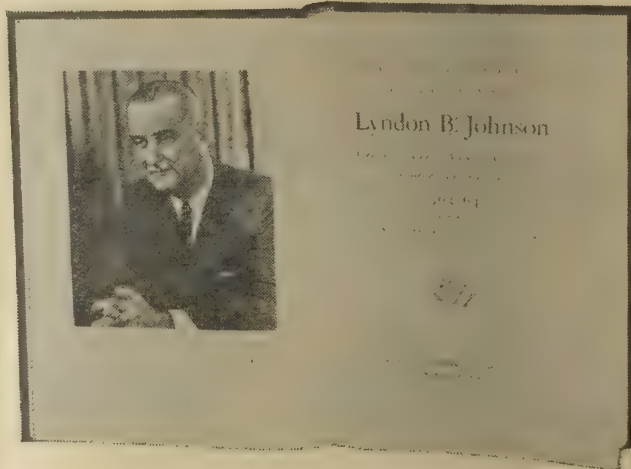
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FEDERAL REGISTER

VOLUME 31 • NUMBER 197

Tuesday, October 11, 1966 • Washington, D.C.

Pages 13109-13161

Agencies in this issue—

Advisory Commission on
Intergovernmental Relations
Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Agriculture Department
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Consumer and Marketing Service
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Housing and Urban Development
Department
Immigration and Naturalization
Service
Interstate Commerce Commission
Post Office Department
Social Security Administration

Detailed list of Contents appears inside.



Volume 79

UNITED STATES STATUTES AT LARGE

[89th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1965, reorganization plans, a proposed amendment to the Constitution, and Presidential proclamations. Also in-

cluded are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Contents

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Rules and Regulations	
Employee responsibilities and conduct	13113

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations	
Imports and exports; commuted travel time allowances	13114

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations	
Cotton, extra long staple, 1967; acreage allotments and marketing quotas	13132
Sugar; continental requirements, quotas and deficits, 1966	13133

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Notices

Areas for emergency loans:	
New York	13147
Texas and Colorado	13147

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Aloha and Hawaiian show cause order	13148
Baby poultry rates	13148
Northeast-Bahamas service case	13149
Ozark-Central merger	13148
Union Speditions-Gesellschaft m.b.H.	13149

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:	
Navy Department	13113
Post Office Department	13113
Select Commission on Western Hemisphere Immigration	13113

COMMERCE DEPARTMENT

Rules and Regulations

Vehicle and highway safety	13128
----------------------------------	-------

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Fruit; shipment limitations:	
Avocados grown in South Florida	13135
Grapefruit grown in Arizona and California	13134

Proposed Rule Making

Cranberries; expenses and rate of assessment, 1966-67; unexpended funds and handler reports ..	13136
Milk in Northwestern Ohio marketing area; recommended decision	13136
Prunes, dried, produced in California; receiving by handlers ..	13136

Notices

Peanuts; outgoing quality	13147
---------------------------------	-------

DEFENSE DEPARTMENT

See Engineers Corps.

ENGINEERS CORPS

Rules and Regulations

Anchorage and danger zones; Hudson River, N.Y., and Straits of Florida and Florida Bay, Fla.	13129
---	-------

FEDERAL AVIATION AGENCY

Rules and Regulations

Control zone and transition area; alteration	13115
Restricted area/military climb corridor and transition area; revocation and alteration	13115
Standard instrument approach procedures; miscellaneous amendments	13116
Transition area; alteration	13115

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:

Community Communicators of Ohio, Inc., and David Joseph Kittel	13149
Daily Express, Inc., et al.	13149
Kentucky Central Television, Inc., and WBLG-TV, Inc.	13149
Lorain Community Broadcasting Co. et al. (2 documents) ..	13149, 13151
Martorell, Luis Prado, and Augustine L. Cavallaro, Jr.	13151
Morris, Mary Jane, and James R. Searer	13151
Osborne, Marvin H.	13152
WTCN Television, Inc. (WTCN-TV) et al.	13152

FEDERAL HOME LOAN BANK BOARD

Notices

Advances; restrictions	13152
------------------------------	-------

FEDERAL MARITIME COMMISSION

Notices

George Co.; revocation of license	13156
---	-------

FEDERAL POWER COMMISSION

Notices

Landa Oil Co. et al.; findings and order	13153
--	-------

FEDERAL RESERVE SYSTEM

Notices

Ohio Citizens Trust Co.; order approving application for merger of banks	13145
--	-------

FISCAL SERVICE

Notices

Buffalo Insurance Co.; termination of authority to qualify as surety on Federal bonds	13155
---	-------

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting at Merritt Island National Wildlife Refuge, Fla., et al.	13130
---	-------

Notices

National Wildlife Refuge System; areas qualifying for study	13146
---	-------

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; synthetic terpene resins for chewing gum base	13128
---	-------

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Social Security Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Authority:

Assistant Secretary and Deputy, Metropolitan Development; delegation	13148
Regional administrators and deputies; redelegations	13148

(Continued on next page)

**IMMIGRATION AND
NATURALIZATION SERVICE****Rules and Regulations**Nonimmigrants; waiver of certain
grounds of excludability----- 13114**Notices**Organization; issuance and pub-
lication of regulations----- 13156**INTERIOR DEPARTMENT***See Fish and Wildlife Service.***INTERSTATE COMMERCE
COMMISSION****Notices**Fourth section applications for re-
lief----- 13157

Pennsylvania; drought order----- 13156

Motor carrier:Temporary authority applica-
tions----- 13157Transfer proceedings (2 docu-
ments)----- 13158, 13159**JUSTICE DEPARTMENT***See Immigration and Naturaliza-
tion Service.***POST OFFICE DEPARTMENT****Notices**ZIP code; presorting of bulk, sec-
ond- and third-class mail----- 13145**SOCIAL SECURITY
ADMINISTRATION****Rules and Regulations**Federal old-age, survivors and
disability insurance; child's ben-
efits----- 13126**TREASURY DEPARTMENT***See Fiscal Service.***List of CFR Parts Affected****(Codification Guide)**

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

5 CFR213 (3 documents)----- 13113
1700----- 13113**7 CFR**722----- 13132
811----- 13133
909----- 13134
915----- 13135**PROPOSED RULES:**929----- 13136
993----- 13136
1041----- 13136**8 CFR**

212----- 13114

9 CFR

97----- 13114

14 CFR71 (3 documents)----- 13115
73----- 13115
97----- 13116**20 CFR**

404----- 13126

21 CFR

121----- 13128

23 CFR

Ch. II----- 13128

33 CFR202----- 13129
204----- 13129**50 CFR**

32----- 13130

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that positions of Medical Intern at the U.S. Naval Hospital in Bethesda, Md., are in Schedule A when filled by Medical Interns of the D.C. General Hospital. Effective on publication in the FEDERAL REGISTER, subparagraph (11) is added to paragraph (a) of § 213.3108 as set out below.

§ 213.3108 Department of the Navy.

(a) General. * * *

(11) Positions of Medical Intern at the U.S. Naval Hospital, Bethesda, Md., when filled by persons serving medical internships at the District of Columbia General Hospital. Employment under this authority may not exceed 1 month. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of 5 U.S.C. 5351-5356.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11052; Filed, Oct. 10, 1966; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3111 is amended to show that the position of Administrative Assistant to the Assistant to the Regional Director (St. Louis Region) is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (a) of § 213.3111 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11053; Filed, Oct. 10, 1966; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Select Commission on Western Hemisphere Immigration

Section 213.3191 is added to show that positions on the staff of the Select Com-

mission on Western Hemisphere Immigration are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, § 213.3191 and paragraph (a) thereunder are added as set out below.

§ 213.3191 Select Commission on Western Hemisphere Immigration.

(a) All positions on the Commission staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11054; Filed, Oct. 10, 1966; 8:49 a.m.]

Chapter VII—Advisory Commission on Intergovernmental Relations

PART 1700—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Chapter VII is added to Title 5 of the Code of Federal Regulations, consisting of Part 1700, reading as follows:

Sec.

- 1700.735-101 Adoption of regulations.
- 1700.735-102 Review of statements of employment and financial interests.
- 1700.735-103 Disciplinary and other remedial action.
- 1700.735-104 Gifts, entertainment, and favors.
- 1700.735-105 Outside employment.
- 1700.735-108 Specific provisions of Commission regulations governing special Government employees.
- 1700.735-109 Statements of employment and financial interest.

AUTHORITY: The provisions of this Part 1700 issued under E.O. 11222, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101, et seq.

§ 1700.735-101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the Advisory Commission on Intergovernmental Relations (referred to hereinafter as the Commission) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: 735.101, 735.102, 735.202 (a), (c), (d), (e), 735.210, 735.-302, 735.303 (a), 735.304, 735.305 (a), 735.-403 (a), (b), 735.404, 735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 1700.735-102 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this

part shall be reviewed by the Executive Director. When this review indicates a conflict of interest of an employee or special Government employee of the Commission and the performance of his services for the Government, the Executive Director shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Executive Director shall forward a written report on the indicated conflict to the Chairman, Advisory Commission on Intergovernmental Relations.

§ 1700.735-103 Disciplinary and other remedial action.

An employee or special Government employee of the Commission who violates any of the regulations in this part or adopted under § 1700.735-101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to, or in lieu of, disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

- (a) Changes in assigned duties;
- (b) Divestment by the employee of his conflicting interests; or
- (c) Disqualification for a particular assignment.

§ 1700.735-104 Gifts, entertainment, and favors.

The Commission authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)-(4).

§ 1700.735-105 Outside employment.

(a) An employee of the Commission may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his supervisor.

(b) Employees and special Government employees of the Commission may engage in teaching, writing, and lecturing; provided, however, employees and special Government employees shall not receive compensation or anything of monetary value for any consultation, discussion, writing, lecturing, or appearance the subject matter of which is devoted substantially to the specific responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have

not been published or otherwise publicly released by the Commission. The foregoing limitation on the receipt of compensation or anything of monetary value shall not be construed as applying to amounts received for reimbursement for travel and other expenses incurred in performing the outside employment.

§ 1700.735-108 Specific provisions of Commission regulations governing special Government employees.

(a) The term "special Government employee" as used in this part means an officer or employee who is retained, designated, appointed, or employed by the Commission to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(b) Special Government employees shall adhere to the standards of conduct applicable to employees set forth in this part and adopted under § 1700.735-101, except that 5 CFR 735.203(b) is not applicable to a special Government employee.

(c) Pursuant to 5 CFR 735.305(b), the Commission authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 1700.735-104.

§ 1700.735-109 Statements of employment and financial interests.

(a) In addition to the employees required to submit statements of employment and financial interests under 5 CFR 735.403 (a) and (b), employees in the following named positions shall submit statements of employment and financial interest to the Executive Director.

Assistant Director, Taxation and Finance.
Assistant Director, Governmental Structure and Functions.

Senior Analyst, Taxation and Finance.

(b) The statement of employment and financial interests required by this section shall be submitted by the Executive Director to the Chairman of the Commission.

(c) A statement of employment and financial interests is not required under this part from Members of the Commission. Members of the Commission are subject to 3 CFR 100.735-31 and are required to file a statement only if requested to do so by the Counsel to the President.

This Part 1700 was approved by the Civil Service Commission on August 19, 1966.

This Part 1700 shall become effective upon publication in the FEDERAL REGISTER.

WM. G. COLMAN,
Executive Director.

[F.R. Doc. 66-11015; Filed, Oct. 10, 1966; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Waiver of Certain Grounds of Excludability

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The second sentence of subparagraph (1) Section 212(a)(6) (*tuberculosis*) of paragraph (b) Section 212(g) (*tuberculosis and certain mental conditions*) of § 212.7 Waiver of certain grounds of excludability is amended to read as follows: "The statement shall include the name and address of the facility where the alien will be treated, and shall affirm (i) that arrangements have been made for any treatment and observation required for proper management of the alien's condition, in conformity with local standards of medical practice, and that upon arrival at such facility the alien will be placed in an inpatient or outpatient status as determined by the responsible local physician; (ii) that such facility will submit the following to the U.S. Quarantine Station, Rosebank, Staten Island, N.Y. 10305: An initial report giving a clinical evaluation of the alien, including necessary X-ray films, within 30 days after the alien's arrival at the hospital or other institution (or, if within 30 days after receipt of notice from the U.S. Public Health Service that the alien has arrived in the United States he has not reported to the facility, a notice of his failure to report), and a report of the final disposition of the case; and (iii) that complete financial arrangements for charges which might be made for the alien's care have been made by the alien, the sponsoring family member, or other responsible person; or that the eligibility of the alien under the dependents medical care provisions of sections 1071-1085 of Title 10 of the United States Code has been established."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and

delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: October 5, 1966.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 66-11020; Filed, Oct. 10, 1966; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective August 18, 1964 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 21, 1965 (30 F.R. 7893), and June 7, 1966 (31 F.R. 8020), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Galveston, Tex.
Add: Texas City, Tex.

THREE HOURS

Add: Freeport, Tex.

OUTSIDE METROPOLITAN AREA

THREE HOURS

Add: San Pedro (Palominas), Ariz. (served from Douglas, Ariz.).
Add: Antler, N. Dak. (served from Minot, N. Dak.).

FOUR HOURS

Add: Wauna, Ore. (served from Portland, Ore.).

FIVE HOURS

Add: Douglas, Ariz. (served from Lochiel, Ariz.).
Add: San Pedro, Ariz. (served from Nogales, Ariz.).
Add: Antler, N. Dak. (when served from Portal, N. Dak.).

SIX HOURS

Add: Antler, N. Dak. (when served from Bismarck, N. Dak.).

These commuted travel time periods have been established as nearly as may

be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER. (64 Stat. 561)

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 5th day of October 1966.

G. H. WISE,
*Acting Director, Animal Health
Division, Agricultural Re-
search Service.*

[F.R. Doc. 66-11046; Filed, Oct. 10, 1966;
8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-SO-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 27, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11399) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Mobile, Ala., transition area and the Mobile, Ala. (Bates Field), control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Mobile, Ala. (Bates Field), control zone is amended to read:

MOBILE, ALA. (BATES FIELD)

Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 2 miles each side of the Mobile VORTAC 113° radial extending from

the 5-mile radius zone to 2 miles SE of the VORTAC.

In § 71.181 (31 F.R. 2149) the Mobile, Ala., 700-foot transition area is amended to read:

MOBILE, ALA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 8 miles SW and 5 miles NE of the Bates Field localizer NW course extending from 5 miles SE to 12 miles NW of the OM; within an 8-mile radius of Brookley AFB (latitude 30°37'39" N., longitude 88°04'10" W.); and within 2 miles each side of the Brookley VORTAC 140° radial extending from the VORTAC to 12 miles SE.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 30, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-11004; Filed, Oct. 10, 1966;
8:45 a.m.]

[Airspace Docket No. 66-CE-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Great Bend, Kans., transition area.

The following controlled airspace is presently designated in the Great Bend, Kans., terminal area: The Great Bend, Kans., transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°52'00" W.), and within 2 miles each side of the 305° bearing from the Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the 305° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

Since designation of the Great Bend, Kans., transition area, the special instrument approach procedure that it was designated to protect has been modified, and there has been a slight change in the airport coordinates. In addition, a public instrument approach procedure is being established. The public procedure will require the same controlled airspace protection that is required for the special procedure.

This amendment does not include any additional controlled airspace. The changes are in coordinates and are minor in nature. No additional burden is imposed upon any person and, therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149), the transition area is amended to read:

GREAT BEND, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°51'47" W.); and within 2 miles each side of the 301° bearing from Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles NE and 8 miles SW of the 301° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 27, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11005; Filed, Oct. 10, 1966;
8:45 a.m.]

[Airspace Docket No. 66-EA-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/Military Climb Corridor and Alteration of Transition Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke the Langley Air Force Base, Va., Restricted Area/Military Climb Corridor, R-6610, and remove reference to this area from the description of the Norfolk, Va., transition area.

The U.S. Air Force submitted a request to revoke R-6610 stating in the proposal that alternate procedures either have been or are being developed by the FAA which will permit desirable interceptor departure routings from Langley AFB.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 73.66 (31 F.R. 2339) R-6610 Hampton Roads, Va. (Langley AFB), Restricted Area/Military Climb Corridor is revoked.

2. In § 71.181 (31 F.R. 2231) Norfolk, Va., delete the last sentence.

(Sec. 307(a), the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 30, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-11003; Filed, Oct. 10, 1966;
8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7635; Amdt. 504]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lawrence VOR.....	TOF RBN (final).....	Direct.....	1100	T-dn.....	300-1	300-1	300-1
Danvers Int.....	TOF RBN.....	Direct.....	1900	C-dn.....	500-1	500-1	500-1½
Ipswich Int.....	TOF RBN.....	Direct.....	1900	A-dn.....	NA	NA	NA
Bedford RBN.....	TOF RBN.....	Direct.....	1900				

Radar available.

Procedure turn N side of crs, 334° Outbnd, 154° Inbnd, 1900' within 10 miles.

Minimum altitude over facility on final approach crs, 1100'.

Crs and distance, facility to airport, 154°—2.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing TOF RBN, make left-climbing turn to 1900', return to TOF RBN. Hold NW, 154° Inbnd, 1-minute left turns.

NOTES: (1) Use Boston altimeter setting. (2) Monitor Boston TRACON frequency until landing assured. (3) Approach from a holding pattern not authorized, procedure turn required. (4) State-owned facility must be monitored aurally during approach.

MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—1500'; 180°-270°—2500'; 270°-360°—2000'.

City, Beverly; State, Mass.; Airport name, Beverly Municipal; Elev., 108'; Fac. Class., MHW; Ident., TOF; Procedure No. 1, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 17 Aug. 63

Burton Int.....	Kitsap RBN.....	Direct.....	3000	T-dn.....	500-1	500-1	500-1
Lofall Int.....	Kitsap RBN.....	Direct.....	3000	C-dn.....	600-1	600-1	600-1½
SEA VOR.....	Kitsap RBN.....	Direct.....	3000	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn W side of crs, 187° Outbnd, 007° Inbnd, 2000' within 10 miles.

Facility on airport.

Minimum altitude over facility on final approach crs, 1100'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PWT RBN, make immediate right turn, climb to 2000' on crs, 187° from Kitsap RBN within 10 miles.

CAUTION: 1761' terrain, 2.5 miles N of airport.

*Alternate minimums not authorized when control zone not effective. Use Seattle altimeter setting when control zone not effective.

MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2000'; 180°-270°—7700'; 270°-360°—8800'.

City, Bremerton; State, Wash.; Airport name, Kitsap County; Elev., 482'; Fac. Class., MHW; Ident., PWT; Procedure No. 1, Amdt. 4; Eff. date, 29 Oct. 66; Sup. Amdt. No. 3; Dated, 27 May 65

APE VOR.....	CB LOM.....	Direct.....	2500	T-dn.....	300-1	300-1	200-½
CM LOM.....	CB LOM.....	Direct.....	2500	C-dn.....	500-1	500-1	500-1½
Dublin Int.....	CB LOM.....	Direct.....	2500	S-dn-10R.....	500-1	500-1	500-1
Plain City Int.....	CB LOM.....	Direct.....	2500	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500' within 10 miles of CB LOM.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 100°—5.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing CB LOM, climb on a heading of 096° to 2700' and proceed to CM LOM, hold E, 1-minute right turns, 276° Inbnd.

MSA within 25 miles of facility: 000°-360°—2600'.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816'; Fac. Class., LOM; Ident., CB; Procedure No. 2, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 14 Mar. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Appleton VOR.....	CB LOM.....	Direct.....	2500	T-dn.....	300-1	300-1	200-1½
CM LOM.....	CB LOM.....	Direct.....	2500	C-dn.....	500-1	500-1	500-1½
Dublin Int.....	CB LOM.....	Direct.....	2500	S-dn-10L.....	500-1	500-1	500-1
Plain City Int.....	CB LOM.....	Direct.....	2500	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2500' within 10 miles of CB LOM.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 096°—5.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing CB LOM, climb straight ahead to 2700' and proceed direct to CM LOM, hold E, 1-minute right turns, 276° Inbnd.

MSA within 25 miles of facility: 000°—360°—2600'.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816'; Fac. Class., LOM; Ident., CB; Procedure No. 3, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 14 Mar. 64

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816'; Fac. Class., BH; Ident., CMH; Procedure No. 4, Amdt. 2; Eff. date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 15 Sept. 62

CVG VOR.....	CV LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
New Baltimore Int.....	CV LOM.....	Direct.....	2300	C-dn.....	400-1	500-1	500-1½
Madeira RBN.....	CV LOM.....	Direct.....	2700	S-dn-36.....	400-1	400-1	400-1
Dry Ridge Int.....	Union Int.....	Direct.....	2400	A-dn.....	800-2	800-2	800-2
Union Int.....	CV LOM (final).....	Direct.....	2000				
Mount Healthy Int.....	CV LOM.....	Direct.....	2400				

Radar available.

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 360°—3.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on crs, 360° to the SI LOM. Hold N, 1-minute right turns, 180° Inbnd.

MSA within 25 miles of facility: 000°—090°—2800'; 090°—360°—2300'.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Fac. Class., LOM; Ident., CV; Procedure No. 1, Amdt. 19; Eff. date, 29 Oct. 66; Sup. Amdt. No. 18; Dated, 2 Nov. 63

Holland Int.....	LOM.....	Direct.....	2100	T-dn.....	300-1	300-1	*200-1½
Princeton Int.....	LOM.....	Direct.....	2100	C-dn.....	600-1	600-1	600-1½
EVV VOR.....	LOM.....	Direct.....	2100	S-dn-21.....	500-1	500-1	500-1
Phillips Town Int.....	LOM.....	Direct.....	2100	A-dn.....	800-2	800-2	800-2
New Haven Int.....	LOM.....	Direct.....	2100				
Mount Vernon Int.....	LOM.....	Direct.....	2100				
Augusta Int.....	LOM.....	Direct.....	2100				
Booneville Int.....	LOM.....	Direct.....	2100				
OWB VOR.....	LOM.....	Direct.....	2100				
Mackey Int.....	LOM.....	Direct.....	2100				
Cairo Int.....	LOM.....	Direct.....	2400				

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 2100'.

Crs and distance, facility to airport, 215°—6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM, make left-climbing turn, climb to 2100' on 180° crs to EVV R 080° and proceed to EVV VOR or when directed by ATC, (1) make climbing right turn to 2100' on 305° crs and proceed to Princeton Int via EVV VOR R 013°.

CAUTION: Radio tower, 993' MSL, 3.6 miles SW of airport.

*300-1 on runways 9-27.

MSA within 25 miles of facility: 000°—090°—1900'; 090°—180°—2100'; 180°—270°—2500'; 270°—360°—2000'.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 389'; Fac. Class., LOM; Ident., EV; Procedure No. 1, Amdt. 2; Eff. date, 29 Oct. 66; Sup. Amdt. No. 1; Dated, 1 Sept. 62

Manchester VOR.....	MHT RBN.....	Direct.....	2200	T-dn.....	500-1	500-1	NA
				C-dn.....	800-1	800-1	NA
				A-dn.....	1000-2	1000-2	NA

Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 2200' within 10 miles.

Minimum altitude over facility on final approach crs, 2200'.

Crs and distance, facility to airport, 238°—7.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing MHT RBN, make a right-climbing turn to 2200' direct MHT RBN. Hold NE of MHT RBN, 238° Inbnd, 1-minute right turns.

NOTES: (1) State-owned facility and must be monitored aurally during approach. (2) Use Manchester altimeter setting.

MSA within 25 miles of facility: 000°—090°—3000'; 090°—180°—2000'; 180°—270°—3000'; 270°—360°—3500'.

City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 193'; Fac. Class., MHW; Ident., MHT; Procedure No. 1, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 5 Dec. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Manchester VOR.....	Nashua RBn.....	Direct.....	3300	T-dn..... C-dn..... A-dn.....	500-1 600-1 1000-2	500-1 600-1 1000-2	NA NA NA
Procedure turn N side of crs, 317° Outbnd, 137° Inbnd, 3300' within 10 miles. Minimum altitude over facility on final approach crs, 1700'. Crs and distance, facility to airport, 137°—3.9 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing AMH RBn, climb to 1500' on 137° bearing from AMH RBn within 5 miles, then make left-climbing turn to 3300' direct AMH RBn, hold NW, 1-minute right turns, 137° Inbnd. Notes: (1) Use Manchester altimeter setting. (2) Approach from a holding pattern not authorized, procedure turn required. MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2000'; 180°-270°—3500'; 270°-360°—4500'.							
City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 193'; Fac. Class., MHW; Ident., AMH; Procedure No. 2, Amdt. 2; Eff. date, 29 Oct. 66; Sup. Amdt. No. 1; Dated, 1 May 65							
Holt Int.....	PYX RBn.....	Direct.....	4500	T-dn..... C-dn..... A-dn.....	300-1 700-1 NA	300-1 700-1 NA	
Procedure turn S side of crs, 090° Outbnd, 270° Inbnd, 4500' within 10 miles. Minimum altitude over facility on final approach crs, 3600'. Facility on airport. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PYX RBn turn right, climb to 4500' on 090° bearing from PYX RBn within 20 miles. Notes: (1) Facility operated by city. Authorized for public use. (2) Weather service not available. (3) Altimeter from GAGE FSS. (4) Procedure not completely contained within controlled airspace. MSA within 25 miles of facility: 000°-360°—4500'.							
City, Perryton; State, Tex.; Airport name, Municipal; Elev., 2915'; Fac. Class., MHW; Ident., PYX; Procedure No. 1, Amdt. Orig.; Eff. date, 29 Oct. 66							
Bar Harbor RBn.....	Rockland RBn.....	Direct.....	2500	T-dn..... C-dn..... S-dn-3..... A-dn.....	300-1 500-1 500-1 NA	300-1 500-1 500-1 NA	300-1 500-1 500-1 NA
Procedure turn W side of crs, 210° Outbnd, 030° Inbnd, 1700' within 10 miles. Minimum altitude over facility on final approach crs, 1100'. Crs and distance, facility to airport, 030°—3.5 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing RKD RBn, make left-climbing turn to 1700' direct RKD RBn, hold SW of RKD RBn, 030° inbnd, 1-minute, left turns. Notes: (1) Use Augusta altimeter setting. (2) City owned facility must be monitored aurally during approach. (3) Approach from a holding pattern not authorized, procedure turn required. (4) Air carriers with weather service at the airport—alternate minimums of 800-2 authorized. Use Rockland altimeter setting. MSA within 25 miles of facility: 000°-090°—2500'; 090°-270°—1500'; 270°-360°—2000'.							
City, Rockland; State, Maine; Airport name, Rockland Municipal; Elev., 60'; Fac. Class., MHW; Ident., RKD; Procedure No. 1, Amdt. 4; Eff. date, 29 Oct. 66; Sup. Amdt. No. 3; Dated, 20 July 63							
AWK RBn.....	AXX RBn.....	Direct.....	1500	T-dn..... C-dn..... S-dn-10..... A-dn.....	500-1 500-1 500-1 800-2	500-1 500-1 500-1 800-2	500-1½ 500-1½ 500-1½ 800-2
Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1500' within 10 miles. Minimum altitude over facility on final approach crs, 500'. Crs and distance, facility to airport, 095°—0.2 mile. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.2 mile, climb to 1500' on crs of 095° within 20 miles. *CAUTION: Standard obstruction clearance not provided N of the runway. When necessary to circle N of airport, 700' ceiling minimums apply due to 422' towers, 1.5 miles N in the vicinity of AWK HHW. MSA within 25 miles of facility: 000°-360°—1500'.							
Wake Island; Airport name, Wake; Elev., 14'; Fac. Class., MHW; Ident., AXX; Procedure No. 2, Amdt. 8; Eff. date, 29 Oct. 66; Sup. Amdt. No. 7; Dated, 10 Oct. 59							
Woodstown VOR.....	LOM.....	Direct.....	1600	T-dn..... C-dn..... S-dn-1..... A-dn..... If Stack Int received, the following minimums apply: C-dn..... S-dn-1.....	300-1 800-2 800-2 800-2 500-1 500-1	300-1 800-2 800-2 800-2 500-1 800-1	200-½ 800-2 800-2 800-2 500-1½ 500-1
Procedure turn W side of final approach crs, 194° Outbnd, 014° Inbnd, 1600' within 10 miles. Minimum altitude over facility on final approach crs, 1600'. Crs and distance, facility to airport, 014°—5.3 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, make climbing left turn to 1600' and return to Wilmington LOM. Hold S, Wilmington LOM, 1-minute right turns, 014° Inbnd. CAUTION: Turn left as soon as practical to avoid holding pattern at Philadelphia LOM. MSA within 25 miles of facility: 270°-090°—2000'; 090°-270°—1500'.							
City, Wilmington; State, Del.; Airport name, Greater Wilmington; Elev., 79'; Fac. Class., LOM; Ident., IL; Procedure No. 1, Amdt. 8; Eff. date, 29 Oct. 66; Sup. Amdt. No. 7; Dated, 8 Feb. 64							

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Millbury Int.	OR LOM	Direct	2400	T-dn#	300-1	300-1	200-1½
Putnam VOR	Sutton Int.	Direct	2400	C-dn	600-1	600-1	600-1½
Boston VOR	Sutton Int.	Direct	3000	S-dn-33	500-1	500-1	500-1
Sutton Int.	OR LOM (final)	Direct	2100	A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2400' within 10 miles.
 Minimum altitude over facility on final approach crs, 2100'.
 Crs and distance, facility to airport, 332°—4 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing OR LOM or at the LMM, make an immediate left-climbing turn to 4000' direct to OR LOM, hold SE of OR LOM, 332° Inbnd, 1-minute right turns.
 CAUTION: 1663' radio tower, 1.9 miles NNW of airport; 1180' lighted obstruction, 0.7 mile W of approach end Runway 11.
 Departure procedures: Departure Runway 33—Execute left-climbing turn as soon as practicable after take off to 300' heading, climbing to 2000' before proceeding northeast-bound. Departure Runway 2—Climb to 2000' on a heading of 050° before making a left turn.
 #300-1 required for takeoffs on Runway 29.
 MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—2500'; 180°-270°—2500'; 270°-360°—3500'.
 City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009'; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 10; Eff. date, 29 Oct. 66; Sup. Amdt. No. 9; Dated, 9 July 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bismarck RBN	BIS VOR	Direct	3400	T-dn%	300-1	300-1	200-1½
R 050°, BIS VOR clockwise	R 093°, BIS VOR	Via 6-mile DME Arc	3400	C-d	400-1	500-1	500-1½
R 192°, BIS VOR counterclockwise	R 093°, BIS VOR	Via 6-mile DME Arc	3400	C-n	400-1½	500-1½	500-1½
5-mile DME Fix, R 093°	BIS VOR (final)	Direct	2700	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 3400' within 10 miles.
 Minimum altitude over facility on final approach crs, 2700'.
 Crs and distance, facility to airport, 273°—3.6 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing BIS VOR, climb to 4000' on R 263° BIS VOR within 20 miles, or when directed by ATC, make right-climbing turn to 4000' on R 336° BIS VOR within 20 miles.
 Final approach from holding pattern at VOR not authorized, procedure turn required.
 %When weather is below 1800-2 aircraft departing southwestbound, flight below 3900' beyond 5 miles from airport is prohibited between R 175° and R 230° inclusive of the BIS VOR due to 3373' tower, 10 miles SSW of airport.
 MSA within 25 miles of facility: 000°-090°—3400'; 090°-180°—3600'; 180°-270°—4400'; 270°-360°—3400'.
 City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677'; Fac. Class., L-BVORTAC; Ident., BIS; Procedure No. 1, Amdt. 9; Eff. date, 29 Oct. 66; Sup. Amdt. No. 8; Dated, 20 Aug. 66

				T-dn	300-1	300-1	NA
				C-d	900-1	900-1	NA
				C-n	900-2	900-2	NA
				A-dn	NA	NA	NA
				DME minimums, DME equipment required.*			
				C-d	700-1	700-1	NA
				C-n	700-2	700-2	NA

Procedure turn NW side of crs, 059° Outbnd, 239° Inbnd, 2900' within 10 miles.
 Minimum altitude over facility on final approach crs, 2900'; over 6-mile DME Fix, R 239°—2100'.
 Crs and distance, facility to airport, 239°—9.1 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles after passing Chardon VOR or at 9-mile DME Fix, R 239°, make left-climbing turn to 3000', return to Chardon VOR, hold NE, 1-minute right turns, 239° Inbnd.
 NOTE: Use Cleveland, Ohio, altimeter setting.
 MSA within 25 miles of facility: 000°-180°—2300'; 180°-270°—3000'; 270°-360°—2600'.
 City, Chagrin Falls; State, Ohio; Airport name, Chagrin Falls; Elev., 1239'; Fac. Class., L-BVORTAC; Ident., CXR; Procedure No. 1, Amdt. 1; Eff. date, 29 Oct. 66; Sup. Amdt. No. Orig.; Dated, 13 Aug. 66

New Baltimore Int.	CVG VOR	Direct	2400	T-dn	300-1	300-1	200-1½
Madeira RBN	CVG VOR	Direct	2700	C-dn	400-1	500-1	500-1½
Union Int.	CVG VOR	Direct	2400	A-dn	800-2	800-2	800-2

Radars available.
 Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2400' within 10 miles.
 Minimum altitude over facility on final approach crs, 1600'.
 Crs and distance, facility to airport, 043°—2.3 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing CVG VOR, climb to 2500' on crs, 360° to the New Baltimore Int, hold N, 1-minute right turns, 186° Inbnd.
 NOTE: When authorized by ATC, DME may be used within 10 miles at 2700' to position aircraft for approach with elimination of procedure turn.
 MSA within 25 miles of facility: 000°-090°—2800'; 090°-360°—2300'.
 City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Fac. Class., L-VORTAC; Ident., CVG; Procedure No. 1, Amdt. 8; Eff. date, 29 Oct. 66; Sup. Amdt. No. 7; Dated, 20 Apr. 63

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Fac. Class., BVORTAC; Ident., CVG; Procedure No. 2, Amdt. 3; Eff. date, 20 Apr. 63; Sup. Amdt. No. 2; Dated, 7 July 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 266°, DDC VOR clockwise.....	R 330°, DDC VOR.....	Via 6-mile DME Arc.	4100	T-dn.....	300-1	300-1	200-½
R 073°, DDC VOR counterclockwise.....	R 330°, DDC VOR.....	Via 6-mile DME Arc.	4100	C-dn.....	500-1	500-1	500-1½
6-mile DME Fix, R 330°, DDC VOR.....	DDC VOR (final).....	Direct.....	4100	S-dn-14.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 4100' within 10 miles.

Minimum altitude over facility on final approach crs, 4100'.

Crs and distance, facility to airport, 150°—5.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, after passing DDC VOR, make left turn, climbing to 4100' on R 330° within 10 miles, make left turn and return to DDC VOR.

MSA within 25 miles of facility: 000°-090°—3800'; 090°-180°—3900'; 180°-270°—4500'; 270°-360°—3800'.

City, Dodge City; State, Kans.; Airport name, Dodge City Municipal; Elev., 2594'; Fac. Class., L-BVORTAC; Ident., DDC; Procedure No. 1, Amdt. 9; Eff. date, 29 Oct. 66; Sup. Amdt. No. 8; Dated, 5 June 65

				T-dn.....	300-1	300-1	200-½
				C-dn.....	400-1	500-1	500-1½
				S-dn-22.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 051° Outbnd, 231° Inbnd, 1600' within 10 miles.

Minimum altitude over facility on final approach crs, 1300'.

Crs and distance, facility to airport, 231°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing ELD VOR, climb to 1800' on R 226° ELD VOR within 20 miles; when authorized by ATC, DME 10-mile arc at 1800' may be used between R 340° clockwise to R 139° to position aircraft on final approach with elimination of procedure turn.

MSA within 25 miles of facility: 000°-090°—1400'; 090°-180°—2500'; 180°-270°—1800'; 270°-360°—1400'.

City, El Dorado; State, Ark.; Airport name, Goodwin Field; Elev., 277'; Fac. Class., BVOR; Ident., ELD; Procedure No. 1, Amdt. 4; Eff. date, 29 Oct. 66; Sup. Amdt. No. 3; Dated, 26 Sept. 64

R 281°, FAR VOR counterclockwise.....	R 180°, FAR VOR.....	Via 6-mile DME Arc.	2500	T-dn.....	300-1	300-1	200-½
R 101°, FAR VOR clockwise.....	R 180°, FAR VOR.....	Via 6-mile DME Arc.	2500	C-dn.....	900-1	900-1	900-1½
6-mile DME Fix, R 180°.....	FAR VOR (final).....	Direct.....	2500	C-n.....	900-2	900-2	900-2
				A-dn.....	900-2	900-2	900-2
				Minimums with DME:			
				C-dn.....	500-1	500-1	500-1½
				S-dn-35°.....	500-1	500-1	500-1

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'; over 6-mile DME Fix, 1400'.

Crs and distance, facility to airport, 360°—9.4 miles; 6-mile DME Fix to airport, 360°—3.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing FAR VORTAC, climb to 2500' on R 360° within 20 miles, or when directed by ATC, make left-climbing turn to intercept R 281°, climb to 2500' on R 281° within 20 miles.

*500-½ authorized with operative ALS except for 4-engine turbojets.

MSA within 25 miles of facility: 000°-090°—2400'; 090°-270°—2300'; 270°-360°—3200'.

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Fac. Class., H-BVORTAC; Ident., FAR; Procedure No. 1, Amdt. 1; Eff. date, 29 Oct. 66; Sup. Amdt. No. Orig.; Dated, 19 June 65

R 215°, FOD VOR clockwise.....	R 300°, FOD VOR.....	Via 6-mile DME Arc.	2800	T-dn%.....	300-1	300-1	200-½
R 048°, FOR VOR counterclockwise.....	R 300°, FOD VOR.....	Via 6-mile DME Arc.	2800	C-dn#.....	400-1	500-1	500-1½
6-mile DME Fix, R 300°.....	FOD VOR (final).....	Direct.....	2800	S-dn-12#.....	400-1	400-1	400-1
				A-dn#.....	800-2	800-2	800-2

Procedure turn W side of crs, 300° Outbnd, 2800' within 10 miles.

Minimum altitude over facility on final approach crs, 2800'.

Crs and distance, facility to airport, 120°—5.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing FOD VOR, climb to 2800' on R 120° within 15 miles, return to FOD VOR and hold on R 300°.

CAUTION: Runways 18/36 unlighted.

%When weather is below 700-1, aircraft departing southbound, flight below 2300' is prohibited between radials 120° and 175°, inclusive of the FOD VOR due to 1773' tower, 3.7 miles S of the airport.

\$400-¾ authorized with operative HIRL except for 4-engine turbojets. Reduction below ¾ not authorized.

#These minimums apply at all times for those air carriers with approved weather reporting services.

*Use Mason City, Iowa, altimeter setting when control zone not effective. Circling and straight-in ceiling minimums are raised 100' and alternate minimums not authorized when control zone not effective.

MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—2800'; 180°-270°—2500'; 270°-360°—2500'.

City, Fort Dodge; State, Iowa; Airport name, Fort Dodge Municipal; Elev., 1162'; Fac. Class., H-BVORTAC; Ident., FOD; Procedure No. 1, Amdt. 7; Eff. date, 29 Oct. 66; Sup. Amdt. No. 6; Dated, 19 Feb. 66

Penguin Int.....	LN Y R 293°/MKK R 162°.....	Direct.....	2000	T-d**.....	300-1	300-1	200-½
LN Y R 293°/MKK R 162°.....	Rose Int.....	Direct.....	2000	C-d.....	700-1	700-1	700-1½
Sampan Int.....	Rose Int.....	Direct.....	2000	A-d*.....	800-2	800-2	800-2
Rose Int.....	LN Y VOR (final).....	Direct.....	2000				

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 2800' within 10 miles. Beyond 10 miles not authorized.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 028°—1.5 miles.

If visual contact not established upon descent to authorized landing minimums over the LN Y VOR or if landing not accomplished, make right turn, climb to 4000' on LN Y R 278° within 20 miles.

NOTES: (1) No airport lighting. (2) Control zone operates 1430-1815 local standard time only. (3) Warning area 5 miles S of VOR. (4) Reductions not authorized.

CAUTION: Terrain rises sharply 2 miles NE of airport. Lee side turbulence may be encountered throughout approach.

*Alternate minimums authorized only for air carriers with approved weather reporting service.

**Takeoffs Runway 3: Westbound V-28, V-16, V-2, turn left, climb on crs; northbound on V-7, turn left to 300°, climb to 2500' prior to proceeding on crs; eastbound on V-2, V-16, turn left, climb eastbound, S of R 096° to 3000' prior to joining airway. Runway 21: northbound to V-7, turn right to 300°, climb to 2500' prior to proceeding on crs; eastbound aircraft turn left, climb S of R 096° to 3000' prior to joining airway.

MSA: 000°-090°—7800'; 090°-180°—3500'; 180°-270°—3300'; 270°-360°—5200'.

City, Lanai City; State, Hawaii; Airport name, Lanai; Elev., 1318'; Fac. Class., II-BVOR; Ident., LN Y; Procedure No. 1, Amdt. 2; Eff. date, 29 Oct. 66; Sup. Amdt. No. 1; Dated, 2 May 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn-----	500-1	500-1	NA
				C-dn-----	800-1	800-1	NA
				A-dn-----	1000-2	1000-2	NA
				DME Minimums:			
				C-dn-----	600-1	600-1	NA

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 2200' within 10 miles.
 Minimum altitude over facility on final approach crs, 2200'; at 5-mile DME Fix, R 245°, 993'.
 Crs and distance, facility to airport, 245°—8.2 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing MIIT VOR, make a right-climb-ing turn to 2200' direct MHT VORTAC. Hold NE of MHT VOR, 1-minute right turns, 245° Inbnd.
 NOTE: Use Manchester altimeter setting.
 MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2000'; 180°-270°—3000'; 270°-360°—3500'.
 City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 193'; Fac. Class, L-BVORTAC; Ident., MHT; Procedure No. 1, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 5 Dec. 64

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, New Orleans; State, La.; Airport name, New Orleans-Lakefront; Elev., 10'; Fac. Class, L-BVORTAC; Ident., HRV; Procedure No. 3, Amdt. Orig.; Eff. date, 25 Dec. 65

AMP RBn-----	PIE VOR-----	Direct-----	1500	T-dn-----	300-1	300-1	200-1½
				C-dn-----	700-1	700-1	700-1½
				S-dn-17*-----	700-1	700-1	700-1
				A-dn-----	800-2	800-2	800-2
				If aircraft equipped with operating DME and 3-mile DME Fix R 342° identified, the following minimums are authorized:			
				C-dn-----	500-1	500-1	500-1½
				S-dn-17*-----	500-1	500-1	500-1

Radar available.
 Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 1500' within 10 miles.
 Minimum altitude over facility on final approach crs, 700'; if 3-mile DME Fix R 342° identified, 500'.
 Crs and distance, breakoff point to Runway 17, 170°—0.4 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PIE VOR, turn right, climb to 1600' on R 270° within 20 miles, or when directed by ATC, turn right, climb to 1600' on R 225° within 20 miles.
 NOTE: When authorized by ATC, PIE 10-mile DME Orbit may be used from R 274° clockwise through R 039° at 1500' to position aircraft for a straight-in approach with the elimination of the procedure turn.
 *Reduction not authorized.
 MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—2200'; 180°-270°—1600'; 270°-360°—1600'.
 City, St. Petersburg-Clearwater; State, Fla.; Airport name, St. Petersburg-Clearwater International; Elev., 11'; Fac. Class, H-BVORTAC; Ident., PIE; Procedure No. 1, Amdt. Orig.; Eff. date, 29 Oct. 66

SAT VOR-----	Stinson VOR-----	Direct-----	2500	T-dn-----	300-1	300-1	200-1½
McCoy Int-----	Stinson VOR (final)-----	Direct-----	2000	C-dn-----	500-1	500-1	500-1½
Losoya Int-----	Stinson VOR-----	Direct-----	2300	S-dn-32#-----	400-1	400-1	400-1
Elmendorf Int-----	Stinson VOR-----	Direct-----	2300	A-dn-----	800-2	800-2	800-2

Procedure turn E side of crs, 167° Outbnd, 337° Inbnd, 2300' within 10 miles.
 Minimum altitude over facility on final approach crs, 2000'.
 Crs and distance, facility to airport, 337°—4.5 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing SSF VOR, turn right, heading 090° to intercept and proceed on San Antonio VORTAC, R 158° to Elmendorf Int, maintain 3000'.
 NOTE: Night operation authorized Runways 14-32 only. Control zone effective between 0700-2300 c.s.t.
 CAUTION: 2049' TV tower, 11 miles ESE of Stinson field.
 #Straight-in minimums not authorized unless position is established over the LVR, R 240° on final approach.
 MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2000'; 180°-270°—2100'; 270°-360°—2700'.
 City, San Antonio; State, Tex.; Airport name, Stinson Municipal; Elev., 577'; Fac. Class, T-BVOR; Ident., SSF; Procedure No. 1, Amdt. 6; Eff. date, 29 Oct. 66; Sup. Amdt. No. 5; Dated, 13 Aug. 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 253°, FNT VOR clockwise.....	R 354°, FNT VOR.....	Via 10-mile DME Arc.	2600	T-dn.....	300-1	300-1	200-½
R 072°, FNT VOR counterclockwise.....	R 354°, FNT VOR.....	Via 10-mile DME Arc.	2600	C-dn.....	500-1	500-1	500-1½
10-mile DME Fix, R 354°.....	3-mile DME Fix (final).....	Direct.....	1281	S-dn-18.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2
				Minimums with DME:			
				C-dn.....	400-1	500-1	500-1½
				S-dn-18.....	400-1	400-1	400-1

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2300' within 10 miles.

Minimum altitude over 3-mile DME Fix on final approach crs, 1281'.

Crs and distance, breakoff point to Runway 18, 182°—0.32 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR, make climbing turn right and proceed to FN LOM at 2100'.

MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2600'; 180°-270°—2200'; 270°-360°—2600'.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781'; Fac. Class., L-BVORTAC; Ident., FNT; Procedure No. Ter VOR-18, Amdt. 4; Eff. date, 29 Oct. 66; Sup. Amdt. No. 3; Dated, 24 Sept. 66

Harcum, R 134°.....	Bayside Int (ORF DME, 11 miles).....	Direct.....	2000	T-dn.....	300-1	300-1	200-½
Bayside Int (ORF DME, 11 miles).....	7.6-mile or 7-mile Radar Fix.....	ORF, R 041°.....	2000	C-dn.....	700-1	700-1	700-1½
7.6-mile DME or 7-mile Radar Fix.....	3.6-mile DME or Radar Fix (final) 3 miles.	ORF, R 041°.....	726	S-dn-22.....	700-1	700-1	700-1
				A-dn.....	800-2	800-2	800-2
				Minimums with 3-mile Radar or 3.6 DME Fix:			
				C-dn.....	500-1	500-1	500-1½
				S-dn.....	500-1	500-1	500-1

Radar available.

Procedure turn N side of crs, 041° Outbnd, 221° Inbnd, 2000' within 10 miles.

Minimum altitude over 3.6-mile DME or 3-mile Radar Fix on final approach crs 726'.

Crs and distance, 3-mile Radar Fix or 3.6-mile DME Fix to airport, 221°—3 miles. Breakoff point to runway, 225°—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2500' on ORF R 233° direct to Deep Creek Int. Hold SW, 1-minute left turns.

NOTE: When authorized by ATC, DME or Radar may be used within 10 miles at 2000' altitude to position aircraft for a straight-in approach with elimination of procedure turn.

CAUTION: 209' tower, 1.7 miles N of airport.

MSA: 000°-090°—1300'; 090°-180°—1200'; 180°-270°—2200'; 270°-360°—1500'.

City, Norfolk; State, Va.; Airport name, Norfolk Municipal; Elev., 26'; Fac. Class., II-BVORTAC; Ident., ORF; Procedure No. Ter VOR-22, Amdt. Orig.; Eff. date, 29 Oct. 66

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FOD VOR.....	11-mile DME Fix, R 120°.....	Direct.....	2800	T-dn%.....	300-1	300-1	200-½
R 048°, FOD VOR clockwise.....	R 120°, FOD VOR.....	Via 17-mile DME Arc.	2800	C-dn%.....	400-1	500-1	500-1½
R 215°, FOD VOR counterclockwise.....	R 120°, FOD VOR.....	Via 17-mile DME Arc.	2800	S-dn-30#.....	400-1	400-1	400-1
17-mile DME Fix, R 120°.....	11-mile DME Fix, R 120° (final).....	Direct.....	2600	A-dn%.....	500-2	500-2	500-2

Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 2800' between 11- and 21-mile DME Fix, R 120°.

Minimum altitude over 11-mile DME Fix, R 120° on final approach crs, 2600'.

Crs and distance, 11-mile DME Fix, R 120° to airport, 300°—4.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.3-mile DME Fix R 120°, climb to 2800' on R 300° within 10 miles, return to VOR and hold on R 300°.

CAUTION: Runways 18/36 unlighted.

When weather is below 700-1, aircraft departing southbound, flight below 2300' is prohibited between R 120° and R 175° inclusive of the FOD VOR due to 1773' tower.

3.7 miles S of the airport.

\$400-¼ authorized with operative HIRL except for 4-engine turbojet. Reduction below ¼ not authorized.

#These minimums apply at all times for those air carriers with approved weather reporting services.

Use Mason City, Iowa, altimeter setting when control zone not effective. Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.

MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—2800'; 180°-270°—2500'; 270°-360°—2500'.

City, Fort Dodge; State, Iowa; Airport name, Fort Dodge Municipal; Elev., 1162'; Fac. Class., II-BVORTAC; Ident., FOD; Procedure No. VOR DME-1, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 19 Feb. 66

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, Norfolk; State, Va.; Airport name, Norfolk Municipal; Elev., 26'; Fac. Class., BVORTAC; Ident., ORF; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 18 July 64; Sup. Amdt. No. Orig.; Dated, 11 Apr. 64

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, St. Petersburg-Clearwater; State, Fla.; Airport name, St. Petersburg-Clearwater International; Elev., 11'; Fac. Class., BVORTAC; Ident., PIE; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 26 Mar. 66; Sup. Amdt. No. 1; Dated, 14 Aug. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
APE VOR.....	CB LOM.....	Direct.....	2500	T-dn%-.....	300-1	300-1	200-1½
Plain City Int.....	CB LOM.....	Direct.....	2500	C-dn.....	500-1	500-1	500-1½
CM LOM.....	CB LOM.....	Direct.....	2500	S-dn-10L#.....	200-1½	200-1½	200-1½
Dublin Int.....	CB LOM.....	Direct.....	2500	A-dn.....	600-2	600-2	600-2

Radar available.

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2500' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2500'.

Altitude of glide slope and distance to approach end of runway at OM, 2495'—5.8 miles; at MM, 1028'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700' and proceed direct to the CM LOM, hold E, 1-minute right turns, 276° Inbnd.

%RVR 2400': Authorized Runway 10L.

#RVR 2400': Descent below 1016' not authorized unless approach lights are visible.

*500-¾ (RVR 4000') required with glide slope inoperative. 500-¾ (RVR 2400') authorized with operative ALS except for 4-engine turbojets.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816'; Fac. Class., ILS; Ident., I-CBP; Procedure No. ILS-10L, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 7 Aug. 65

10-mile DME Fix, R 152°.....	LOM.....	Direct.....	3200	T-dn%-.....	300-1	300-1	200-1½
EUG VOR.....	LOM.....	Direct.....	2100	C-dn.....	500-1	500-1	500-1½
*12-mile DME Fix and N crs EUG localizer.....	LOM (final).....	Direct.....	1500	S-dn-16#.....	200-1½	200-1½	200-1½
10-mile DME Fix, R 167°.....	LOM.....	Direct.....	3000	A-dn.....	600-2	600-2	600-2
10-mile DME Fix, R 204°.....	LOM.....	Direct.....	3000				
CVO VOR via CVO VOR R 135° and N crs EUG localizer.....	LOM (final).....	Direct.....	2200				

Procedure turn E side of crs, 339° Outbnd, 159° Inbnd, 2100' within 10 miles. Not authorized beyond 10 miles. (Final approach from holding pattern at EU LOM not authorized, procedure turn required.)

Minimum altitude at glide slope interception Inbnd, 1500'.

Altitude of glide slope and distance to approach end of runway at LOM, 1499'—3.7 miles; at LMM, 570'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right and climb to 2100' on N crs, Eugene ILS localizer within 10 miles of LOM, or when directed by ATC, turn right and climb to 3000' on R 250° EUG VOR within 10 miles of EUG VOR.

CAUTION: High terrain E and W.

NOTE: When authorized by ATC, DME may be used between R 326° EUG VOR clockwise to R 010° EUG VOR within 12 miles at 2300' to position aircraft for straight-in approach with elimination of the procedure turn.

#RVR 2400': Authorized Runway 16.

#RVR 2400': Descent below 565' not authorized unless approach lights are visible.

*Glide slope altitude at 12-mile DME Fix, 3700'.

%Takeoffs all runways: Climb on the Eugene VORTAC R 355° within 10 miles to cross the VORTAC, southbound V-23, 900'; westbound R 251°, 1000'.

City, Eugene; State, Oreg.; Airport name, Mahlon Sweet Field; Elev., 365'; Fac. Class., ILS; Ident., I-EUG; Procedure No. ILS-16, Amdt. 19; Eff. date, 29 Oct. 66; Sup. Amdt. No. 18; Dated, 16 July 66

Holland Int.....	LOM.....	Direct.....	2100	T-dn**.....	300-1	300-1	200-1½
EVV VOR.....	LOM.....	Direct.....	2100	C-dn.....	600-1	600-1	600-1½
Princeton Int.....	LOM.....	Direct.....	2100	S-dn-21°.....	300-¾	300-¾	300-¾
Mount Vernon Int.....	LOM.....	Direct.....	2100	A-dn.....	600-2	600-2	600-2
Augusta Int.....	Buckskin Int.....	Direct.....	2100				
New Haven Int.....	LOM.....	Direct.....	2100				
Holland Int.....	Buckskin Int.....	SAM, R 112°.....	2100				
Buckskin Int.....	LOM (final).....	Direct.....	2100				
Booneville Int.....	LOM.....	Direct.....	2100				
Phillipstown Int.....	LOM.....	Direct.....	2100				
CWB VOR.....	LOM.....	Direct.....	2100				
Mackey Int.....	LOM.....	Direct.....	2100				
Cairo Int.....	LOM.....	Direct.....	2400				

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2100' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2100'.

Altitude of glide slope and distance to approach end of runway at OM, 2033—6 miles; at MM 586—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn, climb to 2100' on 180° crs to R 080°, and proceed to EVV VOR or when directed by ATC, make climbing right turn, climb to 2100' on 305° crs until intercepting R 013°, then proceed N on R 013° to Princeton Int.

CAUTION: Radio tower 993', 3.6 miles SW of airport.

Back crs unusable.

*500-1 required with glide slope inoperative, 500-¾ authorized with operative HIRL, except for 4-engine turbojets.

**300-1 on Runways 9-27.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 389'; Fac. Class., ILS; Ident., I-EVV; Procedure No. ILS-21, Amdt. 10; Eff. date, 29 Oct. 66; Sup. Amdt. No. 9; Dated, 13 Oct. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Louisville VOR.....	SD LOM.....	Direct.....	2100	T-dn#.....	300-1	300-1	200-1½
Bourbon Int.....	SD LOM.....	Direct.....	2500	C-dn.....	600-1	600-1	600-1½
Bethany Int.....	SD LOM.....	Direct.....	2300	S-dn-1#.....	200-½	200-½	200-½
Corydon Int.....	SD LOM.....	Direct.....	2300	A-dn.....	600-2	600-2	600-2
Harbor Int.....	SD LOM.....	Direct.....	2300				
Sellersburg Int.....	SD LOM.....	Direct.....	3000				
New Albany Int.....	SD LOM.....	Direct.....	2600				

Radar available.

Procedure turn W side of final approach crs, 190° Outbnd, 010° Inbnd, 2100' within 10 miles of SD RBn (LOM).

Minimum altitude at glide slope interception Inbnd, 2100'.

Altitude of glide slope and distance to approach end of runway at OM, 1370—4.8 miles, at MM, 665—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left-climbing turn to 2500' on heading 270°, intercept

R 283° LOU VOR and proceed to Corydon Int. Hold W 1-minute right turns, 103° Inbnd.

Alternate missed approach: Climb to 2200' on N crs of ILS to Harbor Int. Hold N, 1-minute left turns, 190° Inbnd.

NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2500' via an 11-mile DME Arc, R 036° clockwise to R 240° from Louisville VORTAC with the elimination of the procedure turn.

*400-¾ (RVR 4000') required when glide slope not utilized. 400-½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.

†RVR 2000' authorized for 4-engine turbojets. RVR 1800' authorized for all other aircraft. Descent below 697' not authorized unless approach lights visible.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 497'; Fac. Class., ILS; Ident., I-SDF; Procedure No. ILS-1, Amdt. 25; Eff. date, 29 Oct. 66; Sup. Amdt. No. 24; Dated 9 July 66

Woodstown VOR.....	LOM.....	Direct.....	2000	T-dn*.....	300-1	300-1	200-½
				C-dn.....	500-1	500-1	500-1½
				S-dn-9#.....	200-½	200-½	200-½
				A-dn.....	600-2	600-2	600-2

Radar available.

Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.

Minimum altitude at glide slope interception Inbnd, 1800'.

Altitude of glide slope and distance to approach end of runway at OM, 1800'—5.9 miles; at MM, 215'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 700' on crs, 085° within 5 miles, then make right-climbing turn to 2000' and proceed direct to Woodstown VOR. Hold SW, R 211°, 031° Inbnd, 1-minute left turns.

CAUTION: 180' water tank, 2 miles W of approach end of Runway 9.

*RVR 2000': Authorized Runway 9. Descent below 214' not authorized unless approach lights are visible. RVR 2400': Applies when 200' runway light spacing in use.

†500-1 required with glide slope inoperative.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14'; Fac. Class., ILS; Ident., I-PHL; Procedure No. ILS-9, Amdt. 18; Eff. date, 29 Oct. 66; Sup. Amdt. No. 17; Dated, 15 June 63

Woodstown VOR.....	LOM.....	Direct.....	1600	T-dn**.....	300-1	300-1	200-½
				C-dn.....	400-1	500-1	500-1½
				S-dn-1#.....	200-½	200-½	200-½
				A-dn.....	600-2	600-2	600-2

Procedure turn W side S crs, 194° Outbnd, 014° Inbnd, 1600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 1600'.

Altitude of glide slope and distance to approach end of runway at OM, 1631'—5.3 miles; at MM, 293'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing left turn to 2000' on EWT R 270° to Elkton Int. Hold W, 1-minute right turns, 090° Inbnd.

CAUTION: Turn left as soon as practical to avoid holding pattern at Philadelphia LOM.

**RVR 2400': Authorized Runway 1.

†RVR 2400': Descent below 279' not authorized unless approach lights are visible.

*300-¾ required with glide slope inoperative.

City, Wilmington; State, Del.; Airport name, Greater Wilmington; Elev., 79'; Fac. Class., ILS; Ident., I-ILG; Procedure No. ILS-1, Amdt. 9; Eff. date, 29 Oct. 66; Sup. Amdt. No. 8; Dated, 8 Aug. 64

Millbury Int.....	OR LOM.....	Direct.....	2400	T-dn#.....	300-1	300-1	200-½
Putnam VOR.....	Sutton Int.....	Direct.....	2400	C-dn.....	600-1	600-1	600-1½
Sutton Int.....	OR LOM (final).....	Direct.....	2400	S-dn-33*.....	200-½	200-½	200-½
Boston VOR.....	Sutton Int.....	Direct.....	3000	A-dn.....	800-2	800-2	800-2
				Without glide slope:			
				S-dn-33*.....	300-¾	300-¾	300-¾

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2400' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2400'.

Altitude of glide slope and distance to approach end of runway at OM, 2343'—4 miles; at MM, 1226'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing OR LOM, or at the LMM, make an immediate left-climbing turn to 2400' direct to OR LOM. Hold SE of OR LOM, 332° Inbnd, 1-minute right turns.

NOTES: (1) Glide slope unusable below 1209'. (2) Back crs unusable.

CAUTION: 1663' radio tower, 1.9 miles NNW of airport; 1180' lighted obstruction, 0.7 mile W of approach end Runway 11.

*Missed approach point is the LMM.

400-1 required when LMM is inoperative.

†300-1 required for takeoffs on Runway 29.

Departure Procedures: Departure Runway 33—Execute left-climbing turn as soon as practicable after takeoff to 300° heading climbing to 2000' before proceeding northeast-bound. Departure Runway 2—Climb to 2000' on a magnetic heading of 050° before making a left turn.

City, Worcester; State, Mass; Airport name, Worcester Municipal; Elev., 1009'; Fac. Class., ILS; Ident., I-ORH; Procedure No. ILS-33, Amdt. 10; Eff. date, 29 Oct. 66; Sup. Amdt. No. 9; Dated, 9 July 66

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
250°	350°	Within:			Surveillance approach		
350°	030°	30 miles	2500	T-dn	300-1	300-1	200-1½
030°	215°	30 miles	2400	C-dn*	400-1	500-1	500-1½
215°	250°	30 miles	2500	C-dn-27	700-1	700-1	700-1½
000°	360°	30 miles	2400	S-dn*	400-1	400-1	400-1
		10 miles	2000	S-dn-27	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

and including the area 4 miles E and 7 miles W of Runways 18-36 centerline extended 16 miles to the N; and the area 4 miles W and 7 miles E of Runways 18-36 centerline extended 16 miles to the S, minimum altitude 2000'.

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

Radar control will provide 1000' vertical clearance within a 3-mile radius of towers, 1746' and 1411', 9 miles ENE; 1550', 24 miles NE; 1260', 2.5 miles E; 1130', 9 miles E; 1120', 12 miles NW and water tank 1083', 4 miles SSE. Tower 1167', 14 miles NNE.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 36: Climb to 2500' and proceed to New Baltimore Int. Hold N 1-minute right turns, 186° Inbnd. Runways 9, 18, and 27: Climb to 2000' and proceed S to Union Int. Hold S 1-minute right turns, 360° Inbnd.

*Runways 9, 18, 36.

#400-½ authorized for Runways 18 and 36 with operative high-intensity runway lights, except for 4-engine turbojet aircraft.

#400-½ authorized for Runways 18 and 36 with operative ALS, except for 4-engine turbojet aircraft.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Fac. Class. and Ident., Cincinnati Radar; Procedure No. 1, Amdt. 7; Eff. date, 29 Oct. 66; Sup. Amdt. No. 6; Dated 2 July 66

000°	360°	0-7 miles	1900	Surveillance approach			
000°	360°	7-15 miles	2300	T-dn	300-1	300-1	200-1½
000°	360°	15-30 miles	2800	C-dn	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 23L: Climb to 2400', proceed to YIP LOM. Runway 5R, make left turn, climb to 2600' and proceed to SVM VOR on SVM R 170°.

NOTE: Radar control will provide 1000' vertical clearance with a 3-mile radius of 1311' tower, 7 miles SE, four towers, 1700' to 1753', 15 miles NE.

City, Detroit; State, Mich.; Airport name, Willow Run; Elev., 716'; Fac. Class., and Ident., Detroit Metro Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 29 Oct. 66

045°	295°	Within:			Surveillance approach		
295°	330°	20 miles	2000	T-dn**	300-1	300-1	200-1½
330°	045°	20 miles	2200	C-dn*	500-1	500-1	500-1½
330°	045°	20 miles	2400	S-dn*	500-1	500-1	500-1
395°	080°	10 miles	1800	A-dn	800-2	800-2	800-2
080°	295°	10 miles	1500	S-dn-9**	200-1½	200-1½	200-1½
				A-dn-9	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' and proceed direct to Woodstown VOR. Hold SW, R 211°, 031° Inbnd, 1-minute left turns.

*Runways 9, 17, 27, 35.

#Runway 27 only descent below 700' not authorized until passing 5-mile Radar Fix.

**RVR 2000': Authorized Runway 9. Descent below 214' not authorized unless approach lights are visible. RVR 2400': Applies when 200' runway lights spacing in use.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14'; Fac. Class. and Ident., Philadelphia Radar; Procedure No. 1, Amdt. 10; Eff. date, 29 Oct. 66; Sup. Amdt. No. 9; Dated, 12 Mar. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on September 21, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-10635; Filed, Oct. 10, 1966; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

Subpart L—Family Relationships

MISCELLANEOUS AMENDMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.320 is amended to read as follows:

§ 404.320 Child's insurance benefits; conditions of entitlement.

(a) *Entitlement.* A child is entitled to a child's insurance benefit if he or she: (1) Is the child (as defined in § 404.1109) of:

(i) An individual entitled to old-age insurance benefits or disability insurance benefits; or

(ii) An individual who was fully insured (see §§ 404.108–404.113) or currently insured (see § 404.114) at the time of death; and

(2) Has filed application, except as provided in § 404.353(d), for child's insurance benefits; and

(3) Is unmarried at the time such application is filed; and

(4) At the time such application is filed:

(i) Has not attained the age of 18, or

(ii) Has not attained the age of 22 and is a full-time student (as defined in paragraph (c) of this section), or

(iii) Is under a disability which began before attainment of age 18; and

(5) Was dependent (see §§ 404.324–404.327) at a time specified in § 404.323, upon the parent on whose earnings child's insurance benefits are claimed.

(b) *Reentitlement.* A child whose entitlement to benefits terminated with the month before the month in which he attained age 18, or later, may thereafter (provided no event specified in paragraph (b) (2) and (3) of § 404.321 has occurred) again become entitled to such benefits upon filing application for such reentitlement, beginning with the first month after such termination in which he is a full-time student and has not attained the age of 22.

(c) *Definitions of terms.*—(1) *Full-time student.* The term "full-time student" means a student who is in full-time attendance (as defined in subpar. (2) of this paragraph) at an educational institution (as defined in subparagraph (4) of this paragraph), except that no

student shall be considered a full-time student if he is paid by his employer for attending an educational institution at his employer's request or pursuant to a requirement of his employer.

(2) *Full-time attendance.* Ordinarily, a student is in "full-time attendance" at an educational institution if he is enrolled in a noncorrespondence course and is carrying a subject load which is considered full-time for day students under the institution's standards and practices. However, a student will not be considered in "full-time attendance" (i) if he is enrolled in a junior college, college, or university in a course of study of less than 13 school weeks' duration, or, (ii) if he is enrolled in any other educational institution and either the course of study is less than 13 school weeks' duration or his scheduled attendance is at the rate of less than 20 hours a week. A student whose full-time attendance begins or ends in a month is in full-time attendance for that month.

(3) *Deemed full-time student during period of nonattendance.* An individual will be deemed a full-time student during any period of nonattendance (including part-time attendance) at an educational institution if the period is 4 consecutive calendar months or less, and the individual:

(i) Establishes that he intends to be in full-time attendance at an educational institution in the month immediately following such period, or

(ii) Is in full-time attendance at an educational institution in the month immediately following such period.

However, an individual will not be deemed a full-time student during any period of nonattendance if the nonattendance is due to expulsion or suspension, notwithstanding such individual intends to, or does in fact, resume full-time attendance within 4 calendar months after the beginning of such period of nonattendance.

(4) *Educational institution.* An educational institution, as used in this paragraph (c), is a school (including a technical, trade, or vocational school), junior college, college, or university which meets any of the conditions described in the following subdivisions (i), (ii), and (iii) of this subparagraph (4):

(i) It is operated or directly supported by the United States, or by any State or local government or political subdivision thereof; or

(ii) It is approved by a State or accredited by a State-recognized or nationally recognized accrediting agency or body. A nationally recognized accrediting agency or body is an agency or body that has been determined to be such by the U.S. Commissioner of Education. A State-recognized accrediting agency or body is an agency or body designated or recognized by a State as proper authority for accrediting schools, colleges, or universities as meeting educational standards. Approval by a State includes approval of a school, college, or university as an educational institution, or of one or more of the school's, college's, or university's courses, by a State agency

or subdivision of the State. This approval may be indirect, as, for example, if attendance at the school satisfies the State's compulsory education laws, or if the school has a tax exemption as a school, or if the school receives financial aid, loans, or scholarship allowances; or

(iii) In the case of a nonaccredited school, college, or university, its credits are accepted, on transfer, by not less than three institutions which have been accredited by a State-recognized or nationally recognized accrediting agency or body, for credit on the same basis as if transferred from an institution so accredited. Acceptance of credits on transfer includes, in addition to acceptance of laterally transferred credits between similar educational institutions, acceptance of credits completed in an institution at a lower grade level for entrance into an institution at a higher grade level.

2. Section 404.321 is amended to read as follows:

§ 404.321 Child's insurance benefits; duration of entitlement.

(a) A child is entitled to a child's insurance benefit for each month beginning with the first month in which all of the conditions of entitlement described in § 404.320 (a) or (b) are met. However, no entitlement to child's benefits may be established for any month:

(1) Before January 1957 if the child's entitlement is based on his disability as defined in section 223(c)(2) of the Act as in effect prior to September 1965, or before September 1965 if entitlement is based on his disability as defined in section 223(c)(2) of the Act, as amended by section 303(a)(2) of P.L. 89-97, enacted on July 30, 1965;

(2) Before September 1958, if benefits are based on the earnings of a parent entitled to disability insurance benefits;

(3) Before October 1960, if the parent on whose earnings record the benefits are claimed died before 1940;

(4) Before January 1965, if child's entitlement is based on his status as a full-time student (see § 404.320(a)(4)(ii));

(5) Before September 1965, if child's entitlement is based on his status as described in § 404.1101(d);

(6) Before the month of the child's birth.

(b) The last month for which a child is entitled to a child's insurance benefit is the month before the month in which any one of the following events first occurs:

(1) The child dies;

(2) The child is adopted, except for adoption after the death of the individual on whose earnings such entitlement is based, by:

(i) The child's stepparent, grandparent, aunt, or uncle, and

(ii) Effective after July 1965, the child's brother or sister (where a child's benefits were terminated by such adoption prior to August 1965, such child may, based upon application filed after June 1965, become reentitled to benefits if all other requirements are met).

(3) The child marries (except as provided in paragraph (d) of this section);

(4) The child attains age 18, and

(i) Is not under a disability at that time, and

(ii) Is not a full-time student (as defined in § 404.320(c)) during any part of the month in which he attains age 18.

(5) If the child's entitlement is based on his status as a full-time student, the earlier of:

(i) The first month during no part of which he is a full-time student, or

(ii) The month in which he attains age 22.

(6) If the child's entitlement is based on his disability, the third month following the month in which he ceases to be under a disability, unless he is a full-time student during any part of such third month and has not attained age 22 in or before such month.

(7) The parent on whose earnings the child's entitlement to benefits is based ceases to be entitled to disability insurance benefits for reasons other than death or attainment of age 65.

(c) Where a woman who is entitled to child's insurance benefits is married to a man entitled to disability insurance benefits or to child's insurance benefits because under a disability (see paragraph (d) of this section), her entitlement to child's insurance benefits will terminate with the month in which her husband's entitlement to such benefits ends for a reason other than his death or his entitlement to old-age insurance benefits.

(d) The marriage of a child, age 18 or over and entitled to child's insurance benefits based on a disability, will not terminate such entitlement (however, see paragraph (c) of this section for termination because of a subsequent event) if the marriage is to:

(1) A person age 18 or older entitled to child's insurance benefits based on a disability; or

(2) A person entitled to old-age, widow's, widower's, mother's, parent's, or disability insurance benefits, or, effective after August 1965, wife's insurance benefits.

3. Section 404.323(a) is amended to read as follows:

§ 404.323 Child's insurance benefits; time at which child must be dependent upon parent.

(a) *Months after August 1958.* For months after August 1958, the dependency requirement must be met:

(1) If the parent is living, at the time the application for child's insurance benefits is filed, except as provided in subparagraphs (4), (5), and (6) of this paragraph; or

(2) If the parent is deceased, at the time of the parent's death; or

(3) If the parent had a period of disability which continued until he became entitled to disability or old-age insurance benefits (or, if he had died, until the month of his death), at the beginning of such period of disability, or at the time he became entitled to such benefits.

(4) Except as provided in subparagraph (5) of this paragraph, if the par-

ent is entitled to disability insurance benefits, dependency of the child may not be established at the time specified in subparagraph (1) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild of such parent who was legally adopted by such parent); or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which the parent most recently became entitled to disability insurance benefits, and (a) proceedings for such adoption had been instituted by the parent in or before the month in which such parent's period of disability began, and such period of disability still existed at the time of such adoption, or (b) such adopted child was living with such parent in the month in which such period of disability began.

(5) Effective with applications for child's insurance benefits filed on or after July 30, 1965, if the parent is entitled to disability insurance benefits, or is entitled to old-age insurance benefits and was entitled to disability insurance benefits for the month preceding the first month for which he was entitled to old-age insurance benefits, and the child had been adopted by such parent after he became entitled to the disability insurance benefits, such child shall be deemed not to meet the dependency requirements at the times specified in subparagraphs (1) and (3) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild who was legally adopted by such parent), or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which such parent most recently became entitled to disability insurance benefits, provided (a) the proceedings for the adoption of the child had been instituted by such parent in or before the month in which such parent's period of disability began, and such period of disability still existed at the time of adoption (or, if such child was adopted by the parent after he attained age 65, such period of disability existed in the month before the month in which he attained age 65), or (b) such adopted child was living with such parent in the month in which the period of disability began.

(6) Effective with applications for child's insurance benefits filed on or after July 30, 1965, if the parent is entitled to old-age insurance benefits but is not a parent included under subparagraph (5) of this paragraph and the child had been adopted by such parent after he became entitled to the old-age insurance benefits, such child shall be deemed not to meet the requirements of subparagraph (1) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild who was legally adopted by such parent), or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which such parent became entitled to old-age insurance benefits (however, this time limit does not apply if the child was adopted before August 1966), provided (a) such child had been receiving at least one-half of his support from such parent for the year before such parent filed his application for old-age insurance benefits, or, if such parent had a period of disability which continued until he became entitled to old-age insurance benefits, for the year before such period of disability began, and (b) either the proceedings for the adoption of the child had been instituted by such parent in or before the month in which the parent filed his application for old-age insurance benefits, or such adopted child was living with such parent in the month he filed his application for old-age insurance benefits.

* * * * *
4. Paragraph (a)(3) of § 404.325 is amended to read as follows:

§ 404.325 Child's insurance benefits; dependency upon father or adopting father.

(a) *Months after August 1960.* For benefits for months after August 1960, based on an application filed after August 1960, a child is deemed dependent upon his father or adopting father if, at the time determined under the provisions of § 404.323(a):

* * * * *
(3) The child is the legitimate or legally adopted child of such individual and has not been legally adopted by some other person. For purposes of this paragraph, a child who is deemed to be a child of an individual under the criteria in § 404.1101(c)(1), or under the criteria in § 404.1101(d), is deemed to be the legitimate child of such individual.

* * * * *
5. Section 404.1101 is amended by adding a new paragraph (d) to read as follows:

§ 404.1101 Determination of relationship.

Whether a claimant bears the necessary relationship for entitlement under title II of the Act, as wife, husband, widow, widower, child or parent of the insured individual upon whose wages and self-employment income an application is based is determined as follows:

* * * * *
(d) If the application for child's benefits is filed in or after July 1965 and the claimant is the natural son or daughter of the insured individual but does not have the relationship of child to the insured individual under the criteria described in paragraph (a) or (c)(1) of this section, such child will nevertheless be deemed the child of such insured individual for purposes of child's benefits beginning no earlier than September 1965, if:

(1) In the case of an insured individual who is entitled to old-age insurance benefits and in the month before he became entitled to such benefits was not entitled to disability insurance benefits:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he has been decreed by a court to be the father of the claimant, or he has been ordered by a court to contribute to the support of the claimant because claimant is his son or daughter, and such acknowledgment, court decree, or court order was made not less than 1 year before such insured individual became entitled to old-age insurance benefits or attained age 65, whichever is earlier, or

(ii) Such insured individual is shown by satisfactory evidence to be the father of the claimant and was living with or contributing to the support of the claimant at the time such insured individual became entitled to old-age insurance benefits or attained age 65, whichever first occurred;

(2) In the case of an insured individual who is entitled to disability insurance benefits or who was entitled to such benefits in the month before the first month for which he was entitled to old-age insurance benefits:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he has been decreed by a court to be the father of the claimant, or he has been ordered by a court to contribute to the support of the claimant because the claimant was his son or daughter, and such acknowledgment, court decree, or court order was made before such insured individual's most recent period of disability began, or

(ii) Such insured individual is shown by satisfactory evidence to be the father of the claimant and was living with or contributing to the support of the claimant at the time such period of disability began;

(3) In the case of a deceased insured individual:

(i) Such insured individual had acknowledged in writing that the claimant is his son or daughter, or he had been decreed by a court to be the father of the claimant, or he had been ordered by a court to contribute to the support of the claimant because the claimant was his son or daughter, and such acknowledgment, court decree, or court order was made before the death of such insured individual, or

(ii) Such insured individual is shown by satisfactory evidence to have been the father of the claimant and that he was living with or contributing to the support of the claimant at the time he died.

6. Section 404.1109(c) is amended to read as follows:

§ 404.1109 Definition of child.

The term "child" means a claimant who:

(c) Is neither the stepchild nor legally adopted child of the individual upon

whose wages and self-employment income his application is based but has the status of a child of such individual under applicable State law as described in § 404.1101 (a) and (b) (1), or is deemed to have the status of child of such individual pursuant to § 404.1101 (c) or (d).

(Secs. 202, 205, 1102, 72 Stat. 1022, as amended, 53 Stat. 1362, as amended, 53 Stat. 647; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 1302)

Dated: September 21, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 4, 1966.

WILBUR J. COHEN,
*Acting Secretary of Health,
Education, and Welfare.*

[F.R. Doc. 66-11044; Filed, Oct. 10, 1966;
8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC TERPENE RESINS FOR CHEWING GUM BASE

No adverse comments were received in response to the notice published in the FEDERAL REGISTER of July 28, 1966 (31 F.R. 10198), proposing that (1) the polymer composition of synthetic terpene resins for use in chewing gum base as prescribed in § 121.1059(a) be broadened to include polymers of α -pinene and dipentene and (2) that the regulation be amended to prescribe specifications for such synthetic terpene resins. (Proposal (1) was based on a petition (FAP 6A1819) filed by Tenneco Chemicals, Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla. 32502, and proposal (2) was on the initiative of the Commissioner of Food and Drugs.) Accordingly, it is concluded that the proposed amendment should be adopted without change.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c) (1), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1059(a) is amended by changing the item "Synthetic resin" listed under "Terpene Resins" to read as follows:

§ 121.1059 Chewing gum base.

(a) * * *

TERPENE RESINS

Synthetic resin. Consisting of polymers of α -pinene, β -pinene, and/or dipentene; acid value less than 5, saponification number less than 5, and color less than 4 on the Gardner scale as measured in 50 percent mineral spirit solution.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409 (c) (1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c) (1), (d))

Dated: October 3, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-11043; Filed, Oct. 10, 1966;
8:48 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

SUBCHAPTER B—PROCEDURAL RULES

[Docket No. 1]

PART 215—RULE MAKING; INITIAL SAFETY STANDARDS

NOTE: The heading of Title 23 of the Code of Federal Regulations is revised to read as set forth above.

This rule-making action adds Chapter II to Title 23 of the Code of Federal Regulations. Chapter II will eventually contain all the regulations pertaining to Motor Vehicle and Highway Safety. At this time only the procedural rules governing promulgation of initial Federal motor vehicle safety standards under section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 are being issued.

These rules will constitute Part 215 of Title 23 CFR. They are made effective upon publication.

These rules are drafted to help ensure the initial motor vehicle safety standards are issued on or before January 31, 1967. This time schedule will necessitate strict adherence to procedural dates established under these rules. This part may be amended in light of comments or on the Secretary's own initiative.

Procedural rules to govern adoption of the revised Federal Motor Vehicle Standards will be issued separately at a later date.

Subchapter A of Chapter II is reserved, and Parts 211-213 of Subchapter B of Chapter II are reserved.

In consideration of the foregoing, Title 23 of the Code of Federal Regulations is hereby amended, effective on publication, by the addition of Chapter II, consisting of Part 215 at present, to read as follows:

- Sec.
215.1 Scope.
215.3 Definitions.
215.5-215.9 [Reserved]
215.11 Notice of rule-making.
215.13 Docket.
215.15 Order.
215.17 Reconsideration.

AUTHORITY: The provisions of this Part 215 issued under secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718.

§ 215.1 Scope.

This part prescribes the procedures that will govern the rule-making proceedings for adoption and amendment of the Initial Federal Motor Vehicle Safety Standards under section 103 of the National Traffic and Motor Vehicle Safety Act of 1966.

§ 215.3 Definitions.

"Act" means the National Traffic and Motor Vehicle Safety Act of 1966, P.L. 89-563, of September 9, 1966, 80 Stat. 718.

"Initial standard" means a standard adopted under section 103(h), first sentence, of the Act.

"Secretary" means the Secretary of Commerce or a person to whom he has delegated final authority in the matter concerned by published delegation.

"Standard" means a Federal motor vehicle safety standard established under sections 102(2) and 103 of the Act.

§§ 215.5-215.9 [Reserved]

§ 215.11 Notice of rule-making.

The Secretary will issue a notice of rule-making that will be published in the FEDERAL REGISTER in conformity with section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, proposing the initial Federal motor vehicle safety standards. The notice will establish the period within which written comments containing data, views and arguments must actually be received. Such written comments shall be submitted in ten (20) legible copies. Any inter-

ested person shall submit as part of his written comments all the evidence that he considers material to any statement of fact made by him. In the comments, statements of fact, supporting evidence, contentions as to policy, and legal arguments shall be separated to the extent possible. Incorporation of material by reference should be avoided. However, if necessary, the incorporated material should be identified with respect to document and page. After the notice is issued and before issuance of the order, communications to the Secretary or his staff concerning the Initial Standards shall be in writing unless specific arrangements are made for a meeting at which a transcript or summary minutes shall be taken.

§ 215.13 Docket.

A public docket relating to this proceeding will be maintained at the Office of the General Counsel of the Department of Commerce. Any interested person may examine and copy any document in the docket during regular business hours. The docket will contain the record in this proceeding (except for copies of published materials that are readily available to the public); and correspondence and other public documents relating to this proceeding.

§ 215.15 Order.

The Secretary will make an order issuing initial motor vehicle safety standards. This order will be published in the rules section of the FEDERAL REGISTER. The order will be based exclusively on the record.

§ 215.17 Reconsideration.

Any person who will be adversely affected by an order issued under § 215.15 may, within ten (10) days after publication of the order in the FEDERAL REGISTER, file a Petition for Reconsideration of the order. The Petition shall be filed in twenty (20) legible copies and shall contain a concise statement of Petitioner's contentions and underlying matters of fact, law or policy. Matters of fact not already in the record and introduced in the Petition will be considered only if accompanied by a showing that there were reasonable grounds for failure to adduce them before the end of the period for comments on the notice of rule-making. The Secretary may direct a stay of any provisions of the order objected to in the Petition pending disposition of the Petition. After such proceedings, if any, as the Secretary may direct, he will dispose of the Petition by an appropriate Order on Reconsideration.

Issued in Washington, D.C., on October 6, 1966.

JOHN T. CONNOR,
Secretary of Commerce.

[F.R. Doc. 66-11029; Filed, Oct. 10, 1966; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Hudson River, N.Y.; Straits of Florida and Florida Bay, Fla.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.60 is hereby amended with respect to paragraph (p) redesignating the boundaries of a special anchorage area in the Hudson River at Hastings-on-Hudson, N.Y., wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.60 Port of New York and vicinity.

(p) *Hudson River, at Hastings-on-Hudson.* That portion of the waters northerly of a line extending from a point at latitude 40°59'56.0", longitude 73°53'11.3" to the shore at latitude 40°59'55.7"; easterly of lines extending from the aforementioned point at latitude 40°59'56.0", longitude 73°53'11.3" through a point at latitude 41°00'04.6", longitude 73°53'10.9" to a point at latitude 41°00'14.6", longitude 73°53'08.2"; and southerly of a line extending from the last mentioned point to the shore at latitude 41°00'14.2".

[Regs., Sept. 26, 1966, 1507-32 (Hudson River, N.Y.)—ENG CW—ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 204.95 establishing and governing the use and navigation of danger zones in the Straits of Florida and Florida Bay, Fla., is hereby amended with respect to subparagraph (a) (2), revoking one of the danger zones in subdivision (iii), effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 204.95 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.

(a) *The danger zones.* * * *

(2) * * *

(iii) A circular area located west of Marquesas Keys with a radius of two nautical miles having its center at latitude 24°34'30" and longitude 82°14'00".

[Regs., Sept. 26, 1966, 1507-32 (Straits of Florida and Florida Bay, Fla.)—ENG CW—ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11002; Filed, Oct. 10, 1966;
8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges in Florida and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres, is delineated on a map available at the refuge headquarters, Titusville, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only from one-half hour before sunrise until noon, 5 days per week, Tuesday through Saturday, during the periods November 24 through November 27, 1966, and December 3, 1966, through January 8, 1967.

(2) Hunters will be permitted to hunt only from designated blinds furnished and located by the Bureau. Shooting is not permitted outside a blind.

(3) Guns must be unloaded while being transported on the refuge and while being carried to and from the blinds. Guns must be left in the blind while dead or crippled birds are being retrieved.

(4) A maximum of three persons will be permitted to shoot from one blind.

(5) Participants in the hunt are required to furnish either a retriever or a boat for retrieving birds which fall across or in deep water.

(6) The use of air-thrust boats on the refuge is prohibited.

(7) Hunters under 16 years of age may not apply for advance reservations, but may participate in the hunt if accompanied by an adult.

(8) Shells that contain shot larger than BB's are prohibited.

(9) Hunters are required to enter and leave the hunting area by way of the check station located on State Highway 402. All waterfowl bagged must be presented for inspection at the check station before hunters leave the refuge.

(10) A refuge permit is required of all hunters. A blind fee of \$3 per blind per day is required. (One dollar per person if three persons occupy a blind.)

(11) Applications for advance reservations for refuge permits must be submitted in writing prior to October 25 to the Refuge Manager, Merritt Island National Wildlife Refuge, Post Office Box 956, Titusville, Fla. 32780. Vacancies not reserved by advance reservation will be awarded daily at the check station on a first come, first served basis. Reservation commitments for a refuge permit are not transferable and, unless claimed prior to 1 hour before shooting time, are automatically canceled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Wednesday through Sundays during the periods November 24 through November 27, 1966, and December 3, 1966, through January 8, 1967.

(2) No more than two dogs per hunter may be used only to retrieve wounded or dead birds.

(3) Only temporary blinds constructed of native vegetation are permitted.

(4) Designated routes of travel must be used for entering or leaving the public hunting area.

(5) A Federal permit is required for the use of airboats in the refuge area. Airboat permits may be obtained by applying in person at refuge headquarters, 4½ miles south of Homosassa Springs, Fla., between the hours of 7:30 a.m. and 4 p.m., Monday through Friday. All airboats must be equipped with exhaust mufflers.

(6) All guns must be unloaded and cased while hunters are traveling to and from the hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Loxahatchee National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Delray Beach, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) The possession or use of shells containing shot larger than No. 4 is prohibited.

(2) Only temporary blinds constructed of native vegetation are permitted.

(3) Hunters must enter and leave the refuge by either the S-39 landing or the headquarters landing and must use the following designated routes of travel to and from the hunting area: Those portions of Canal 40 and Canal 39 (Hillsboro Canal) immediately east and south of the hunting area; also the refuge marsh areas near the headquarters landing and the S-39 landing lying between the hunting area and portions of canals described above. No hunting is permitted in or over these designated routes of travel.

(4) While using designated routes of travel to and from the hunting area, hunters must have their shotguns unloaded and dismantled or cased.

(5) Air-thrust boats may be authorized for use only by special permit issued by the refuge manager.

(6) All public use within the refuge is limited to the period each day from 1 hour before sunrise to 1 hour after sunset.

(7) Each hunter will be permitted to use dogs for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Ala., is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on a map available at the refuge headquarters, Decatur, Ala., and from the Office of the Regional

Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, and coots subject to the following conditions:

(1) Open season—Geese: November 16, 1966, through January 14, 1967. Ducks and coots: November 24, 1966, through January 7, 1967. A kill quota of 2,000 geese is established. If this quota is reached during the above open season, the refuge hunt for all waterfowl species will be terminated. During the above seasons, hunting will be permitted only on Wednesdays, Thursdays, Fridays, and Saturdays, from one-half hour before sunrise to 12 noon.

(2) Blinds—The construction of blinds by the public is prohibited. Hunting shall be only from those blinds constructed and labeled by the Bureau.

(3) Guns must be unloaded and cased at all times except when hunters are inside blinds. No shooting is permitted outside blinds. Hunters are authorized to hunt only from the blind specified on their permits.

(4) Ammunition—Shells that contain shot larger than No. 2 may not be used and will not be permitted in the possession of hunters. No hunter may possess more than 15 shells of any shot size or fire more than 15 shots during any one hunting trip.

(5) Crows and foxes may also be shot during the hunt period, provided these are shot from designated waterfowl blinds.

(6) Intoxicating beverages will not be permitted on the refuge.

(7) Hunters will not be permitted to enter the hunting area sooner than 1½ hours before legal hunting hours and must leave the area promptly after 12 noon.

(8) A maximum of two persons will be permitted to hunt from each blind.

(9) Hunters under 16 years of age must be accompanied by adults.

(10) Each hunter must have a refuge permit. To obtain a permit individuals must present a valid Alabama hunting license, a duck stamp (if persons have attained 16th birthday) and pay a blind fee of \$4 (\$2 per person if two persons occupy blind).

(11) Hunters are required to stop at the permit office at the close of each hunt, return permits, and allow game to be examined.

(12) Applications for advance reservations for refuge permits must be submitted in writing to the refuge manager. Applications for advance reservations will be accepted during the period September 15 through 30. Only one application will be accepted per individual, and this for a maximum of 1 hunting day. Reservations will be awarded on the basis of a drawing held at the refuge office on October 3, 1966. Blinds not reserved and those for which reservations are not claimed within 1 hour of legal hunting hours will be awarded on the basis of a drawing held at the permit office each hunt morning approximately

1 hour before legal hunting hours. Reservation commitments for a refuge permit are nontransferable.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1967.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, N.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres, is delineated on a map available at the refuge headquarters, New Holland, N.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1967.

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Savannah National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,600 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Thursdays, Fridays, and Saturdays, from one-half hour before sunrise to 1 p.m., during the period November 24, 1966, through January 7, 1967.

(2) Hunting will not be permitted in or on Front River, Middle River, Steamboat River, and Back River, nor closer than 50 yards to the shoreline of these rivers.

(3) Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

(4) Guns must be unloaded while being carried to and from the hunting area.

(5) Only temporary blinds constructed of native materials are permitted.

(6) Dogs used to retrieve waterfowl must be under complete control at all times.

(7) Before entering the hunting area, hunters are required to obtain a permit at the refuge check station, located on U.S. Highway 17 at the Middle River

Bridge. All hunters must check out at the check station as soon as possible after completing their hunt and must present all bagged game for inspection.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1967.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 520 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise to 12 o'clock noon during the period November 26, 1966, through January 7, 1967.

(2) The use of boats without motors is permitted within the hunting area, except that electric motors may be used.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner than 15 minutes before legal shooting hours.

(5) All hunters must enter and leave the waterfowl hunting area by way of the designated access point.

(6) No hunter may take more than 16 shotgun shells into the hunting area.

(7) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(8) All hunters are required to check out at the designated check station before leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1967.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, Pinopolis Unit, South Carolina is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 29,500 acres, is delineated on a map available at the refuge headquarters, Summerton, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, and coots subject to the following special conditions:

(1) Hunting will be permitted only on Tuesdays, Thursdays, and Saturdays during the period from November 24, 1966, through January 7, 1967.

(2) Shooting hours are from one-half hour before sunrise to 12 o'clock noon. Hunters may not enter the refuge hunting area prior to 1½ hours before sunrise and must be out of the Pinopolis Pool area by 1 p.m.

(3) Only temporary blinds constructed of native vegetation are permitted. Any blind constructed by a hunter on the hunting area, once vacated, may be occupied by any other hunter on a first come, first served basis.

(4) Boats are not to be left in Pinopolis Pool overnight.

(5) Boat motors of any type (inboard, outboard, gasoline, diesel, or electric) are not allowed in the Pinopolis Pool.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 7, 1967.

WALTER A. GRESH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 66-11017; Filed, Oct. 10, 1966;
8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1967 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of §§ 722.551 to 722.553 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1967 crop of extra long staple cotton. The term "extra long staple cotton" (referred to as "ELS cotton") as used in § 722.551 (a) and (b) means the kinds of cotton described in section 347(a) of the act, including American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sea-land cotton, and all imports of similar type cotton produced in Egypt, Sudan, and Peru. Exports of ELS cotton from Commodity Credit Corporation stocks estimated to be made pursuant to 7 U.S.C. 1852a are excluded from the determinations of estimated exports under § 722.551 (b) and (d). ELS cotton as used in §§ 722.551 (c) and (d) and 722.552 means the kinds of cotton described in section 347(a) of the act. The findings and determinations in §§ 722.551 to 722.553 have been made on the basis of the latest available statistics of the Federal Gov-

ernment. The following matters are included in §§ 722.551 to 722.553:

- (a) Proclamation for the 1967 crop of ELS cotton of a national marketing quota and a national acreage allotment.
- (b) Apportionment of the national allotment to the States.

Notice that the Secretary was preparing to determine whether a national marketing quota would be required under the act for the 1967 crop of ELS cotton and notice with respect to the matters listed in paragraphs (a) and (b) of this preamble was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

In order that State and county ASC committees may complete the necessary work in issuing farm allotment notices for the 1967 crop of ELS cotton as soon as possible, it is essential that §§ 722.551 to 722.553 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.551 to 722.553 shall be effective upon filing this document with the Director, Office of the Federal Register.

Sec.

- 722.551 National marketing quota for the 1967 crop of ELS cotton.
- 722.552 National acreage allotment for the 1967 crop of ELS cotton.
- 722.553 Apportionment of national allotment to the States.

AUTHORITY: The provisions of §§ 722.551 to 722.553 issued under secs. 301, 342, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1342, 1344, 1347, 1375.

§ 722.551 National marketing quota for the 1967 crop of ELS cotton.

(a) **Finding of total supply.** As defined in section 301(b) (16) (C) of the act, the "total supply" of ELS cotton for the marketing year beginning August 1, 1966 (in terms of running bales or the equivalent), consists of the sum of (1) "carryover" of ELS cotton on August 1, 1966, (2) estimated production of ELS cotton in the United States during 1966, and (3) estimated imports of ELS cotton into the United States during the marketing year beginning August 1, 1966. Pursuant to Public Law 87-548 enacted July 25, 1962 (76 Stat. 218), the term "carryover" does not include any domestically grown ELS cotton which was transferred or made available to the Commodity Credit Corporation from the stockpile established under the Strategic and Critical Materials Stockpiling Act, as amended (50 U.S.C. 98), and which has not been sold by the Commodity Credit Corporation; and does not include any foreign-grown ELS cotton which was transferred to the Commodity Credit Corporation from such stockpile. The following finding of total supply is hereby made by the Secretary:

(i) Total supply of ELS cotton for the marketing year beginning August 1, 1966, in running bales or equivalent:

	Bales
(a) Carryover	240,000
(b) Estimated production	86,900
(c) Estimated imports	85,600

Total supply 412,500

(b) **Finding of normal supply.** As defined in section 301(b) (10) (C) of the act, the "normal supply" of ELS cotton for the marketing year beginning August 1, 1966 (in terms of running bales or equivalent), consists of the sum of (1) estimated domestic consumption of ELS cotton for the marketing year beginning August 1, 1966, (2) estimated exports of ELS cotton during the marketing year beginning August 1, 1966, and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover. The following finding of normal supply is hereby made by the Secretary:

(i) Normal supply of ELS cotton for the marketing year beginning August 1, 1966, in running bales or equivalent:

	Bales
(a) Estimated domestic consumption	145,000
(b) Estimated exports	0
(c) 30 percent allowance for carryover	43,500

Normal supply 188,500

(ii) It is also hereby determined that 108 percent of such normal supply equals 203,580 running bales or equivalent.

(c) **Proclamation of national marketing quota.** It is hereby determined and proclaimed by the Secretary that the total supply of ELS cotton for the marketing year beginning August 1, 1966, will exceed the normal supply of ELS cotton for such marketing year by more than 8 percent. Therefore, a national marketing quota shall be in effect for the crop of ELS cotton produced in the calendar year 1967.

(d) **Proclamation of amount of national marketing quota in bales.** Section 347 of the act provides that the amount of the national marketing quota for the 1967 crop of ELS cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales of ELS cotton equal to the estimated domestic consumption plus exports for the marketing year beginning August 1, 1967; less the estimated imports for the marketing year beginning August 1, 1967; plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until ELS cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

(2) 30,000 bales of ELS cotton.

(3) The number of bales of ELS cotton equal to 30 percent of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning August 1, 1966. It is hereby determined and proclaimed that the na-

tional marketing quota for the 1967 crop of ELS cotton (in terms of standard bales of 500 pounds gross weight) shall be 79,761 bales based on subparagraph (1) of this paragraph including an adjustment of 19,000 bales to assure adequate working stocks. This determination is based on the following data:

Determinations for purposes of:

(i) Section 722.551(d) (3) ¹ -----	43, 500
(ii) Section 722.551(d) (1) ¹ -----	79, 761

Based on:

(iii) Estimated domestic consumption ² -----	145, 000
(iv) Estimated exports ² -----	None
(v) Estimated imports ³ -----	85, 600
(vi) Adjustment for stocks ¹ -----	19, 000

- ¹ Standard bales.
² Running bales.
³ Equivalent running bales.

§ 722.552 National acreage allotment for the 1967 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1967. The amount of such national allotment is 70,500 acres (rounded to nearest 100 acres) calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 543 pounds per acre of ELS cotton for the 4 calendar years 1962, 1963, 1964, and 1965.

§ 722.553 Apportionment of national allotment to the States.

The national allotment of 70,500 acres is apportioned to the States in accordance with section 344(b) of the act as follows:

State	State allotment (acres)
Arizona-----	30, 591
California-----	472
Florida-----	198
Georgia-----	98
New Mexico-----	14, 249
Texas-----	24, 846
Puerto Rico-----	46
United States-----	70, 500

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 7, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 86-11078; Filed, Oct. 7, 1966; 2:44 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 10]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1966

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (30 F.R. 15313, 31 F.R. 2776, 2895,

3283, 5681, 7999, 9546, 9939, 11307, 11711) is to revise the determination of sugar requirements for the calendar year 1966, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate deficits in quotas pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), herein-after referred to as the "Act."

Section 201 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary.

In view of the greater than normal seasonal distribution of refined sugar through September and the continued strong demand for off-shore raw sugar, it is apparent that additional supplies of readily available raw sugar are needed to meet the requirements for consumers. Accordingly, sugar requirements for the calendar year 1966 are hereby increased by 50,000 short tons, raw value, to a total of 10,375,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. The governments of the Republic of the Philippines, Nicaragua, and Panama notified the Department prior to August 1, 1966, that they would be unable to fill that part of their 1966 sugar quotas in excess of 1,202,978, 19,000 and 13,000 short tons, raw value, respectively. Accordingly, a finding has heretofore been made (31 F.R. 11307) under section 202(d) (4) of the Act, that such failure of the Republic of the Philippines, Nicaragua, and Panama to fill their respective quotas was due to crop disaster or other force majeure. Pursuant to section 204(b) of the Act, the quota, including prorated deficits, for the Republic of the Philippines has been reduced to 1,202,978 short tons, raw value; the quota for Nicaragua has been reduced to 19,000 short tons, raw value; and the quota for Panama has been reduced to 13,000 short tons, raw value, representing the approximate quantity of sugar each country will be able to supply in 1966.

It is herein determined that 116,290 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines shall be reprorated and total deficits are herein determined for Nicaragua and Panama of 32,982 and 18,779 short tons, raw value, respectively. In a previous action taken prior to September 1, 1966 (31 F.R. 11307), the deficit in the quota determined for Panama at that time of 17,590 short tons, raw value, plus 105,430 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines, which totaled 123,020 short tons, raw value, was allocated to the Dominican Republic on August 26, 1966, on the basis of a determination issued by the President to the Secretary of Agriculture dated August 17, 1966; and 31,040 short tons, raw value, of the deficit for Nicaragua was prorated to other Central American Common Market countries.

In another action taken on September 7, 1966 (31 F.R. 11711), an additional deficit of 970 short tons, raw value, determined for Nicaragua was prorated to

other Central American Common Market countries. In this same action, an additional deficit for Panama of 595 short tons, raw value, plus an additional 5,430 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines which it was unable to fill, totaling 6,025 short tons, raw value, were prorated to Western Hemisphere countries listed in section 202(c) (3) (A) of the Act which were able to supply such additional sugar.

Except for an additional reduction of 5,430 short tons in the deficit proration to the Republic of the Philippines, such previous allocations of deficits are not disturbed by the action taken herein.

As a result of the increase in consumption requirements determined herein and under section 204(a) of the Act, Nicaragua has an additional deficit of 972 short tons, raw value, which is prorated herein to other Central American Common Market countries; Panama has an additional deficit in the amount of 594 short tons, raw value, and the Republic of the Philippines will be unable to fill the deficit previously allocated to it in the additional amount of 5,430 short tons, raw value, which amounts totaling 6,024 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c) (3) (A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect.

Effective date. This action increases by 50,000 short tons, raw value, the quantity that foreign countries, other than the Republic of the Philippines, may import. To permit such countries for which larger prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.40, 811.41, 811.42, and 811.43 as follows:

1. Section 811.40 is amended to read as follows:

§ 811.40 Sugar requirements, 1966.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966 is hereby determined to be 10,375,000 short tons, raw value.

2. Section 811.41 is amended by amending subparagraph (1) of paragraph (a) to read as follows:

§ 811.41 Quotas for domestic areas.

(a) (1) For the calendar year 1966 domestic area quotas limiting the quantities of sugar which may be brought into

or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	Short tons	raw value
Domestic Beet Sugar.....	3, 025, 000	(1)
Mainland Cane Sugar.....	1, 100, 000	(1)
Hawaii.....	1, 200, 227	35, 482
Puerto Rico.....	1, 140, 000	155, 625
Virgin Islands.....	15, 000	0

1 No limit.

3. Section 811.42 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.42 Proration and allocation of deficits and quotas in effect.

(b) Pursuant to section 204(a) of the Act, a deficit is hereby determined in the section 202 quota determined herein in § 811.43 for Nicaragua amounting to 32,982 short tons, raw value. Of such amount, 32,010 short tons, raw value, previously allocated to other Central American Common Market countries on August 26, 1966 (31 F.R. 11307), and September 7, 1966 (31 F.R. 11711), are hereby allocated in the same manner, and 972 short tons, raw value, are allocated in section 811.43 to other Central American Common Market countries able to fill additional quota.

(c) Pursuant to section 204(a) of the Act, a deficit of 18,779 short tons, raw value, is hereby determined in the section 202 quota for Panama referred to in § 811.43 and it is hereby determined that the Republic of the Philippines will be unable to fill the proration established in paragraph (a) of this section of 195,963 short tons, raw value, by 116,290 short tons, raw value. In accordance with section 204(a) of the Act and a Presidential Memorandum dated August 17, 1966, 17,590 short tons, raw value of the Panama deficit and 105,430 short tons, raw value of the Philippine shortfall were allocated on August 26, 1966, to the Dominican Republic, and such allocation is hereby reestablished. Also, in accordance with section 204(a) of the Act, an additional deficit of 595 short tons, raw value, for Panama plus an additional shortfall in the deficit proration to the Republic of the Philippines of 5,430 short tons, raw value, were prorated on September 7, 1966, to Western Hemisphere countries listed in section 202(c) (3) (A) of the Act which were able to supply such additional sugar, and such proration is hereby re-established. Pursuant to section 204(a) of the Act, an additional deficit

for Panama of 594 short tons, raw value, and an additional 5,430 short tons, raw value, of the deficit proration which the Republic of the Philippines is unable to fill are prorated to Western Hemisphere countries listed in section 202(c) (3) (A) of the Act which are able to supply such additional sugar.

4. Section 811.43 is amended by amending paragraphs (a), (b), and (c) to read as follows:

§ 811.43 Quotas for foreign countries.

(a) For the calendar year 1966, the quota for the Republic of the Philippines is 1,202,978 short tons, raw value, representing 1,123,305 short tons established pursuant to section 202 of the Act and 79,673 short tons established pursuant to section 204 of the Act.

(b) Of the quantity of 1,123,305 short tons established in paragraph (a), only 59,920 short tons, raw value, may be filled by direct-consumption sugar, pursuant to section 207(d) of the Act.

(c) For the calendar year 1966, the prorations to individual foreign countries

pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendments 5, 8, and 9 of § 811.43 of this part (31 F.R. 7999, 11307, 11711), are shown in column (3). In column (4) the additional deficit in the section 202 quota for Nicaragua due to the increase in requirements by this action, and amounting to 972 short tons, raw value, is prorated herein to other Central American Common Market countries; the additional deficit in the section 202 quota for Panama due to the increase in requirements, amounting to 594 short tons, raw value, and the additional portion of the previously prorated deficit which the Republic of the Philippines is unable to fill, amounting to 5,430 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c) (3) (A) of the Act which have indicated that they are able to supply such additional sugar on the basis of published quotas most recently in effect. Total quotas and prorations are herein established as shown in column (5).

Country	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) ¹	Previous deficits and deficit prorations	New deficits and deficit prorations	Total quotas and prorations
Mexico.....	213, 821	224, 844	44, 491	1, 127	484, 283
Dominican Republic.....	209, 118	219, 898	166, 831	1, 395	597, 242
Brazil.....	209, 118	219, 898	43, 513	1, 103	473, 632
Peru.....	166, 797	175, 395	34, 706	879	377, 777
British West Indies.....	83, 537	73, 910	17, 357	413	175, 217
Ecuador.....	30, 427	31, 996	6, 331	160	68, 914
French West Indies.....	26, 279	23, 249	5, 461	130	55, 119
Argentina.....	25, 725	27, 051	5, 353	136	58, 265
Costa Rica.....	24, 618	27, 364	18, 311	559	70, 852
Nicaragua.....	24, 618	27, 364	-32, 010	-972	19, 000
Colombia.....	22, 129	23, 269	4, 605	117	50, 120
Guatemala.....	20, 746	23, 060	15, 430	472	59, 708
Panama.....	15, 490	16, 289	-18, 185	-594	13, 000
El Salvador.....	15, 214	16, 910	11, 317	346	43, 787
Haiti.....	11, 618	12, 217	2, 417	61	26, 313
Venezuela.....	10, 511	11, 053	2, 187	55	23, 806
British Honduras.....	6, 085	5, 384	1, 264	30	12, 763
Bolivia.....	2, 490	2, 618	518	13	5, 639
Australia.....	99, 581	87, 546			187, 127
Republic of China.....	41, 492	36, 477			77, 969
India.....	39, 832	35, 018			74, 850
South Africa.....	29, 321	25, 777			55, 098
Fiji Islands.....	21, 852	19, 212			41, 064
Thailand.....	9, 128	8, 025			17, 153
Mauritius.....	9, 128	8, 025			17, 153
Malagasy Republic.....	4, 702	4, 134			8, 836
Swaziland.....	3, 596	3, 161			6, 757
Ireland.....	5, 351				5, 351

¹ Proration of quotas withheld from Cuba, Southern Rhodesia and the proration of the Honduras quota to Central American Common Market countries.

(Secs. 201, 202, 204, and 403; 61 Stat. 923 as amended, 924 as amended, 925 as amended and 932 as amended; 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 7th day of October 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11082; Filed, Oct. 10, 1966, 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 33]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Or-

[Avocado Reg. 8, Amdt. 4]

**PART 915—AVOCADOS GROWN
IN SOUTH FLORIDA**

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as herein after provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados in that it permits shipment of certain varieties of avocados at an earlier date than currently provided.

It is, therefore, ordered that the provisions of § 915.308 (31 F.R. 7394, 8592, 9678, 12398) are hereby further amended as follows:

1. Paragraph (b)(2) is amended by inserting "and (11)" immediately following "subparagraphs (9) and (10)."

2. A new subparagraph (b)(11) is added reading as follows:

§ 915.308 Avocado Regulation 8.

* * * * *

(b) * * *

(11) During the period beginning at the effective time of this amendment and ending at 12:01 a.m., October 8, 1966, avocados of any variety may be handled if the avocados meet the grade and applicable minimum weight or diameter requirements prescribed for the handling of such variety on October 24, 1966.

* * * * *

The provisions of this amendment shall become effective on October 5, 1966.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 5, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-11024; Filed, Oct. 10, 1966;
8:47 a.m.]

which for purpose of this regulation shall include the requirement that the grapefruit be well colored, instead of slightly colored, and free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That grapefruit having any amount of light or fairly light colored scarring may be handled if they otherwise grade at least U.S. No. 2: *Provided further*, That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerance applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3\frac{1}{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), 7 CFR 51.925-51.955: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{1}{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{1}{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3\frac{1}{16}$ inches in diameter: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than $3\frac{1}{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3\frac{1}{16}$ inches in diameter and smaller.

(b) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-11023; Filed, Oct. 10, 1966;
8:47 a.m.]

der No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 29, 1966, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on October 3, 1966; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

§ 909.333 Grapefruit Regulation 33.

(a) Order: (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., October 16, 1966, and ending at 12:01 a.m., P.s.t., August 1, 1967, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES

Expenses and Rate of Assessment for 1966-67 Fiscal Period, Carryover of Unexpended Funds, and Handler Reports

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period beginning August 1, 1966, and ending July 31, 1967, will amount to \$8,010.

(2) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each handler in accordance with § 929.41, at one-half cent (\$.0005) per barrel, or equivalent quantity, of cranberries;

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended July 31, 1966, be carried over as a reserve in accordance with § 929.42; and

(4) That reports be submitted to the committee by each handler showing the total quantity of cranberries he has acquired, the total quantity of cranberries he has handled, and the total quantity of cranberries and cranberry products, respectively, he has on hand. The reports would be rendered on a quarterly basis as follows: November 1, 1966; February 1, 1967; May 1, 1967; and August 1, 1967. Each report would cover the 3-month period preceding the applicable specified date and would be filed with the committee not later than the 10th day of the first month following such period.

Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building,

Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 66-11048; Filed, Oct. 10, 1966; 8:49 a.m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Receiving of Prunes by Handlers

Notice is hereby given of a proposal, based upon a unanimous recommendation of the Prune Administrative Committee, to revise certain provisions of the Subpart—Administrative Rules and Regulations. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed revision would change (a) certain information currently required by § 993.149(b) (2) to be shown on an inspector's certificate issued with respect to a lot of dried prunes not returned by a handler to the producer or dehydrator thereof, and (b) the applicability of the size tolerance currently permitted by § 993.149(d) (2) for certain defective dried prunes required to be disposed of by handlers. The purpose of the revision is to reduce the number of size count determinations of dried prunes which currently must be made by the inspection service in those crop years in which a reserve percentage of zero is established.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the sixth day after the publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Revise § 993.149(b) (2) (vi) and (vii) and the first sentence of (d) (2) to read:

§ 993.149 Receiving of prunes by handlers.

(b) *Incoming inspection*— * * *

(2) *Certification*. * * * (vi) in any crop year in which a reserve percentage other than 0 percent is established, the average size count of all prunes in the lot; and (vii) if substandard, the percentage by weight of off-grade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom for the lot to be standard prunes, and the percentage by weight and the average size count of those off-grade prunes with defects of mold, imbedded dirt, insect infestation, and decay, and the percentage by weight, of prunes with such defects necessary to be removed in order for the balance of the lot to be within the tolerance for such defects.

(d) *Prunes for nonhuman consumption only*— * * *

(2) *Regulation on substandard prunes accumulated by a handler pursuant to § 993.49(c)*. To satisfy the obligation imposed by § 993.49(c) to dispose of excess defective prunes, other than those of subparagraph (1) of this paragraph, each handler shall dispose of, in non-human consumption outlets, a weight of such prunes equal to the excess in substandard lots received and such prunes shall be prunes with defects of mold, imbedded dirt, insect infestation, or decay, as of their receipt by the handler, and shall not exceed by more than 20 prunes per pound the weighted average size count of prunes with those defects in lots with an excess of such prunes. * * *

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 66-11049; Filed, Oct. 10, 1966; 8:49 a.m.]

[7 CFR Part 1041]

[Docket No. AO-72-A29]

MILK IN NORTHWESTERN OHIO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of

marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Northwestern Ohio marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Stony Ridge, Ohio, on July 6 and 7, 1966, pursuant to notice thereof which was issued June 13, 1966 (31 F.R. 8496).

The material issues on the record of the hearing relate to:

- (1) Expansion of the marketing area.
- (2) Requirements for pool participation.
- (3) Pricing diverted milk.
- (4) The "route disposition" definition.
- (5) The "fluid milk product" definition.
- (6) The level and seasonality of the Class I price.
- (7) The application of location differentials.
- (8) Time and method of reporting receipts and utilization of milk and of paying producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The Northwestern Ohio marketing area should not be expanded at this time. The proposal to include in the marketing area the Ohio counties of Erie, Huron, and Ottawa, and the unregulated portion of Sandusky County therefore is denied.

The proposal to expand the marketing area was submitted by the Northwestern Cooperative Sales Association, a cooperative representing about 85 percent of the producers in the market. It was supported also by the principal cooperative in the Northeastern Ohio market and a Northwestern Ohio regulated handler. The nine unregulated handlers distributing milk in the four-county area and their approximately 100 dairy farmer suppliers opposed expansion.

The present estimated population of the proposed area is about 220,000. Because of its proximity to Lake Erie, there is a substantial population increase during the summer tourist season of June, July, and August. Fluid milk is distributed in the area by regulated handlers in the Columbus, Northwestern Ohio, and Northeastern Ohio Federal or-

der markets and by the nine unregulated handlers, seven of which have their plants located in such counties.

The area in question has been proposed for inclusion in a Federal order on previous occasions. As late as 1964, when the North Central Ohio and Toledo orders were merged, the four counties were proposed for regulation. Official notice is taken of the Under Secretary's decision of November 13, 1964 (29 F.R. 15416) in this regard. The Under Secretary found in the 1964 decision that the unregulated territory in the four counties did not constitute a primary distribution area for Northwestern Ohio handlers and, hence, should not be included in the marketing area at that time.

The situation has not changed appreciably. The primary distributors in the four counties still are the unregulated handlers. While Northwestern Ohio handlers are the principal regulated persons doing business in these counties, their distribution is less than one-third of the total.

Proponents and opponents of the marketing area expansion both presented results of separate surveys with respect to sales in the proposed area by regulated and unregulated handlers. While there were admitted difficulties in determining actual sales volumes, the survey results were substantially in agreement. It was shown that all regulated handlers (including those regulated under the Columbus and Northwestern Ohio orders) distribute between 40 and 45 percent of the total fluid milk sales in the four counties and the unregulated handlers distribute between 55 and 60 percent of such sales.

In support of their proposal, producers contended that unregulated handlers have a competitive advantage over regulated handlers both in the procurement of milk supplies and in the sale of milk in the proposed area. They pointed out that unregulated handlers purchase milk on a "flat price" basis without regard to the utilization in their plants.

Although specific data were not presented at the hearing, producers claimed that the unregulated handlers are able to maintain a high Class I utilization aided by the purchase of supplemental milk supplies from regulated handlers during the summer tourist season when supplies from their regular dairy farmers are insufficient, sometimes even less than their Class I sales. The fact of a high Class I utilization paid for on a flat price basis, it was stated, gives them a competitive advantage over regulated handlers in the procurement of milk in a common supply area and results in the Northwestern Ohio market carrying the reserve supply for such counties.

It is not clear from this record whether unregulated handlers do, in fact, have any substantial advantage in the procurement and sale of milk in the four-county area and, if so, whether this has had adverse affect upon the orderly marketing of milk by Northwestern Ohio producers. While certain of the unregulated handlers do rely on regulated markets for supplemental milk supplies during the tourist season, it is evident

that at least some do not. It was brought out also that most of them have some uses in their plants equivalent to Class II milk under the order and that it is not unusual for them to have considerable quantities of surplus milk.

A representative of dairy farmers delivering to plants in the proposed area testified that at least some of the unregulated handlers do not rely heavily on regulated markets for the area's increased fluid needs during the tourist season. He stated that local farmers have attempted over the years to tailor their production as closely as possible to the needs of their market. Dairy farmers have been encouraged to increase production in the early summer months rather than during the normally short production months in the fall of the year as customary in most other markets. He indicated that they have been successful in providing much of increased milk supply from their own farm resources for the tourist season needs.

Regulated handlers have maintained their proportion of sales in the four-county area, and have had little difficulty in procuring milk supplies in competition with the unregulated handlers. This makes difficult the conclusion that marketing conditions for Northwestern Ohio producers have been adversely affected by the competitive situation in these counties. It is noteworthy also that handlers under the Northeastern Ohio and Columbus orders, who purchase Class I milk at somewhat higher Class I prices than Northwestern Ohio handlers, have continued to compete in these counties.

It may not be concluded from the record that the four counties are part of the primary distribution area of Northwestern Ohio regulated handlers. Class I sales of Northwestern Ohio handlers in the proposed area represent only about 4 percent of their total Class I distribution and, as previously stated, less than one-third of the total sales in such area. The unregulated handlers involved distribute no fluid milk products in the present marketing area but compete with regulated handlers only in the unregulated territory. Marketing conditions do not justify the inclusion of this territory in the marketing area at this time.

(2) The pooling requirements for distributing plants should be modified.

The principal cooperative association proposed that one of the standards for pooling a distributing plant be modified. The proposal would allow such a plant to retain pool status even though it distributed, during the month, less than 50 percent of its Grade A milk receipts on routes, provided it had met such requirement in 5 of the 6 preceding months. The proposal was supported by handlers.

Proponents pointed out that under the present provisions it is possible for a distributing plant to lose its pool status, however unintentionally, if it drops even slightly below the minimum 50 percent route distribution percentage requirement for the month. Several handlers qualify in some months by only a very small amount over the present minimum

requirement. In this market it is not unusual for large wholesale accounts to be switched from one handler to another on short notice which can cause a handler to fall below the 50 percent requirement. At least once in the last 18 months a handler has found himself in the position of inadvertently failing by a small margin to meet such requirement.

Producers further requested that the order contain a provision requiring the market administrator to notify any cooperative associations with milk delivered to a plant of the failure of the plant to meet the 50 percent requirement even though such plant is continued in the pool as proposed. It was stated that such a requirement would allow a cooperative sufficient time to make other arrangements for its member milk supply in the event the plant subsequently lost its pool status.

The 50 percent route distribution requirement is a reasonable standard for differentiating between plants that are primarily engaged in the distribution of fluid milk and those that are primarily manufacturing plants but such requirement need not be so rigid as to impede orderly marketing. The additional requirement that to be pooled a distributing plant must also sell at least 15 percent of its dairy farmer receipts as Class I milk on routes in the marketing area is a reasonable basis for establishing its association with this market and there is no indication in the record that this requirement should be changed.

Failure of a distributing plant to meet the prescribed pooling standards could have serious consequences for producers as well as for any supply plant shipping milk to such distributing plant. In view of the high possibility that failure to meet the 50 percent route disposition requirement for a given month can be inadvertent, the proposed modification is appropriate.

Since the revised provision will permit a distributing plant to continue its pool status for up to 2 consecutive months without meeting the 50 percent route disposition requirement, interested persons could be unaware of the fact that the plant was in danger of losing its pool status. In this situation the corollary proposal that whenever a plant drops below the 50 percent requirement the market administrator shall make it known publicly should be adopted also. The information thus would be available to any cooperative with members delivering to such plant as well as to unaffiliated producers and supply plant operators shipping milk to such plant.

(3) a. The order should be amended to price producer milk diverted from a pool plant to a nonpool plant at the location of the nonpool plant to which it is diverted.

The present order prices all producer milk diverted to nonpool plants at the location of the pool plant from which it is diverted. Producers contend that this pricing arrangement could enable producers distant from the market to enhance their returns unduly at the expense of nearby producers.

The marketing area uniform price establishes the value of milk delivered f.o.b. plants in the marketing area. Lower prices, adjusted to reflect the cost of transporting milk to market from various locations, apply at outlying plants. Thus, when a producer's milk is delivered to an outlying pool plant and the full cost of transportation to the marketing area is not incurred, the uniform price to such producer is reduced by a location differential.

Similarly, when the milk of a distant producer is diverted to an outlying nonpool plant, full transportation cost to market is not incurred and a location price should apply to such milk.

With respect to milk so diverted there ordinarily is a significant saving in the farm-to-plant haul as compared to delivering the milk to a marketing area plant. To price such milk at the plant from which diverted creates undue incentive to attach producer milk to the Northwestern Ohio market for the sole purpose of receiving the marketing area blended price without necessarily shipping a substantial proportion of the milk to the market for fluid uses. Thus, the blend price could be reduced by the attachment of milk receiving a marketing area price but not readily available for fluid purposes in the market. Accordingly, such incentive should be eliminated by providing that producer milk diverted from a pool plant to a nonpool plant shall receive a price for the location of the plant to which it is physically delivered.

As proposed by producers, diversions to nonpool plants within 150 miles of Toledo would continue to be priced at the plant from which diverted. There is no basis in this market, however, for differentiating between plants located less than 150 miles from Toledo and plants beyond that distance. The same incentive exists to associate milk with a nearby plant for the purpose of obtaining the f.o.b. market price and then diverting it to manufacturing facilities at which location differentials apply even though such nonpool plants are within 150 miles of Toledo.

b. The order should be amended also to price producer milk diverted from one pool plant to another at the location of the pool plant from which it is diverted. However, a limit should be provided so as to insure that milk diverted between pool plants will be priced at the plant at which it is generally received.

Presently, producer milk diverted from one pool plant to another is priced at the second plant. The major association requested the privilege of diverting milk between pool plants with the milk priced at the plant from which it is diverted.

The association has practiced the diversion of milk within the market to achieve the most advantageous use of available milk. However, under the present order when the milk must be moved to a plant in a lower-priced zone, the producer whose milk is moved receives the lower price while producers as a whole benefit from the action. The

producers involved understandably object to the lower price received.

While the problem is greatly reduced by the elimination of location differentials within the marketing area, there may be occasions when the proposed change in point of pricing will enhance the ability of the cooperative to channel milk from one handler to another within the market as handler bottling requirements change. Marketing efficiency should be improved. It also will simplify the accounting with respect to such diverted milk.

A limit should be provided, however, on the number of days that a producer's deliveries may be diverted to another pool plant and still receive the price applicable at the plant from which diverted. If location differentials are to carry out their function of equating the order prices at the various plant locations in the market, there must be provision for recognizing a specific plant location to which the milk is delivered for the purpose of applying order prices. This may be accomplished by pricing milk diverted between pool plants at the location of the plant from which diverted if at least 15 days' milk production of the producer is physically received at such plant or at other plants in the same or a higher price zone as the diverting plant. If more than 15 days' production is diverted to a plant in a lower price zone than that of the diverting plant then the diverted milk should be priced at the plant(s) where physically received.

(4) The definition of "route disposition" should be clarified. As the definition is now phrased it has not been entirely clear to the trade whether route disposition is intended to include Class I milk that moves from a processing and packaging plant through an intermediate distribution point en route to resale or wholesale outlets. Also, clarification is needed as to whether route disposition is to be credited to the handler processing and packaging the Class I milk in cases where the milk is custom-packaged for another person. Also, some doubt was raised as to whether route disposition includes milk that is delivered to a retail or wholesale customer at a plant's loading dock.

It is intended that the definition in this order include Class I milk that moves through a distribution point en route to retail or wholesale outlets but not until it is, in fact, disposed of to such outlets. For determining route disposition the distribution point is, in effect, an "extension" of the processing and packaging plant. Consequently, delivery to the distribution point in itself does not constitute route disposition. Delivery from the distribution point to a retail or wholesale outlet does constitute route disposition and such disposition is attributable to the processing plant of origin.

The present definition includes Class I milk which is disposed of to retail and wholesale customers at the dock of the handler's processing plant and Class I milk that is custom-packaged for an-

other person, provided such milk is not then moved to another milk plant. However, in view of the questions raised at the hearing, the language of the definition has been modified in order to eliminate any uncertainty as to its coverage of these types of sales.

(5) The "fluid milk product" definition should not be changed except for clarification. A regulated handler proposed an amendment which would exclude from Class I any milk product containing more than 6 percent butterfat, concentrated milk, all cultured products except buttermilk, and eggnog. With the exception of sour cream mixtures which are not labeled Grade A, these products presently are classified as Class I. The amendment was opposed by producers.

Proponent's testimony was based primarily on the competitive difficulties arising from the introduction in the market of nondairy product substitutes such as imitation cream and imitation sour cream. It was noted also that some of the nearby Federal orders provide Class II pricing for certain specialty products which are priced as Class I in the Northwestern Ohio market.

The order classifies as Class I all fluid milk products which require the use of Grade A milk. It also fixes the class prices at levels designed to assure an adequate supply of milk for use in such products. Milk which is in excess of the market's fluid needs generally is processed into manufactured dairy products such as ice cream, cottage cheese, butter, and nonfat dry milk. The latter uses of producer milk are designated Class II and are priced at the level of manufacturing grade milk since all manufactured milk products generally compete in a common market whether made from Grade A milk or ungraded milk.

The products included in Class I are those that in this market must be made from milk meeting Grade A inspection requirements. Applicable health regulations require that such products sold in the Northwestern Ohio marketing area be labeled Grade A. Consequently, they continue to require a regular supply of Grade A milk. In this respect such products are quite different from butter or other Class II products which may be made from manufacturing grade milk.

To reduce the price for fluid milk products simply to allow handlers to compete more effectively with nondairy products would fail to recognize the value of the Grade A milk so used. Permitting Grade A milk to be priced at the Class II level would add to the burden on fluid milk consumers of maintaining an adequate milk supply for fluid requirements.

A question was raised at the hearing concerning the classification of milk used in the production of yogurt. In this market cultured sour cream mixtures which are not labeled Grade A are classified and priced as Class II. Yogurt which does not carry a Grade A label should be included in the same category as cultured sour cream mixtures and therefore priced at the Class II price level.

(6) The Class I price level should not be increased. The Class I differentials should be modified, however, to compensate for a change in the application of location differentials. This change is discussed in conjunction with the consideration of location differentials.

The principal cooperative in the market proposed to retain seasonal Class I differentials but at higher levels. They proposed Class I differentials of \$1.73 for August through March and \$1.50 for April through July, an average increase of about 40 cents over present differentials. The cooperative contended that these amounts are necessary to halt the recent decline in production in the market and to insure an adequate supply of milk for area consumers.

The cooperative proposed also to retain the present tie to the Northeastern Ohio order Class I price on the basis that there has been insufficient experience with the relatively new order from which to develop a supply-demand mechanism based on local production and utilization figures.

A regulated handler with plants in both Toledo and Mansfield proposed a year-round Class I differential of \$1.25. His purpose was to improve Class I price alignment with competing markets which have flat Class I differentials. He further proposed a supply-demand adjustor based on production and Class I utilization figures for the Northwestern Ohio market.

A regulated handler with a plant at Marion, Ohio, also supported a flat Class I differential for the purpose of improving Class I price alignment with the Columbus market, pointing out that he sells a high proportion of his milk in competition with Columbus handlers.

In support of an increase in the Class I price the cooperative stated that milk supplies have tightened significantly in the market in recent months. For the first 6 months of 1966 producer receipts declined an average 5.8 percent from this period a year earlier. During the same 6-month period Class I sales increased an average of 1.7 percent from 1965. Because of these factors, the percentage of producer milk used in Class I averaged 5.6 percent higher for the first 6 months of 1966 over the comparable period in 1965.²

The fact of shorter supplies in Federal order markets was taken into account, however, in the increase in prices which became effective July 5, 1966, in all Federal order markets. The amendment to the Northwestern Ohio order placed a \$4 floor under the basic formula price through March 1967. It also increased the July 1966 Class I differential 22 cents. The increases resulting from these changes were made to encourage the

production of an adequate supply of milk for the market. Therefore, a further increase in the stated Class I differential should not be made at this time.

The proposal of a regulated handler that a supply-demand adjustor be devised using Northwestern Ohio production and Class I sales figures is denied. Experience under the merged order has not been sufficient to permit development of such a mechanism with any assurance of satisfactory operation. The present order has been in effect only since January 1, 1965, when it was formed by the merger of the Toledo and North Central Ohio orders. The intervening time period has not been sufficient to reflect typical production and Class I sales patterns in the market. For example, sales data were affected by the milk strike which occurred in May and June of 1965 depressing Class I utilization significantly during that 2-month period.

Moreover, several major revisions, including changes in the marketing area, pricing and pooling provisions were made when the orders were merged. The pooling change involved substituting a marketwide pooling plan for the handler-pooling provisions of the previous orders. Some additional supplies have been attracted to the market under the new order. A supply plant at Defiance, Ohio, not associated with either of the previous orders, pooled under the new order in 1965.

The present tie to the Northeastern Ohio supply-demand adjustor provides a basis for varying the Class I price in this market in response to changes in the regional supply and demand situation. In these circumstances it would be appropriate to provide additional experience with the new provisions, and in particular with marketwide pooling, before a supply-demand mechanism based on Northwestern Ohio market figures alone is developed.

An amendment effective July 5, 1966, extended the Class I price differentials through March 1967, the same period for which a basic formula "floor" price was established in this and other Federal milk orders. In view of the consideration given at this hearing to the longer-term aspects of Class I pricing in the Northwestern Ohio market, it is now appropriate to establish the revised Class I price differentials from their effective date through March 1968. Interested parties then would have the opportunity to review the pricing provisions at a public hearing on the basis of market statistics covering a period of 3 years under the consolidated order.

The proposal for a flat Class I price differential should not be adopted at this time.

While some handlers are concerned with competition from markets where flat differentials are applicable year-round, there is supply competition with the Northeastern Ohio market where seasonably variable Class I pricing is used.

² The month of May 1966 was the latest month for which complete statistical information was available at the hearing. In order to complete the analysis through the first 6 months of 1966, official notice is taken of the price statistics of the market administrator for June 1966.

At the present time milk production in the Northwestern Ohio market is not highly seasonal. Average daily production in the market in 1965 ranged from a high of 1,041 pounds in May to a low of 899 pounds in July, about a 16 percent change. However, producers testified that abandoning seasonal Class I pricing without an appropriate substitute method of encouraging continued level production could change the seasonal production pattern and cause other marketing problems for producers and handlers.

In all other markets competing for supply there is some type of seasonal production incentive plan in operation. Instituting a flat Class I price differential in Northwestern Ohio without a method of varying producer returns seasonally could result in uniform prices in Northwestern Ohio being unduly out of line with uniform prices in nearby markets during some part of each year. The evidence in this record does not support the adoption of any alternate plan for adjusting blend prices seasonally.

(7) a. The location adjustment provisions should be modified to establish identical price levels in the first five zones where location adjustments from zero up to 9 cents now apply. To accomplish the change in the location differential rates without changing the average Class I price for the market, the stated Class I price differentials (to apply throughout the marketing area) should be reduced 4 cents (from \$1.36 to \$1.32 in August through March and from \$1.13 to \$1.09 in April through July).

The principal cooperative proposed to eliminate all location adjustments for plants located within the marketing area. As part of this proposal, the cooperative would eliminate the city of Napoleon as a basing point for computing location adjustments to apply to plants located outside the marketing area.

They gave two primary reasons for eliminating location adjustments within the marketing area. First, it would facilitate the shifting of milk from plants in one pricing zone to plants in other zones to meet handlers' demands for bottling milk. They stated that it has been difficult to move milk from plants in the higher-priced zones to those in lower-priced zones within the marketing area on a regular basis because the producers affected have been reluctant to accept the resulting lower net return for their milk. Also, it would provide similar prices to handlers who compete throughout the marketing area for bottled milk sales.

A Lima, Ohio, handler opposed changes in the location adjustment provisions. He contended that the present zone location adjustments are necessary to insure that an adequate supply of milk is shipped to handlers in the northern and eastern portions of the market. He said that his plant, which is located in the \$-0.09 zone, has been able to obtain an adequate supply of milk under the present provisions.

The present location adjustment provisions divide the marketing area into five zones. The location adjustments

applicable to plants in principal cities within the market are as follows: \$0.00 for Mansfield, \$-0.03 for Bucyrus, \$-0.04 for Toledo and Marion, \$-0.07 for Findlay and \$-0.09 for Lima.

The farms of most producers who regularly supply handlers in each of the major cities in the market are located, however, at relatively short distances from the plant either in the same county as the plant or in an adjacent county. The distances to market outlets for most producers do not differ greatly. Hauling rates on most of the producer milk direct-shipped to the principal cities thus are very similar.

As plants expand their area of distribution, there is an increasing amount of route competition that has little relationship with the pattern of location adjustments. The routes of handlers in the several pricing zones now overlap extensively throughout the marketing area. Toledo handlers, for example, distribute milk in the Lima and Findlay area in competition with handlers who purchase Class I milk 3 to 5 cents per hundredweight less than the price applicable at Toledo. With the passage of uniform health regulations in the various cities in the marketing area on July 1, 1966, this interhandler competition may be expected to intensify.

The problem of the cooperative in assigning milk among handlers in accordance with their needs has been most acute in the Lima area where the \$-0.09 location adjustment prevails. Last fall when milk supplies shortened, certain Lima handlers needed additional milk. The cooperative, which allocates some 85 percent of the milk supplies in the market, moved to assign additional producers to these handlers on a temporary basis. However, the producers to be shifted, who normally supply plants in higher-priced zones, were reluctant to accept the lower net return from shipping milk to the Lima area.

Also, Lima handlers have had some difficulty in holding their regular supplies of producer milk in competition with Toledo handlers. Lima and Toledo handlers compete for supplies in the intervening counties. Their procurement areas overlap, for example, in Hancock, Putnam and Henry Counties which lie between the two cities.

The Toledo blend price is 5 cents higher than at Lima. Yet in much of this intervening area, hauling costs are very similar, generally about 30 cents per hundredweight, whether the milk is hauled to Toledo or Lima, making the net return to producers shipping to Lima plants about 5 cents lower. The added amount afforded them under the location adjustment schedule has enabled Toledo handlers to solicit producers from the Lima handlers.

The milk procurement problems of the handlers in the lower-priced zones may be remedied by establishing the same blend price for the five zones within the market. This would tend to equate net returns to all producers who supply handlers in the major cities in the market. There would be little price incentive for the individual producer to prefer an

outlet in one city rather than another. The cooperative would be assisted in moving milk about within the market since producers would receive similar prices regardless of the destination of their milk.

Such an amendment should not make it more difficult for handlers in the present higher-priced zones to obtain adequate milk supplies. Since hauling costs throughout the market are fairly similar and available supplies of milk are quite evenly distributed throughout the counties of the marketing area, location adjustments within the marketing area should not be necessary to insure the shipment of adequate supplies of milk to any given segment of the area as compared to other segments. It is in the interest of the cooperative and the producers to see that all handlers receive sufficient milk for their Class I needs.

It was contended that there would be no incentive under the new provision for producers to ship their milk to Mansfield on the eastern edge of the market to supply any handler in that city who became short of milk. This should not create a problem since there are farm milk routes originating in the area southeast of Toledo which could be directed to this area without an increase in hauling costs to the producers involved.

The area to which similar Class I and blend prices should apply under the revised order provisions is slightly different from that proposed by producers. Producers proposed that the same prices apply to all plants in the marketing area rather than in the 18 counties included in the five price zones previously discussed, an area which does not precisely coincide with the marketing area. Under the revision similar prices will prevail throughout the 18 counties in order to preserve intramarket price alignment. At least one regulated plant and two or more partially regulated plants are located near the market but in counties which are not included in the marketing area. Prices applicable to these plants would not be appropriately aligned with those at nearby plants located inside the marketing area if the same prices did not apply in all 18 counties.

As proposed by producers, the city of Napoleon, Ohio, should be eliminated as a basing point for computing location adjustments for plants located beyond the 18-county area. Under the present order, four cities serve as basing points. They are, in addition to Napoleon, Toledo, Lima, and Marion.

The cities which are retained as basing points are the largest urban centers in the market. Handlers in these cities are those most likely to receive supplies of milk additional to regular producer deliveries from the farm. It is appropriate, therefore, to compute location adjustments from these points.

The latter revision will provide an appropriate location adjustment for the market's only supply plant which is located at Defiance, Ohio. Presently this plant receives a \$0.03 location adjustment based on its distance from Napoleon. With this location adjustment the milk is priced only \$0.03 below the To-

ledo level. Under the new provision, the located adjustment for this plant will be computed on the basis of its distance from Lima (the closest basing point). It will receive a location adjustment of about \$0.075 which should be more in line with the cost of moving milk to the market.

The average Class I price (taking into consideration the present value of location differential adjustments within the marketing area) is approximately 4 cents per hundredweight less than the announced Class I price f.o.b. Mansfield. With a single Class I price applicable throughout the 18 counties, it is appropriate to reduce the stated Class I differentials by a like amount in order to maintain total producer returns at their same level.

The proposed Class I price f.o.b. market will be the same as the Class I price which now applies at Toledo. Since a major portion of the milk is priced at the Toledo Class I price level, the relationship of the Northwestern Ohio Class I price with Class I prices in surrounding markets will not change significantly. The change in location pricing therefore, should not disrupt intermarket price alignment.

b. Provision also should be made to define a "reload point" at which a location adjustment would apply with respect to milk transferred at such point from one bulk tank truck to another in the course of movement from the farm to a milk plant.

The principal cooperative proposed a definition of "reload point" for the purpose of providing location adjustments on all bulk tank milk assembled and reloaded at outlying locations. By this means milk received at a reload point from farm tanks and assembled with other similar milk, to be shipped in larger tank trucks to pool or nonpool plants, would be treated, for pricing purposes, in a manner similar to milk received at a pool supply plant in a location differential zone.

Proponent pointed out that under recently adopted Ohio health regulations, standards have been established for installations at which such intertruck transfers of bulk tank milk may be made. These include, among other things, a covered building, cement floor, tight walls, and tank washing facilities. Health inspection of the milk will be made at the transfer point. Identification of the reload location and the operator thereof are required.

While milk is considered direct-shipped when brought into the pool distributing plant in the farm pickup tank, it was contended that the conditions of transfer make the assembly function of the reload point very similar to that provided by any receiving station or country plant.

Milk moved to the marketing area through a reload point should be priced at the location of the reload point.

Bulk tank handling methods permit delivery of milk to distributing plants at farms without receipt at an intermediate plant. Transfer of producer milk in the

country from farm pickup tanks to larger tank trucks facilitates the economical handling and movement of such milk where substantial distances are involved. Such milk has a high degree of mobility and may be delivered to a plant in the marketing area or at times to other plants distantly located from the marketing area.

The function of a reload point approximates that of a supply plant in that milk is assembled at such place for movement to the market. It serves for a distributing plant an essential function that is customarily performed by a supply plant. However, facilities at a reload point do not have the permanence of a supply plant since they are only for the transfer of milk from farm pickup tank trucks to larger tank trucks. Reload operations do not have the full line of receiving facilities and holding tanks that supply plants must have. Hence, they cannot be expected to perform as a supply plant in all respects and consequently should not be treated for all order purposes on the same basis as supply plants.

The nature of the assembly function as described and the mobility factor, however, make reloaded milk appropriately subject to location pricing in this market. Providing for the reload point, as well as the supply plant, to be the point of pricing will promote uniformity of treatment to all producers similarly situated.

Moreover, distant whole milk brought in for Class II purposes should cost the handler approximately the Class II, or manufacturing, price at the point of origin plus the cost of transporting the milk to the market for processing. This is the case with respect to milk for Class II purchased from a supply plant in a location price zone. However, since the outlying bulk tank producer currently receives the uniform price f.o.b. marketing area even when his milk is handled through a reload point, he normally pays the full hauling cost to market regardless of final use made of the milk by the handler.

The purchasing handler therefore may be provided a significant advantage on distant milk so assembled for Class II purposes as compared to the handler buying distant milk through a country supply plant for similar use. This occurs because the handler buying from a supply plant is not allowed location credit from the pool on milk for Class II use but only on such milk shipped to market and allocated to Class I under normal allocation procedures. Establishing the reload point as the point of pricing would reduce the incentive to move distant milk to market for Class II use at producer expense and promote uniformity of prices to handlers. Also, uniform prices to producers would be enhanced since milk moved through the reload point and so used would be priced at the reload point and the consequent savings on transportation as to the Class II portion of such milk would be reflected in the uniform price.

It was proposed that any reload point located on or at the premises of a pool

plant should be considered as part of the operations of such plant. To reduce problems of identification and accounting any reload point located on the premises of a pool plant should be considered as part of such plant's operation. The handler operating the pool plant which receives milk through a reload point should be the responsible person under the reporting and payment provisions with respect to milk so received.

Since the purpose of defining a reload point is to provide a location adjustment on milk assembled for movement to distributing plants, the definition adopted excludes any reloading operation that takes place within the area to which the f.o.b. market price applies.

(8) a. The order should be amended to provide that a handler's regular monthly report of receipts and utilization must be postmarked no later than the 6th day of the month if mailed, or, if otherwise delivered, be actually received at the market administrator's office no later than the close of business on the 7th day of the month. The date for the announcement of the uniform price for the preceding month should be changed from the 12th to the 11th day of the current month, and payments to producers should be advanced to the 16th day of the current month. Presently the uniform price is announced by the 12th of the month and payments to producers are due by the 17th day of the month.

Producers proposed that handlers be required to submit their monthly reports of receipts and utilization to the market administrator no later than the 5th day of the month (excluding Sundays) rather than the 7th as now provided. They further proposed that the date for announcing the uniform price and the date for paying producers be moved up 2 days. Their purpose was to achieve an advance in the date producers receive payment for their milk. The proposals were opposed by handlers.

Producers understandably desire to receive full payment for their milk as early as possible. However, the process of preparing and submitting monthly reports to the market administrator and the time necessarily consumed in computing the uniform price are limiting factors in any advance in the producer payment dates.

Under the producers' proposal handlers would be required to file receipts and utilization reports 2 days earlier than is now required. Handlers testified that reporting by the 5th day of the month would be difficult, if not impossible, to comply with. This would be particularly true, they stated, when a weekend or a holiday occurs during the first 5 days of the month, as frequently happens.

The hearing disclosed that the market administrator could announce the uniform price earlier than the 12th of the month if all handlers' reports were actually received by the 7th day of the month. While there was no suggestion that handlers have been lax in meeting their reporting obligation, it nevertheless is likely that reports mailed on the

7th, as presently permissible, will not reach the market administrator's office until at least the following day, tending to cut down the time available to compute the uniform price.

Provision that handlers' reports must be postmarked no later than the 6th day of the month if mailed, or actually received by the market administrator no later than the 7th day of the month if otherwise delivered, should put little, if any, additional burden on handlers. It will assist, however, in insuring that all such reports will be in the market administrator's office on the 7th, allowing sufficient time to compute and announce the uniform price 1 day earlier. This will make it possible to move ahead by 1 day the dates for payment to producers and cooperative associations.

Corollary changes are made in other payment sections of the order so as to conform to the earlier announcement of the uniform price. Such changes include the dates for payments in and out of the producer-settlement fund and for payment of administrative and marketing service assessments.

b. The order should be amended to provide a partial payment to producers at not less than the uniform price for the preceding month minus 75 cents for milk delivered during the first 15 days of the month. The partial payment rate should also be adjusted, for the appropriate months, by the amount of the seasonal change in the Class I differential. The present order provides for a partial payment to producers at not less than the Class II price for the preceding month.

The proposal for an increase in the amounts paid to producers in the form of a partial payment was submitted by the major cooperative association. They stated that the present rate of partial payment returns to the producer a relatively low proportion of the value of the producer milk delivered during the first 15 days of the month, and results in undue delay as to a portion of the payment for such milk.

Partial payments to producers, made on or before the last day of the month, apply to milk which was delivered to handlers during the first 15 days of the month. The costs of producing such milk have been incurred by producers, and the milk has been sold by the handler, at least several days before any payment is required. While the final value of such milk is not known before the uniform price is computed, it is reasonable for the producer to expect partial payment at a rate which more nearly approaches its true value than does the Class II price. The proposed provision should contribute to the orderly marketing of producer milk by reducing financing problems for producers.

Had the proposed rate been in effect during 1965 it would have increased the partial payment 25 cents per hundredweight. For the first 6 months of 1966 it would have resulted in a 51 cents per hundredweight increase.

Certain handlers expressed concern that under a higher rate of partial pay-

ment a low utilization handler might be required to pay producers more than the classification value of the first 15 days' milk supply. They were concerned also that such an overpayment might result because of money owed the handler by the producer for the purchase of supplies and equipment.

At the partial payment rate proposed herein it would be extremely unlikely that any pool distributing plant's utilization would be such that this could occur. Based on average prices for 1965, a plant's utilization would have to be substantially below 50 percent Class I to result in a partial payment of more than the actual value of the milk at the order's class prices. In view of the order's 50 percent route distribution requirement for such plants to qualify as pool plants the proposed provision should present no difficulty in this regard. It should be noted also that at the time the partial payment is made the remainder of the month's milk supply will have been delivered and the amount of the partial payment on the first 15 days' milk supply will fall far short of the actual value of the full month's deliveries.

Partial payment should not be required, however, in instances where the producer has discontinued shipping to a handler during the month. At the date of partial payment there could be considerable uncertainty as to the exact amount due a producer who has not shipped the full month. In the latter case it would be preferable to permit a handler to make final settlement in the form of a single payment after the uniform price for the current month is announced.

For timely computation of its producer payroll a cooperative association receiving payment from handlers on member milk needs information concerning daily and total pounds, and the average butterfat content, for each such producer prior to the date on which payment is received from handlers. Presently the order does not require handlers to submit this information before the date on which payment actually is made to the cooperative. Although cooperatives admitted no difficulty in getting this information in a timely manner, considerable difficulty could result if it were not submitted prior to the payment date.

The order should be amended to require the submission of such information in time to assure that a cooperative will be able to compute its payroll and make prompt payment to its members. While the cooperative requested that the information be submitted as early as the 7th of the month, they stated it was not needed quite that early in the month and would not object if the submission date was made the 10th. Handlers were not opposed to the latter date. It should be adopted.

Rulings on proposed findings and conclusions and motions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the

extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

During the course of the hearing counsel for a group of milk distributors not regulated by the order requested that official notice be taken of certain portions of the record of the original promulgation hearing on the Northwestern Ohio marketing order held in February 1964. Such hearing was concerned, in part, with the proposed inclusion of the four additional counties proposed for inclusion in the marketing area. Following objection, the Hearing Examiner denied official notice as to any part of the evidence of such hearing, but indicated that the request for official notice was in the record and subject to consideration by the Department.

From review of the colloquy on this matter it is concluded that the ruling of the Hearing Examiner was appropriate in the circumstances and such ruling is affirmed.

Same counsel also offered in evidence a letter containing aggregate sales figures of unregulated distributors made in the four counties proposed for inclusion in the marketing area. Following an objection, the letter was ruled inadmissible and an offer of proof concerning it was made.

The ruling of the Hearing Examiner as to the admissibility of the letter in the circumstances is affirmed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a mar-

marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Northwestern Ohio marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1041.13(a) is revised to read as follows:

§ 1041.13 Pool plant.

(a) A distributing plant with route disposition during the month, or in 5 of the immediately preceding 6 months, of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act), pool supply plants and through reload points, and with at least 15 percent of such route disposition made within the marketing area during the month.

1a. In § 1041.15 paragraphs (a), (b), and (c) (3) are revised to read as follows:

§ 1041.15 Producer milk.

(a) Received during the month at one or more pool plants from the producer, either directly or through a reload point, or caused to be delivered from the producer's farm to a pool plant(s) by a cooperative association.

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be priced at the location of the plant from which it is diverted, if at least 15 days' production of the producer is delivered during the month to such plant or to other plants at which the same or a higher price applies; otherwise milk diverted to other pool plants shall be priced at the plant(s) where physically received.

(c) * * *

(3) Milk diverted to a nonpool plant for the account of a handler operating a pool plant or for the account of a cooperative association shall be priced at the location of the nonpool plant to which diverted.

2. Section 1041.16 is revised to read as follows:

§ 1041.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, egg-nog, sweet or sour cream, and any mixture of fluid cream and milk or skim

milk. Cultured sour mixtures disposed of as other than sour cream and yogurt shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix, and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes, and evaporated or sweetened condensed milk, or skim milk in either plain or sweetened form.

3. Section 1041.18 is revised to read as follows:

§ 1041.18 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store, vendor, or vending machine) of Class I milk pursuant to § 1041.41(a) at retail or wholesale either directly or through any distribution point other than a plant.

4. A new § 1041.20 is added to read as follows:

§ 1041.20 Reload point.

Reload point means any location which is outside the Ohio counties specified in § 1041.53 and which is both 40 miles from the City Hall of Toledo, Ohio, and more than 15 miles from the City Halls of Mansfield, Marion, and Lima, Ohio, at which milk moved from the farm in a tank truck is commingled with other such milk before entering a plant, except that reloading operations on the premises of a plant shall be considered to be part of such plant's operation.

5. In § 1041.27, paragraphs (g) and (j) (2) are revised to read as follows:

§ 1041.27 Duties.

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such means as he deems appropriate), at his discretion and unless otherwise directed by the Secretary, the name of any handler with respect to a pool plant under § 1041.13(a) from which route disposition during the month is less than 50 percent of receipts as specified in such paragraph, and the name of any handler the value of whose fluid milk products is not included in the computation of the uniform price because of failure to make reports pursuant to §§ 1041.30 and 1041.32, or payments pursuant to §§ 1041.80, 1041.82, 1041.84, 1041.85, and 1041.86.

(j) * * *

(2) By the 11th day after the end of each month, the uniform price computed pursuant to § 1041.71 and the butterfat differential computed pursuant to § 1041.72.

6. The introductory text of § 1041.30 is revised to read as follows:

§ 1041.30 Reports of receipts and utilization.

Each handler for each of his pool plants, and a cooperative association with respect to milk for which it is the handler, shall report to the market administrator each month. If mailed, such report shall be postmarked on or before the 6th day after the end of such month; or if otherwise delivered, it must be received at the office of the market administrator on or before the 7th day after the end of such month. The report shall be in the detail and on forms prescribed by the market administrator and shall reflect the quantities of skim milk and butterfat contained in:

7. In § 1041.51, the introductory text and subparagraph (1) of paragraph (a) are revised to read as follows:

§ 1041.51 Class prices.

(a) *Class I milk price.* For the period from the effective date of this paragraph through March 1968, the monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) The amount set forth below for the applicable month, subject to adjustment for location pursuant to § 1041.53:

August through March-----	\$1.32
April through July-----	\$1.09

8. Section 1041.53 is revised to read as follows:

§ 1041.53 Location adjustments to handlers.

(a) The price for Class I milk at a plant or reload point located outside the Ohio Counties of Allen, Auglaize, Crawford, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Morrow, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot, which is both more than 40 miles from the City Hall of Toledo, Ohio, and more than 15 miles from the City Halls of Mansfield, Marion, and Lima, Ohio, shall be the price computed pursuant to § 1041.51(a) reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant or reload point is from the nearest of the City Halls of Toledo, Mansfield, Marion, or Lima, Ohio. No location adjustment shall apply, however, at a plant or reload point which is nearer to the Public Square in Cleveland, Ohio, than the distance between such Cleveland location point and the City Hall at Mansfield, Ohio.

(b) For purposes of calculating location adjustments to handlers, receipts of fluid milk products from pool plants and reload points shall be assigned to Class I disposition at the transferee plant in excess of the sum of receipts at such plant directly from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to transferor plants at which no location adjustment credit

is applicable and then in sequence beginning with the plant or reload point at which the least location adjustment would apply.

(c) For the purpose of this section and § 1041.73, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator.

9. In § 1041.73, paragraph (a) is revised to read as follows:

§ 1041.73 Location differentials to producers and on nonpool milk.

(a) For the purposes of § 1041.80, the uniform price at a plant or a reload point may be reduced on the basis of the applicable amount or rate for the location of such plant or reload point pursuant to § 1041.53;

10. In § 1041.80, paragraph (a) (1) and (2) and the introductory text of paragraph (c) are revised to read as follows:

§ 1041.80 Time and method of payment.

(1) On or before the last day of each month to each producer who had not discontinued shipping milk to such handler during the month, at not less than the uniform price for the preceding month minus 75 cents, adjusted by any amount that the Class I differential pursuant to § 1041.51(a) for the preceding month is greater or lesser than such differential for the current month, for the producer milk received during the first 15 days of the month:

(2) On or before the 16th day after the end of each month, at not less than the uniform price adjusted pursuant to §§ 1041.72, 1041.73, and 1041.85, less any payment made pursuant to subparagraph (1) of this paragraph, for producer milk received during such month. If by such date the handler has not received full payment from the market administrator pursuant to § 1041.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment.

Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator; and

(c) In making payments for producer milk pursuant to this section, each handler shall furnish a supporting statement to each producer, or cooperative association in the case of member producers for whom payment is made pursuant to paragraph (b) of this section. Such statement shall be furnished at the time payments are made pursuant to this section, except that the information included in subparagraphs (1) and (2) of this paragraph shall be furnished a cooperative association for whom payment is made pursuant to paragraph (b) of this section on or before the 10th day after the end of the month during which the producer milk was received. The supporting statement shall be in such form that it may be retained by the recipient and shall show:

11. The introductory text of § 1041.82 is revised to read as follows:

§ 1041.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

12. Section 1041.83 is revised to read as follows:

§ 1041.83 Payment out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1041.82(b) exceeds the amount computed pursuant to § 1041.82(a).

13. In § 1041.85 paragraph (a) is revised to read as follows:

§ 1041.85 Marketing service deductions.

(a) In making the payments required by § 1041.80 (a) (2) and (b) to producers, other than payments to himself and to any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 13th day after the end of the month.

14. Section 1041.86 is revised to read as follows:

§ 1041.86 Expense of administration.

On or before the 13th day after the end of each month, each handler shall make payment to the market administrator as his pro rata share of the expense of administration of this part. The payment shall be at the rate of 3 cents per hundredweight or such lesser amount as the Secretary may prescribe. The payment shall apply to all of the handler's receipts during the month of skim milk and butterfat contained in (a) producer milk (including a handler's own farm production); and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46 (a) (3), (a) (7) and the corresponding steps of § 1041.46(b). The payment shall apply also to the quantity of route disposition in the marketing area during the month of other source milk from a partially regulated distributing plant that exceeds Class I milk received during the month at such plant from pool-plants and other order plants.

Signed at Washington, D.C., on October 6, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11050; Filed, Oct. 10, 1966; 8:49 a.m.]

Notices

POST OFFICE DEPARTMENT

ZIP CODE REGULATIONS

Presorting of Bulk Second- and Third-Class Mail

The following is an excerpt from a Circular Letter to the Regional Directors signed by the Assistant Postmaster General, Bureau of Operations, on September 20, 1966, to provide guidance to the Regional Offices in processing applications filed by second- or third-class bulk rate mail users for additional time to comply with mandatory ZIP Code presorting regulations effective January 1, 1967, and to provide the criteria to determine whether an applicant should be deemed to have made substantial and good faith efforts to bring his mailings into compliance:

I. CRITERIA TO BE USED BY REGIONAL DIRECTORS IN CONSIDERING APPLICATIONS FOR ADDITIONAL TIME TO COMPLY WITH ZIP CODE PRESORTING REQUIREMENTS BECOMING EFFECTIVE JANUARY 1, 1967

In issuing the regulations requiring presorting to ZIP Codes of bulk second- and third-class mail and controlled circulation publications which become effective January 1, 1967, the Department has provided that mailers may be granted appropriate extensions of time to come into compliance with the new requirements. (See notes following present §§ 16.3(b) (9) and 24.4(b) (7) of Title 39, Code of Federal Regulations.) The regulations require that to "obtain an extension, the mailer must show that (1) he is unable without undue hardship and for causes not reasonably within his control to achieve compliance with these regulations and (2) he has made a substantial and good faith effort to bring his mailings into compliance with these regulations." The mailer's request in writing for an extension, accompanied with supporting documentation, must be submitted to the postmaster where mailings are made. The postmaster will submit the request to his Regional Director for a decision.

Regional Directors will apply the following criteria in their consideration of applications for extensions of time:

1. Use of ZIP in stationery, forms, coupons, etc.
2. Tangible efforts made subsequent to February 2, 1965, to ZIP Code address and master mailing files. Such files must be at least 50 percent ZIP Coded by January 1, 1967. This 50 percent criterion is waived where Items 1, 3, and 4 are being followed and the applicant qualifies for an extension because he is awaiting delivery of new equipment from which completely new address records are to be created.

3. Actual conduct of feasibility studies leading to a management decision about modernizing or improving master filing systems and/or leading to a management decision to order additional or new equipment (if applicable).

4. Current action to include ZIP Code in addresses included in new customer records, change transactions, etc.

Latitude is given to Regional Directors in fixing times to be approved or disapproved, to increase such times not to totally exceed 1 year or to decrease such times under the following conditions:

Increase. (1) The times may be increased where substantial efforts have been made in excess of the above, such as cooperation in voluntarily ZIP Coding address records between July 1, 1963, and February 2, 1965, and the degree of such voluntary cooperation. (2) Actual additions of personnel or expenditure of significant funds because of ZIP Coding. (3) Delays beyond the control of the applicant where his ZIP Coding work was contracted to a service bureau or other party. (4) Any time consumed while waiting for address cards to be returned from post offices when submitted to post office for ZIP sorting.

Decrease. The times may be decreased (1) where the "good faith" efforts are lesser than the minimum specified, and (2) where the circumstances are such that the principal reason for inability of the applicant to be ready for compliance on January 1, 1967, was his failure to initiate action to ZIP Code address files within a reasonable time after July 2, 1965, when the proposed ZIP Coding and presorting requirements were actually published as final regulations.

II. NOTIFICATION OF DECISION

A. To applicant—1. Approval. If an applicant's request is granted in full, he need not be informed in detail of the reasons why the request was granted, but merely should be sent a brief letter of approval. The approval letter should contain language specifically stating (a) the exact period for which the additional time is granted, and (b) the location and type of mailings to which the extension applies.

2. Denial. On the other hand, if an applicant's request is denied, either in whole or in part, then he should be informed in some detail why his request was so denied. Unless the applicant is given such reasons, he would not be able to intelligently frame an appeal.

A letter of denial, either in whole or in part, should also advise the applicant that he may appeal the Regional Director's decision to the Post Office Department Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C. 20260, within 15 calendar days following receipt of the decision letter. Letters of denial should be sent certified mail, re-

turn receipt requested, so that a record will be available of the applicant's receipt of the decision letter. The applicant should be advised that any appeal to the Department should be directed to the Office of the Assistant Postmaster General, Bureau of Operations, giving his specific reasons why he feels the additional time should be granted.

B. To postmaster. Copies of all decision letters should be sent to the postmaster where mailings are entered.

For second-class mail, a copy of the decision letter should be sent to the postmaster where the publication has original entry and that postmaster should be instructed to notify postmasters at other offices where additional entries, if any, are made.

For third-class mail, a copy of the Regional decision letter should be sent to the postmaster where the applicant makes third-class mailings covered by each application.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 6, 1966.

[F.R. Doc. 66-11021; Filed, Oct. 10, 1966; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

OHIO CITIZENS TRUST CO.

Order Approving Application for Merger of Banks

In the matter of the application of The Ohio Citizens Trust Co. for approval of merger with The Whitehouse State Savings Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by The Ohio Citizens Trust Co., Toledo, Ohio, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Whitehouse State Savings Bank, Whitehouse, Ohio, under the charter and title of The Ohio Citizens Trust Co. As an incident to the merger, the main office and branch of The Whitehouse State Savings Bank would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after said date.

Dated at Washington, D.C., this 4th day of October 1966.

By order of the Board of Governors.²

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-11016; Filed, Oct. 10, 1966;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

NATIONAL WILDERNESS PRES- ERVATION SYSTEM

Notice of Areas Within National Wild- life Refuge System That Qualify for Study

The Wilderness Act, Public Law 88-577 (78 Stat. 890), provided the authority and indicated the procedure by which lands in the National Wildlife Refuge System that meet the necessary requirements may be considered for inclusion in the National Wilderness Preservation System. This law directed the study and review within 10 years after September 3, 1964, of every roadless area of 5,000 contiguous acres or more and every roadless island within national wildlife refuges and game ranges.

The President is to have the completed studies on one-third of the areas and islands to be reviewed to the Congress by September 3, 1967.

Accordingly, the Bureau of Sport Fisheries and Wildlife has considered all areas in the National Wildlife Refuge System and has determined that 82 areas and islands on 67 refuges and ranges qualify for study under the act and the regulations of the Secretary of the Interior published February 22, 1966, 31 F.R. 7899. Studies of these areas and islands by the Bureau of Sport Fisheries and Wildlife will be followed by public hearings, which will be announced in the FEDERAL REGISTER, in order that all interested persons may express their views.

The areas and islands that qualify for study are as follows:

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

² Voting for this action: Chairman Martin and Governors Shepardson, Mitchell, Daane, Maisel, and Brimmer. Voting against this action: Governor Robertson.

Refuge or range	County	Study area	Acreage
<i>Judicial division</i>			
Alaska:			
Aleutian Islands NWR.....	Third.....	Aleutian Islands.....	2,600,000
Arctic NW Range.....	Fourth.....	Arctic.....	8,900,000
Bering Sea NWR.....	Second.....	Bering Sea.....	41,113
Bogoslof NWR ¹	Third.....	Bogoslof.....	390
Chamisso NWR.....	Second.....	Chamisso.....	641
Clarence Rhode NW Range.....	Second and Fourth.....	Clarence Rhode.....	1,870,016
Forrester Island NWR ¹	First.....	Forrester Island.....	2,832
Hazen Bay NWR.....	Second.....	Hazen Bay.....	6,800
Hazy Islands NWR ¹	First.....	Hazy Islands.....	42
Izembek NW Range.....	Third.....	Izembek.....	372,000
Kenai National Moose Range.....	Third.....	Andrew Simon.....	830,000
Kenai National Moose Range.....	Third.....	Moose River.....	140,000
Kodiak NWR.....	Third.....	Kodiak.....	1,815,000
Nunivak NWR.....	Fourth.....	Nunivak.....	1,109,000
St. Lazaria NWR ¹	First.....	St. Lazaria.....	65
Semidi NWR.....	Third.....	Semidi.....	8,422
Simionof NWR.....	Third.....	Simionof.....	10,442
Tuxedni NWR ¹	Third.....	Tuxedni.....	6,439
Arizona:			
Cabeza Prieta Game Range.....	Pima, Yuma.....	Cabeza Prieta.....	860,000
Havas Lake NWR.....	Mohave.....	Needles.....	11,261
Kofa Game Range.....	Yuma.....	Castle Dome.....	228,224
Kofa Game Range.....	Yuma.....	Kofa.....	140,416
California:			
Farallon.....	Marin.....	Farallon.....	91
Florida:			
Caloosahatchee NWR.....	Lee.....	Caloosahatchee.....	20
Cedar Keys NWR ¹	Levy.....	Cedar Keys.....	379
Great White Heron NWR.....	Monroe.....	Great White Heron.....	796
Island Bay NWR ¹	Charlotte.....	Island Bay.....	20
Key West NWR.....	Monroe.....	Key West.....	2,019
Matlacha Pass NWR.....	Lee.....	Matlacha Pass.....	10
Passage Key NWR ¹	Manatee.....	Passage Key.....	36
Pelican Island NWR ¹	Indian River.....	Pelican Island.....	616
Pine Island NWR.....	Lee.....	Pine Island.....	31
Georgia:			
Okefenokee NWR ¹	Ware, Charlton, & Clinch.....	Okefenokee.....	331,838
Tybee NWR.....	Chatham.....	Tybee.....	100
Wolf Island NWR.....	McIntosh.....	Wolf Island.....	538
Hawaii:			
Hawaiian Islands NWR.....	Honolulu.....	Hawaiian Islands.....	1,708
Territory:			
Johnston Island NWR.....	(no county).....	Johnston Island.....	100
Louisiana:			
Breton NWR.....	Plaquemines.....	Breton.....	7,512
East Timbalier Island NWR.....	Terrebonne.....	East Timbalier Island.....	337
Shell Keys NWR.....	Iberia.....	Shell Keys.....	8
Maine:			
Moosehorn NWR ¹	Washington.....	Bitch Island.....	■
Moosehorn NWR ¹	Washington.....	Dog Island.....	3
Moosehorn NWR ¹	Washington.....	Edmunds.....	5,200
Maryland:			
Martin NWR.....	Somerset.....	Martin.....	4,414
Massachusetts:			
Monomoy NWR ¹	Barnstable.....	Monomoy Island.....	2,698
Michigan:			
Huron NWR ¹	Marquette.....	Huron Island.....	147
Michigan Island NWR ¹	Alpena and Charlevoix.....	Michigan Island.....	12
Seney NWR ¹	Schoolcraft.....	Riverside.....	19,150
Mississippi:			
Horn Island NWR.....	Jackson.....	Horn Island.....	2,442
Petit Bois NWR.....	Jackson.....	Petit Bois.....	749
Montana:			
Charles Russell NW Range.....	Garfield.....	Bone Trail.....	24,640
Charles Russell NW Range.....	Valley.....	Burnt Lodge.....	24,782
Charles Russell NW Range.....	Phillips.....	Devil Creek.....	8,640
Nevada:			
Anaho Island NWR.....	Washoe.....	Anaho Island.....	248
Chas. Sheldon Antelope Range.....	Humboldt.....	Big Sps. Tab.....	100,060
Chas. Sheldon Antelope Range.....	Humboldt.....	Big Mountain.....	12,200
Chas. Sheldon Antelope Range.....	Washoe.....	Bitner Butte.....	18,000
Chas. Sheldon Antelope Range.....	Washoe.....	Catnip Mountain.....	18,000
Nevada:			
Chas. Sheldon Antelope Range.....	Humboldt.....	Gooch Table.....	31,300
Chas. Sheldon Antelope Range.....	Humboldt.....	Virgin Canyon.....	17,500
Desert NW Range.....	Clark, Lincoln.....	Desert Bighorn.....	617,000
New Jersey:			
Great Swamp NWR ¹	Morris.....	M. Hartley Dodge.....	2,000
New Mexico:			
Bitter Lake NWR ¹	Chaves.....	Salt Creek.....	11,900
Bosque del Apache NWR ¹	Socorro.....	Chupadera.....	5,593
Bosque del Apache NWR ¹	Socorro.....	Indian Well.....	10,009
Bosque del Apache NWR ¹	Socorro.....	Little San Pascual.....	22,298
San Andres NWR.....	Dona Ana.....	San Andres.....	50,100
Ohio:			
West Sister Island NWR.....	Lucas.....	West Sister Island.....	82
Oklahoma:			
Wichita Mountains Wildlife Refuge ¹	Comanche.....	Charon's Gardens.....	5,710
Oregon:			
Hart Mountain National Antelope Refuge ¹	Lake.....	Fort Warner.....	22,500
Hart Mountain National Antelope Refuge ¹	Lake.....	Poker Jim Ridge.....	18,500
Malheur NWR ¹	Harney.....	Harney Lake.....	30,117
Malheur NWR ¹	Harney.....	Malheur Lake.....	48,317
Oregon Island NWR ¹	Curry.....	Oregon Island.....	21
Three Arch Rocks NWR ¹	Tillamook.....	Three Arch Rocks.....	17
Texas:			
Laguna Atascosa NWR.....	Cameron.....	Arroyo Colorado.....	9,613
Utah:			
Bear River Migratory Bird Refuge ¹	Box Elder.....	Bear River.....	39,506

See footnotes at end of table.

Refuge or range	County	Study area	Acreage
Washington:	<i>Judicial division</i>		
Copalis NWR ¹	Grays Harbor	Copalis	5
Flattery Rocks NWR ¹	Clallam	Flattery Rocks	125
Quillayute Needles NWR ¹	Clallam and Jefferson	Quillayute Needles	117
Wisconsin:			
Gravel Island NWR ¹	Door	Gravel Island	27
Green Bay NWR ¹	Door	Green Bay	2

¹ To be studied during the initial 3-year period.

NWR = National Wildlife Refuge.
NW = National Wildlife.

SUMMARY

Region	Number of States	Number of counties	Number of refuges	Areas and islands	Acreage
I.	7	23	31	41	18,707,130
II.	6	10	9	12	1,395,060
III.	3	6	6	6	19,420
IV.	5	18	18	18	351,865
V.	3	3	3	3	9,904
Total.	24	60	67	82	20,438,379

JOHN S. GOTTSCHALK,
Director.

OCTOBER 5, 1966.

[F.R. Doc. 66-11018; Filed, Oct. 10, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS

Outgoing Quality Regulation

Pursuant to the provisions of sections 32 and 34 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Outgoing Quality Regulation (31 F.R. 8601) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Outgoing Quality Regulation is necessary to allow exporters who purchase restricted peanut meal an opportunity to also sell it to licensed or registered U.S. fertilizer manufacturers for nonfeed use. Previously handlers were permitted to sell restricted peanut meal to such exporters only if the meal was to be exported for nonfeed use. However, the exporting firms also sell domestically and should be permitted to so sell the meal and provide the industry with additional outlets.

Therefore, the penultimate sentence of paragraph (g), subparagraph (3) of the Outgoing Quality Regulation (31 F.R. 8601) is deleted and replaced by the following: "To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell

it to the aforesaid fertilizer manufacturers."

The Peanut Administrative Committee has recommended that this amendment be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with outgoing quality regulations. Marketing of the 1966 peanut crop is underway and such outgoing quality regulations for actual operations under the agreement should therefore be modified and made effective as soon as possible, i.e., on the effective date specified herein. Handlers of peanuts who will be affected by such amendment have signed the marketing agreement authorizing the issuance of such regulations, they are represented on the Committee which recommended such amendments, and time does not permit prior notice of the proposed amendment to such handlers.

The foregoing amendment of the Outgoing Quality Regulation is hereby approved and issued this 6th day of October 1966 to become effective October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 66-11047; Filed, Oct. 10, 1966; 8:48 a.m.]

Office of the Secretary

NEW YORK

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of New York the disasters for which such counties are presently designated have caused a con-

tinuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

New York	Original designation	Present extension
Albany	29 F.R. 11165	30 F.R. 11070
Allegany	29 F.R. 11165	30 F.R. 11070
Broome	29 F.R. 11165	30 F.R. 11070
Cattaraugus	30 F.R. 11070	
Cayuga	29 F.R. 15267	30 F.R. 11070
Chautauqua	30 F.R. 11070	
Chemung	29 F.R. 11165	30 F.R. 11070
Chenango	29 F.R. 11165	30 F.R. 11070
Clinton	29 F.R. 11165	30 F.R. 11070
Columbia	29 F.R. 11165	30 F.R. 11070
Cortland	29 F.R. 11165	30 F.R. 11070
Delaware	29 F.R. 11165	30 F.R. 11070
Dutchess	29 F.R. 11165	30 F.R. 11070
Erie	30 F.R. 11070	
Essex	29 F.R. 11165	30 F.R. 11070
Franklin	29 F.R. 11165	30 F.R. 11070
Fulton	29 F.R. 11165	30 F.R. 11070
Genesee	30 F.R. 11070	
Greene	29 F.R. 11165	30 F.R. 11070
Hamilton	29 F.R. 11165	30 F.R. 11070
Herkimer	29 F.R. 11165	30 F.R. 11070
Jefferson	29 F.R. 11165	30 F.R. 11070
Lewis	29 F.R. 11165	30 F.R. 11070
Livingston	30 F.R. 11070	
Madison	29 F.R. 11165	30 F.R. 11070
Monroe	30 F.R. 11070	
Montgomery	29 F.R. 11165	30 F.R. 11070
Niagara	30 F.R. 11070	
Oneida	29 F.R. 11165	30 F.R. 11070
Onondaga	29 F.R. 11165	30 F.R. 11070
Ontario	30 F.R. 11070	
Orange	29 F.R. 13081	30 F.R. 11070
Orleans	30 F.R. 11070	
Oswego	29 F.R. 11165	30 F.R. 11070
Otsego	30 F.R. 11165	30 F.R. 11070
Putnam	30 F.R. 11070	
Rensselaer	29 F.R. 11165	30 F.R. 11070
Rockland	30 F.R. 11070	
St. Lawrence	29 F.R. 11165	30 F.R. 11070
Saratoga	29 F.R. 11165	30 F.R. 11070
Schenectady	29 F.R. 11165	30 F.R. 11070
Schoharie	29 F.R. 11165	30 F.R. 11070
Schuyler	29 F.R. 11165	30 F.R. 11070
Seneca	30 F.R. 11070	
Steuben	29 F.R. 11165	30 F.R. 11070
Suffolk	29 F.R. 11165	30 F.R. 11070
Sullivan	29 F.R. 13081	30 F.R. 11070
Tioga	29 F.R. 11165	30 F.R. 11070
Tompkins	29 F.R. 11165	30 F.R. 11070
Ulster	29 F.R. 13081	30 F.R. 11070
Warren	29 F.R. 11165	30 F.R. 11070
Washington	29 F.R. 11165	30 F.R. 11070
Wayne	30 F.R. 11070	
Westchester	30 F.R. 11070	
Wyoming	30 F.R. 11070	
Yates	29 F.R. 11165	30 F.R. 11070

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11025; Filed, Oct. 10, 1966; 8:47 a.m.]

TEXAS AND COLORADO

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Texas a natural disaster has caused a need for agricultural credit not readily available

from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Presidio.

It has also been determined that in the hereinafter-named county in the State of Colorado natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	Original designation	Present extension
Morgan.....	29 F.R. 15876.....	30 F.R. 8282

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11026; Filed, Oct. 10, 1966;
8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ASSISTANT SECRETARY FOR METRO- POLITAN DEVELOPMENT AND DE- PUTY ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT

Delegations of Authority

The Secretary's delegations of authority to the Assistant Secretary for Metropolitan Development and the Deputy Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7358, May 20, 1966), are hereby amended in the following respects:

(1) Under section B, by revising subsection 3 and adding new subsections 4 and 5, to read:

SEC. B. *Additional authority excepted.* * * *

3. Exercise the powers under section 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. In the case of the Deputy Assistant Secretary for Metropolitan Development, issue rules and regulations.

(2) By revising section C to read:

SEC. C. *Additional authority delegated.* The Assistant Secretary for Metropolitan Development and the Deputy Assistant Secretary for Metropolitan Development each is further authorized to:

1. Redesignate to Regional Administrators and to Deputy Regional Administrators any of the authority delegated

under section A, and authorize further redelegation to employees within the respective Regions of any of the authority so redelegated.

2. Redesignate to headquarters employees any of the authority delegated under sections A, 3, with respect to the Urban Mass Transportation Programs, and authorize further redelegation to employees under the jurisdiction of the Assistant Secretary for Metropolitan Development.

(3) By adding the following new sections D and E:

SEC. D. *Additional authority delegated to Assistant Secretary for Metropolitan Development.* The Assistant Secretary for Metropolitan Development is further authorized to:

1. Issue such rules and regulations as may be necessary to carry out the power delegated herein.

2. With respect to employees or positions under his jurisdiction:

a. Designate one or more employees to serve as Acting Assistant Secretary for Metropolitan Development during the absence of such Assistant Secretary, or to serve as acting head of an organizational unit during the absence of the head of the unit or during a vacancy in the position.

b. Authorize the head of an organizational unit to designate one or more subordinate employees to serve as acting head of such unit during the absence of the head of the unit, or to serve in an "Acting" capacity in any other position in the unit during the absence of the appointee to such position or during a vacancy in such position.

SEC. E. *Existing delegations and redelegations.* Notwithstanding the delegations herein and redelegations hereunder, delegations to Regional Administrators and redelegations thereunder in effect on May 17, 1966, with respect to the programs and matters listed herein continue in effect until expressly modified or revoked.

Effective date. These amendments of delegations of authority are effective as of May 18, 1966.

ROBERT C. WEAVER,
Secretary of Housing and
Urban Development.

[F.R. Doc. 66-11042; Filed, Oct. 10, 1966;
8:48 a.m.]

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority

The redelegations of authority by the Assistant Secretary for Metropolitan Development to Regional Administrators and Deputy Regional Administrators effective May 18, 1966 (31 F.R. 7359, May 20, 1966), are hereby amended under section B, by revising subsection 3 and adding new subsections 4 and 5, to read:

SEC. B. *Additional authority excepted.* * * *

3. Exercise the powers under section 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. Issue rules and regulations.

(Secretary's delegation effective May 18, 1966, 31 F.R. 7359, May 20, 1966, as amended at 31 F.R. 13148, Oct. 11, 1966)

Effective date. These amendments of redelegations of authority are effective as of May 18, 1966.

CHARLES M. HAAR,
Assistant Secretary for
Metropolitan Development.

[F.R. Doc. 66-11045; Filed, Oct. 10, 1966;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17613]

ALOHA AND HAWAIIAN SHOW CAUSE ORDER

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on November 1 is postponed to November 14, 1966, 10 a.m., e.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., October 5, 1966.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11033; Filed, Oct. 10, 1966;
8:47 a.m.]

[Docket No. 17738]

BABY POULTRY RATES

Notice of Prehearing Conference

Increased rates on baby poultry proposed by American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc. (See order E-24210, dated Sept. 22, 1966.)

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 24, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., October 5, 1966.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11034; Filed, Oct. 10, 1966;
8:47 a.m.]

[Docket No. 17728]

OZARK-CENTRAL MERGER

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October

17, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Under date of October 4, 1966, the joint applicants filed with the Board a Preliminary Submission of the Applicants, containing extensive data with respect to the application. A copy of this document was served upon interested parties.

In order to facilitate the conduct of the conference and expeditious handling of this case, parties are instructed to submit to the examiner and other parties, on or before October 13, 1966, (1) proposed statements of issues; (2) proposed stipulations; (3) statements setting forth wherein the preliminary submission is deficient and what additional information, if any, is required; (4) statements of positions of parties including proposed conditions and operating restrictions, if any; and (5) proposed procedural dates which should recognize the necessity of a prompt decision in this case.

Dated at Washington, D.C., October 5, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11035; Filed, Oct. 10, 1966; 8:47 a.m.]

[Docket No. 17719]

UNION SPEDITIONS- GESELLSCHAFT m.b.H

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference on the above-entitled application now assigned to be held on October 18, 1966, is postponed to October 25, 1966, 10 a.m., e.d.s.t., Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., October 5, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11036; Filed, Oct. 10, 1966; 8:47 a.m.]

[Docket No. 15356, etc.]

NORTHEAST-BAHAMAS SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 14, 1966, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Board's Orders of Investigation E-23436 of March 29, 1966, and E-23760

of June 1, 1966, the Prehearing Conference Report served on May 16, 1966, and Supplemental Prehearing Conference Report served on May 27, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 5, 1966.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 66-11051; Filed, Oct. 10, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16892, 16893; FCC 66M-1331]

COMMUNITY COMMUNICATORS OF OHIO, INC. AND DAVID JOSEPH KITTEL

Order Scheduling Hearing

In re applications of Community Communicators of Ohio, Inc., Wilmington, Ohio; Docket No. 16892, File No. BPH-5338; David Joseph Kittel, Wilmington, Ohio; Docket No. 16893, File No. BPH-5423; for construction permits.

It is ordered, This 4th day of October 1966, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 17, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11006; Filed, Oct. 10, 1966; 8:45 a.m.]

[Docket No. 16690; FCC 66M-1345]

DAILY EXPRESS, INC., ET AL.

Order Continuing Hearing

In the matter of Daily Express, Inc., Post Office Box 39, Carlisle, Pa.; Complainant; versus American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.; The Bell Telephone Co. of Pennsylvania, 1 Parkway, Philadelphia, Pa.; The United Telephone Co. of Pennsylvania, Carlisle, Pa.; Defendants; Docket No. 16690.

Pursuant to a prehearing conference as of this date: *It is ordered*, This 5th day of October 1966, that the complainant herein shall exchange its exhibits on or before December 10, 1966, and that the other parties shall notify complainant on or before January 3, 1967, as to the witnesses desired for cross-examination;

It is further ordered, That the hearing now scheduled for November 9, 1966, be and the same is hereby rescheduled for

January 10, 1967, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11007; Filed, Oct. 10, 1966; 8:45 a.m.]

[Docket Nos. 16700, 16701; FCC 66M-1333]

KENTUCKY CENTRAL TELEVISION, INC. AND WBLG-TV, INC.

Order Regarding Procedural Dates

In re applications of Kentucky Central Television, Inc., Lexington, Ky.; Docket No. 16700, File No. BPCT-3569; WBLG-TV, Inc., Lexington, Ky.; Docket No. 16701, File No. BPCT-3642; for construction permit for new television broadcast station.

Pursuant to agreement arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 4th day of October 1966, that due to the recent addition of an issue by the Review Board, the procedural dates are rescheduled as follows:

Exchange of exhibits will be made on November 2, 1966; hearing for offer and receipt of exhibits will be held on November 9, 1966, and further hearing for oral examination of witnesses will be held on November 15, 1966.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11008; Filed, Oct. 10, 1966; 8:45 a.m.]

[Docket Nos. 16876-16878; FCC 66-839]

LORAIN COMMUNITY BROADCAST- ING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lorain Community Broadcasting Co., Lorain, Ohio; Docket No. 16876, File No. BP-16940; Requests: 1380 kc, 500 w, Day; Allied Broadcasting, Inc., Lorain, Ohio; Docket No. 16877, File No. BP-17297; Requests: 1380 kc, 500 w, Day; Midwest Broadcasting Co., Lorain, Ohio; Docket No. 16878, File No. BP-17302; Requests: 1380 kc, 500 w, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of September 1966;

1. The Commission has before it the above-captioned and described applications, each requesting authority to continue standard broadcast service in Lorain, Ohio, now being provided by Station WWIZ.¹ Each of the applicants

¹ An application for renewal of the license of WWIZ has been denied, and WWIZ must cease operation on October 13, 1966.

also requests interim authority to operate on the WWIZ frequency pending the final determination of the proceeding ordered herein. Also before the Commission is a petition to designate the applications for hearing filed June 28, 1966, by The Times Herald Co., licensee of standard broadcast station WTTH, Port Huron, Mich. (1380 kc, 5 kw, DA-2, U);² opposition to the WTTH petition filed by Lorain Community on July 11, 1966; a response to the WTTH petition of July 11, 1966, by the Storer Broadcasting Co., licensee of standard broadcast station WSPD, Toledo, Ohio (1370 kc, 5 kw, DA-N, U); and WTTH's reply to the Lorain Community opposition filed July 20, 1966.

2. With respect to the requests for interim operating authority, each of the applicants has indicated a willingness to participate with the other applicants in the temporary operation of facilities at Lorain. Therefore, the Commission will defer action on the request for temporary authority for a period of thirty (30) days within which the interested applicants may submit for the Commission's consideration a joint proposal for interim operation on a participating basis.

3. WTTH requests that the applications be designated for hearing to determine whether overlap of contours prohibited by § 73.37(a) of the Commission's rules would result; whether the overlap would be greater or less than the existing overlap involving WTTH and the existing operation of WWIZ; the extent of the area and population; whether the public interest would be served by a waiver of § 73.37(a); whether a directional antenna could be designed which would be feasible for use in Lorain; and whether the public interest would be served by a grant of an application proposing to protect the contours of WTTH.

4. In opposition to the WTTH petition, Lorain Community states that the affidavit of the consulting engineer supporting the petition does not state that the operation with a directional antenna would permit satisfactory service to Lorain in accordance with the Commission's rules; that it is doubtful if the Lorain proposal could provide satisfactory coverage of the business district in the event the signal is suppressed as suggested by WTTH; that WTTH can claim no injury because the status quo is maintained and therefore WTTH is not a party in interest within the meaning of section 309(d) (1) of the Communications Act; that the investment involved in the installation of a directional antenna may discourage applicants for the Lorain facility; that any balancing of Lorain's interests against those of WTTH in the elimination of

some minor interference requires resettlement in favor of the former; and that the issues raised by WTTH are inappropriate in this proceeding.

5. In its response, WSPD supports WTTH's request for the alternative facilities issue and requests that the issue be cast in terms of interference to both WTTH and WSPD.

6. WTTH replies by stating that it doubts that there is any real danger that applicants will be discouraged by the inclusion of a hypothetical alternative issue in the light of an impending, lengthy hearing; that Lorain Community is mistaken in arguing that WTTH is not a party in interest; that WTTH's request is reasonable; and that the burden should be on the applicant to introduce evidence on the hypothetical alternative issue.

7. With respect to the dispute over WTTH's standing as a party in interest, it is settled that an existing station is entitled to a hearing on an application which proposes an operation involving interference to that station. Federal Communications Commission v. National Broadcasting Co., Inc. (KOA) 319 U.S. 239 (1943). It is now established that in a case where a license has been revoked, the Commission may authorize an interim operation on the frequency without holding a hearing at the instance of a station which received interference from the formerly licensed operation. Beloit Broadcasters, Inc., v. Federal Communications Commission, decided July 27, 1966, by the U.S. Court of Appeals for the District of Columbia Circuit, Case No. 19,908, 7 RR 2d 2155. Likewise, we believe that this decision holds that a licensee, whose operation previously received interference from a now defunct station, is not entitled to a hearing as a matter of law under section 316 of the Communications Act of 1934, as amended, where a new applicant seeks authority to restore the pre-existing broadcast service. The present applications specify essentially the same operating characteristics authorized for the operation of WWIZ which involves some interference to both WTTH and WSPD. Under the Beloit decision a grant of any of the applications would not constitute a modification of the licenses of either WTTH or WSPD. Therefore WTTH and WSPD have no standing to oppose the authorizations sought and, accordingly, the requests for hearing will be dismissed.

8. Matters to be considered in connection with the issues specified below are the following:

With respect to the application of the Lorain Community Broadcasting Co.:

(a) Lorain Community will require approximately \$122,000 for the construction and operation of the proposed station for 1 year. Lorain Community proposes to meet these costs with existing capital \$42,606, a bank loan of \$50,000, and \$20,000 in loans from two of the stockholders and revenues as required. Thus, Lorain Community claims the availability of \$112,606.

(b) The financial statements submitted by the two stockholders, Austin W. O'Toole and George T. Mobille, who have agreed to lend funds to the corporation are not complete and do not segregate assets and liabilities in a manner to establish the availability of sufficient liquid assets with which to meet their loan commitments.

(c) The Lorain Community applicant indicates that the operation of WWIZ has been observed and that it is apparent that a station in Lorain will attract sufficient advertising revenue to cover the cost of the station's operation. Apart from this statement, there is no indication of the basis for the applicant's estimate of anticipated revenue. Accordingly, issues will be specified to permit Lorain Community to establish the basis for its estimate of revenue and whether it will have funds in a sufficient amount to cover the costs and construction and initial operation of the proposed station.

With respect to the application of Allied Broadcasting, Inc.:

(a) It appears that \$204,413 will be required to meet the costs of construction and operation for 1 year. Allied has established the availability of \$200,000. Therefore, it will be necessary to specify an issue to determine if the additional funds necessary will be available.

(b) It has not been determined whether the proposed antenna would constitute a menace to air navigation.

With respect to the application of the Midwest Broadcasting Co.:

(a) A total of \$99,341 will be required to meet the costs of construction and 1 year's operation. To meet these costs the applicant has \$4,600 in existing capital and will secure additional funds through loans from two individual stockholders, Herbert L. Jacobs and S. Lee Kohrman, of \$50,000 each. The financial statements submitted on behalf of the prospective lenders do not show liabilities and there is no showing that the assets will provide funds to meet the commitments.

(b) It has not been determined whether the proposed antenna would constitute a menace to air navigation.

9. Examination of the Allied application indicates that the radiation is the same as that specified in the WWIZ authorization. However, it appears that the radiation would be greater than indicated because of a more efficient ground system than that which has been used in the operation of WWIZ. No information was submitted to indicate the manner in which the radiation is to be restricted to the proposed value. Therefore, any grant of the Allied application will be subject to the condition that program tests will not be authorized until the permittee has submitted sufficient data to establish that the radiation has been adjusted to the value proposed.

10. By public notice of May 19, 1966, FCC 66-441, the Commission waived the provisions of the note to § 1.571 of the rules to permit acceptance of applications by interested individuals or groups desiring to compete for the Lorain facility.

² The WTTH petition is directed specifically against the Lorain Community application and an application tendered by Sanford A. Schafitz. WTTH also requests a hearing on any other application which is filed for the WWIZ facilities. Simultaneously with the present action, the Commission is ordering that the Schafitz application be returned to the applicant. Therefore, the WTTH petition, insofar as it opposes the Schafitz application is moot.

It is ordered, This 4th day of October 1966, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 20, 1966, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11012; Filed, Oct. 10, 1966;
8:46 a.m.]

[Docket No. 16894; FCC 66M-1330]

MARVIN H. OSBORNE

Order Scheduling Hearing

In re application of Dr. Marvin H. Osborne, Jackson, Miss.; Docket No. 16894, File No. BPCT-3506; for construction permit for new television broadcast station (Channel 40).

It is ordered, This 4th day of October 1966, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 21, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11013; Filed, Oct. 10, 1966;
8:46 a.m.]

[Docket Nos. 15841 etc.; FCC 66M-1344]

WTCN TELEVISION, INC. (WTCN-TV) ET AL.

Order Continuing Hearing

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn.; Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn.; Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn.; Docket No. 15843, File No. BPCT-3293; Twin City Area Educational Television Corp. (KTCA-TV), St. Paul, Minn.; Docket No. 16782, File No. BPET-249; Twin City Area Educational Television Corp. (KTCI-TV), St. Paul, Minn.; Docket No. 16783, File No. BPET-250; for construction permits.

The Hearing Examiner having under consideration request filed on October 3, 1966, on behalf of the Commission's Broadcast Bureau requesting a reschedul-

ing of the hearing now scheduled to commence on October 10, 1966;

It appearing, that counsel pleads that he has a conflict with another hearing now in progress, coupled with two other hearings also scheduled for October 1966;

It further appearing, that counsel pleads that counsel has sought to find a date early in November for the rescheduling of this proceeding upon which all could agree but due to the general election being held on November 8, 1966, hearings presently scheduled by the Examiner on November 9 and 28, and a previously announced scheduling difficulty by counsel for the Minneapolis Department of Aeronautics between November 11 and 22, agreement on a date in November could not be reached;

It further appearing, that counsel requests that the hearing be rescheduled for an early date in December 1966;

It further appearing, that good cause exists why said request should be granted;

Accordingly, it is ordered, This 5th day of October 1966, that the request is granted, and that the hearing now scheduled for October 10, 1966, be and the same is hereby rescheduled for December 5, 1966, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11014; Filed, Oct. 10, 1966;
8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[20,218]

ADVANCES

Restrictions

OCTOBER 5, 1966.

Whereas by Federal Home Loan Bank Board Resolution No. 19,333, dated August 6, 1965, and duly published in the FEDERAL REGISTER on August 13, 1965 (30 F.R. 10124), this Board published its policy on restricting advances for purposes other than meeting withdrawals to members of the Federal Home Loan Bank System; and

Whereas by Federal Home Loan Bank Board Resolution No. 20,051, dated July 1, 1966, and duly published in the FEDERAL REGISTER on July 9, 1966 (31 F.R. 9429), the Board suspended its policy of restricting members from obtaining advances for purposes other than meeting withdrawals without affecting member institutions previously restricted in accordance with this policy; and

Whereas the Board has determined to revise its requirements governing restrictions on obtaining advances for purposes other than meeting withdrawals heretofore imposed and still in effect;

Now, therefore, it is hereby resolved that the Board's policy embodied in Fed-

eral Home Loan Bank Board Resolution No. 19,333, aforesaid, is hereby amended as hereinafter set forth and, to the extent inconsistent herewith, is hereby superseded.

I. Restriction on advances. Institutions that came under restriction under prior policies of the Board, and that remain under restriction as of the date of this statement shall continue to be restricted until released, as hereinafter indicated, following an evaluation by the Federal Home Loan Bank of which the institution is a member.

II. Elimination of restriction. Any member institution may have its access to advances restored, in whole or in part at the discretion of the Board, following an evaluation by the Bank of which the institution is a member.

Advances for purposes other than meeting withdrawals following the restoration of access to credit shall, except as hereinafter indicated, be subject to such waiting period as the Board may prescribe.

The Banks may, following an evaluation, release from restriction any institutions paying dividends or interest at a rate not in excess of 4½ percent and such institutions shall not be subject to the 6 months to 1 year waiting period previously imposed.

III. Evaluation of institutions remaining subject to restriction. In the case of institutions which increased their rates on or after June 28, 1966, one of the criteria for the restoration of credit shall be the competitive situation at the time the rate change was made. Any institution increasing its rate of return on or after that date should be afforded opportunity to make an affirmative showing, acceptable to the bank, that its rate action was warranted by existing competitive pressures. If, in the opinion of the Federal Home Loan Bank, none of the other criteria are of sufficient significance to require further maintenance of restriction, the Bank may so notify the Board and the Board may base its release of the institution thereon.

IV. Renewal of advances to restricted institutions. In the case of any restricted institution experiencing adverse savings flows and other cash outflows based on legal and binding loan commitments and loans-in-process disbursements, each Federal Home Loan Bank is authorized to negotiate a workout arrangement giving recognition to pertinent operating characteristics including the renewal or refinancing of outstanding advances made for purposes other than meeting withdrawals.

Resolved further that the Secretary to the Board is hereby directed to transmit the foregoing statement approved by the Board to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-11032; Filed, Oct. 10, 1966;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2933, etc.]

LANDA OIL CO., ET AL.

Findings and Order

SEPTEMBER 30, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, reinstating rate proceeding, substituting respondent, making successor co-respondent, redesignating proceedings, requiring filing of agreement and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add, or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from the Permian Basin area of Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Landa Oil Co., Applicant in Docket No. G-2933, proposes to continue sales of natural gas heretofore authorized in said docket to be made pursuant to Texas Gas Producing Co. FPC Gas Rate Schedule Nos. 2, 3, and 4. Said rate schedules will be redesignated as those of Applicant. The presently effective rates under Texas Gas Producing Co. FPC Gas Rate Schedule Nos. 2, 3, and 4 are in effect subject to refund in Docket Nos. RI64-740, RI64-730, and RI65-397, respectively. An increased rate has been collected for a locked-in period by Texas Gas Producing Co. pursuant to its FPC Gas Rate Schedule No. 4 subject to refund in Docket No. RI61-210. Therefore, Applicant will be made co-respondent in the proceeding pending in Docket No. RI61-210 and will be substituted as respondent in the proceedings pending in Docket Nos. RI64-730, RI64-740, and RI65-397, the proceedings will be redesignated, and Applicant will be required to file agreements and undertakings to assure the refunds of any amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

On July 5, 1966, Tenneco Oil Co. (Operator), et al., Applicant filed in Docket No. CI67-7 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas to Lone Star Gas Co. from the Doyle Field, Stephens County, Okla. Permission and approval to abandon the sale were granted by order issued August 22, 1966, in Docket Nos. G-5130, et al., and the certificate of public convenience and necessity theretofore issued in Docket No. CI64-1023 was terminated and the related rate suspension proceeding instituted in Docket No. RI66-369 was terminated. A review of the records of the Commission reveals that other rate schedules in addition to Applicant's FPC Gas Rate Schedule No. 67 are covered by said rate proceeding. Accordingly, the rate suspension proceeding in Docket No. RI66-369 will be reinstated and said docket will be terminated only with respect to Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 67.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on September 22, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to

conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-2933, G-3605, G-14198, G-15035, G-16271, G-17012,¹ G-17791, CI62-305, CI63-1029, CI64-580,¹ and CI66-470 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding in Docket No. RI66-369 should be reinstated and that said proceeding be terminated only with respect to Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 67.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Landa Oil Co. should be co-respondent in the proceeding pending in Docket No. RI61-210 and should be substituted in lieu of Texas Gas Producing Co. as respondent in the proceedings pending in Docket Nos. RI64-730, RI64-740, and RI65-397, that the proceedings should be redesignated accordingly, and that Landa Oil Co. should be required to file an agreement and undertaking in each proceeding.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

¹ Temporary certificate.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 2 and 14 in the attached tabulation.

(E) Within 45 days from the date of this order Applicant in Docket No. CI66-724 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(F) The certificates heretofore issued in Docket Nos. G-17791 and CI66-470 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(G) The certificates heretofore issued in Docket Nos. G-3605 and G-17012¹ are amended by deleting therefrom authorization to sell natural gas from the interests assigned to Applicant in Docket No. CI66-742.

(H) The certificates heretofore issued in Docket Nos. G-2933, G-14198, G-15035, G-16271, CI62-305, CI63-1029, and CI64-580¹ are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(J) Permission and approval of the abandonment of service by Applicant in Docket No. CI67-105 is granted and the related certificate in Docket No. G-274 is terminated only insofar as it relates to sales covered by Supplement No. 2 to FPC Gas Rate Schedule No. 2.

(K) The certificates heretofore issued in Docket Nos. G-14140, CI60-640, CI62-83, and CI63-485 are terminated.

(L) The rate suspension proceeding in Docket No. RI66-369 is reinstated and the proceeding is terminated only with respect to Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 67.

(M) Landa Oil Co. shall be co-respondent in the proceeding pending in Docket No. RI61-210 and is substituted as respondent in the proceedings pending in Docket Nos. RI64-730, RI64-740, and RI65-397. Said proceedings are redesignated accordingly.²

(N) Within 30 days from the issuance of this order Landa Oil Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission

² Docket No. RI61-210, LeCuno Oil Corp. (Operator), et al., and Landa Oil Co.; Docket Nos. RI64-730, RI64-740, and RI65-397, Landa Oil Co.

acceptable agreements and undertakings in Docket Nos. RI61-210, RI64-730, RI64-740, and RI65-397 to assure the refunds, together with interest at the rate of 7 percent per annum, of any amounts collected by it or by Texas Gas Producing Co. in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, said agreements and undertakings shall be deemed to have been accepted for filing.

(O) Landa Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Landa Oil Co. in Docket Nos. RI61-210, RI64-730, RI64-740, and RI65-397 shall remain in full force and effect until discharged by the Commission.

(P) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL]

JOSEPH H. GUTRIE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-2933..... E 6-13-66	Landa Oil Co. (successor to Texas Gas Producing Co.).	Texas Eastern Transmission Corp., Waskom Field, Harrison County, Tex.	Texas Gas Producing Co., FPC GRS No. 1. Supplement Nos. 1-14. Notice of succession 5-31-66.	10	1-14
	Landa Oil Co. (successor to Texas Gas Producing Co. (Operator), et al.).	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Effective date: 10-15-65. Texas Gas Producing Co. (Operator), et al., FPC GRS No. 2. Supplement Nos. 1-12. Notice of succession 5-31-66.	11	1-12
	do.	do.	Effective date: 10-15-65. Texas Gas Producing Co. (Operator), et al., FPC GRS No. 3. Supplement Nos. 1-16. Notice of succession 5-31-66.	8	1-16
	Landa Oil Co. (successor to Texas Gas Producing Co.).	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	Effective date: 10-15-65. Texas Gas Producing Co., FPC GRS No. 4. Supplement Nos. 1-9. Notice of succession 5-31-66.	4	1-9
G-14198..... E 6-13-66	Landa Oil Co., et al. (successor to Texas Gas Producing Co., et al.).	United Gas Pipe Line Co., North La Rosa Field, Refugio County, Tex.	Effective date: 10-15-65. Texas Gas Producing Co., et al., FPC GRS No. 9. Supplement Nos. 1-4. Notice of succession 5-31-66.	9	1-4
G-15035..... E 6-13-66	Landa Oil Co. (successor to Texas Gas Producing Co.).	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	Effective date: 10-15-65. Texas Gas Producing Co., FPC GRS No. 5. Supplement Nos. 1-7. Notice of succession 5-31-66.	5	1-7
			Effective date: 10-15-65.		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

¹ Supra.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No.				Description and date of document	No.
G-16271 E 6-13-66	do	Mississippi River Trans- mission Corp., Caddo Lake Field, Harrison County, Tex.	Texas Gas Producing Co., FPC GRS No. 6, Supplement Nos. 1-5- 5-31-66. Notice of succession Effective date: 10-15-65. Amended agreement 7-5-66. ¹	6	C167-105 (G-274) B 7-29-68 ¹⁷ C167-107 A 8-1-66 ¹⁴	Philadelphia Oil Co.	Equitable Gas Co., Clay District, Wetzel County, W. Va. El Paso Natural Gas Co., Honolulu Mesa Area, Rio Arriba County, N. Mex. Cities Service Gas Co., Knowles Gas Area, Beaver County, Okla. Lone Star Gas Co., West Velma Field, Stephens County, Okla. Texas Eastern Transmis- sion Corp., Northwest Buttermilk Slough Field, Matagorda Coun- ty, Tex. Cities Service Gas Co., acresage in Barber Coun- ty, Kans. Natural Gas Pipeline Co. of America, Fairbanks Field, Harris County, Tex.	2 316 20 20 21 10 9 47 1	
G-17791 O 8-1-66 ¹	Sohio Petroleum Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Moene- Laverne Field, Harper County, Okla. Tennessee Gas Pipeline Co., a division of Panhandle Eastern Pipe Line Co., Bayou Rambou, Terrebonne Parish, La.	Texas Gas Producing Co., FPC GRS No. 8, Supplement Nos. 1-2- 5-31-66. Notice of succession Effective date: 10-15-65. Management Services Corp., FPC GRS No. 1, FPC GRS No.						

See footnotes at end of table.

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 7]

BUFFALO INSURANCE CO.

Termination of Authority To Qualify
as Surety on Federal Bonds

OCTOBER 5, 1966.

Notice is hereby given that the Cer-
tificate of Authority issued by the Secre-

tary of the Treasury to the Buffalo Insurance Co., Buffalo, N.Y., a New York corporation, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13) to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States is terminated as of June 30, 1966.

The Buffalo Insurance Co. ceased writing new or renewal insurance busi-
ness effective June 30, 1966, and rein-

[F.R. Doc. 66-10970; Filed, Oct. 10, 1966; 8:45 a.m.]

1 Supplement No. 11 to FPC Gas Rate Schedule No. 2 and Supplement No. 15 to FPC Gas Rate Schedule No. 3, respectively, pertain to sales being made pursuant to temporary authorization. Permanent authorization with re-
spect to these supplements is not being granted by this order.
2 July 1, 1967, moratorium date pursuant to Commission's statement of general policy No. 61-1, as amended.
3 Sale being made pursuant to temporary authorization; permanent authorization with respect to this sale is not
being granted by this order.
4 Sale being made pursuant to temporary authorization; temporary certificate covers sales from subject interest
in Tract 108 as an a. l. interest covered by Sohio Petroleum Co. (Operator), et al.
5 On file as Sohio Petroleum Co. (Operator), et al., FPC GRS No. 46 as to gas produced from Tract 108.
6 Transfers all interest of Rutter Wilbanks and Rutter (one-eighth interest) in Tract No. 108 to San Jacinto Oil &
Gas Co. (subsidiary of Continental Oil Co.).
7 Certificate covers sales by predecessor in interest, Joseph S. Gruss, under Gruss' FPC GRS No. 4.
8 Between San Jacinto and El Paso providing for a renegotiated base rate of 17.0 cents per Mcf.
9 Certificate covers sales by Joseph S. Gruss from Tract No. 113.
10 On file as Joseph S. Gruss FPC GRS No. 1.
11 Transfers all interests of Rutter Wilbanks and Rutter (one-eighth interest) in Tract 113 to San Jacinto Oil & Gas
Co. (subsidiary of Continental Oil Co.).
12 Jan. 1, 1968, moratorium date pursuant to Commission's statement of general policy No. 61-1, as amended.
13 Source of gas depleted.
14 Effective date: Date of this order.
15 Other sales authorized in Docket No. G-274, therefore, the certificate in said docket will be terminated only inso-
far as it pertains to sales made under FPC GRS No. 2.
16 Ratifies basic contract dated Sept. 3, 1963 between Cleary Petroleum, Inc., et al. and Cities Service.
17 Operation of Applicant's plant discontinued.

sured all of its existing insurance business in force as of that date with the Aetna Casualty & Surety Co., Hartford, Conn., a Connecticut corporation. The Aetna Casualty & Surety Co. holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on Federal bonds.

Pursuant to a Reinsurance Agreement, effective 12:01 a.m. July 1, 1966, the Aetna Casualty & Surety Co. assumed the outstanding insurance liabilities of the Buffalo Insurance Co. as of the close of business June 30, 1966.

The Treasury has obtained from the Aetna Casualty & Surety Co., a separate Indemnifying Agreement, dated August 30, 1966, whereby the Aetna Casualty & Surety Co. has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking, or other form of obligation entered into or assumed by the Buffalo Insurance Co. on or before June 30, 1966, in which the United States has or may have an interest, direct or indirect. Copies of the Reinsurance Agreement and the Indemnifying Agreement are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

No action need be taken by bond-approving officers, by reason of the Reinsurance Agreement referred to herein, with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before June 30, 1966, by the Buffalo Insurance Co. pursuant to the Certificate of Authority issued to the company by the Secretary of the Treasury.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66-11031; Filed, Oct. 10, 1966;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License 1039]

GEORGE CO.

Revocation of License

Whereas, George Leslie Miller, doing business as George Co., Pier A, Berth 7, Long Beach, Calif. 90802, has ceased to operate as an independent ocean freight forwarder; and

Whereas, George Leslie Miller, doing business as George Co., has returned his Independent Ocean Freight Forwarder License No. 1039 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, § 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 1039 of George Leslie Miller, doing business as George Co. be and is hereby revoked, effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11055; Filed, Oct. 10, 1966;
8:49 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Issuance and Publication of Regulations

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, are prescribed:

1. The first sentence of section 1.60 General is amended to read as follows: "The regulations of the Immigration and Naturalization Service, published as Chapter I of Title 8 of the Code of Federal Regulations, contain information which, under the provisions of section 552 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383), is required to be published."

2. The last sentence of section 1.61 Rule making is amended to read as follows: "The provisions of the Federal Register Act (49 Stat. 500; 44 U.S.C. 301-314), as amended, and of the regulations thereunder (1 CFR—Administrative Committee of the Federal Register) as well as the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) governing the issuance of regulations are observed."

Dated: October 5, 1966.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 66-11019; Filed, Oct. 10, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 65]

PENNSYLVANIA

Transportation of Hay at Reduced Prices

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: William H. Tucker, Vice Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing, that by reason of drouth conditions existing in certain portions of the State of Pennsylvania, hereinafter referred to as the disaster area, the Secretary of the U.S. Department of Agriculture has requested the Commis-

sion to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Adams.	Huntingdon.
Allegheny.	Indiana.
Armstrong.	Jefferson.
Bedford.	Juniata.
Berks.	Lackawanna.
Blair.	Lebanon.
Butler.	Lehigh.
Cambria.	Mercer.
Cameron.	Mifflin.
Carbon.	Monroe.
Centre.	Montgomery.
Clarion.	Northampton.
Clearfield.	Northumberland.
Clinton.	Perry.
Columbia.	Potter.
Crawford.	Schuylkill.
Cumberland.	Snyder.
Dauphin.	Somerset.
Elk.	Union.
Fayette.	Venango.
Forest.	Washington.
Franklin.	Westmoreland.
Fulton.	Wyoming.
Greene.	York.

all located in the State of Pennsylvania, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until May 31, 1967, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the

Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Ill., the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 6th day of October A.D. 1966.

By the Commission, Vice Chairman Tucker.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11037; Filed, Oct. 10, 1966;
8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 6, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40733—*Passenger fares in western territory*. Filed by E. B. Padrick, agent (No. 11), for interested rail carriers. Relating to transportation of passengers, between points on lines of applicant carriers and between such points on the one hand, and points on lines of connecting carriers, on the other.

Grounds for relief—Establishment of new fares by applicant carriers and maintenance of present fares by connecting carriers.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11038; Filed, Oct. 10, 1966;
8:48 a.m.]

[Notice 266]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 6, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 6 TA) (Correction), filed September 27, 1966, published FEDERAL REGISTER, issue of October 4, 1966, and republished as corrected this issue. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and tin cans, on automated trailers*, from Danbury, Conn., to New York, N.Y., for the account of Aluminum Can Co., Inc., for 180 days. Supporting shipper: Aluminum Can Co., Inc., Great Pasture Road, Post Office Box 291, Danbury, Conn. 06810. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102. NOTE: This republication adds the words "for the account of Aluminum Can Co., Inc." inadvertently omitted in the previous publication.

No. MC 30837 (Sub-No. 341 TA), filed October 4, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, by the truck-away methods, from Buffalo, N.Y., and points within 20 miles thereof, to Framingham, Mass., and Hagerstown, Md., and points in New York and Pennsylvania, restricted to transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada) Ltd., in Brampton, Ontario, Canada, having an immediately prior movement by truck, for 180 days. Supporting shipper: American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232, Leonard C. Kropp, Distribution Traffic Manager, Automotive Division. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 40270 (Sub-No. 5 TA), filed October 4, 1966. Applicant: A. J. CRABBS, Rural Route No. 2, Enid, Okla. 73701. Applicant's representative: John E. Jandera, Jandera and Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, between Afton, Okla., on the one hand, and, on the other, points in Arkansas, Missouri, Kansas, and Texas, for 180 days. Supporting shipper: Clifford H. DeKesel, Farmland Industries, Inc., 3315 North Oak Trafficway,

Kansas City, Mo. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 110525 (Sub-No. 802 TA), filed October 4, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin*, in bulk, in tank vehicles, from Toms River, N.J., to Long Island City and Farmingdale, N.Y., for 180 days. Supporting shipper: CIBA Corp. Send protests to: Peter G. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111069 (Sub-No. 36 TA), filed October 4, 1966. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, Ind. Applicant's representative: Smith, Reed, Yessen and Davis, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee whitener (coffee pak), vegetable oil base in 1/2-oz. containers*, from Louisville, Ky., to East St. Louis, Chicago, and Rockford, Ill.; Indianapolis, Ind.; Ashland, Ky.; New Orleans, La.; Biloxi, Miss.; St. Louis, Mo.; Cincinnati and Cleveland, Ohio; Nashville, Chattanooga, and Memphis, Tenn.; Charleston, W. Va.; Atlanta, Ga.; for 150 days. Supporting shipper: Food Specialties of Kentucky, Post Office Box 1017, Louisville, Ky. 40201. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 35 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124078 (Sub-No. 248 TA), filed October 4, 1966. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from Alabaster, Ala., to Rockmart, Ga., for 150 days. Supporting shipper: Alabaster Lime Co., Inc., Alabaster, Ala. 35007, C. H. Fortner, Assistant to the President. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 126276 (Sub-No. 4 TA), filed October 4, 1966. Applicant: FAST MOTOR SERVICE, INC., 7521 West 62d Street, Summit, Ill. 60608. Applicant's representative: Robert H. Levy, Levy and Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Materials and supplies* used in the manufacture of metal containers, between the plantsite of Crown Cork & Seal Co., Inc., at Chicago, Ill., and the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio; and, *metal containers*, from the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio, to South Bend, Ind., and Chicago, Ill., for 180 days. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Post Office Box 6208, Philadelphia, Pa. 19136. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127567 (Sub-No. 2 TA) (Amendment), filed September 27, 1966, published in FEDERAL REGISTER, issue of October 4, 1966, and republished as amended this issue. Applicant: SMITH & WEEKS, INC., Main Street, Mars Hill, Maine 04758. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump type vehicles, from the international boundary between the United States and Canada at or near the port of entry of Bridgewater, Maine, to points in Aroostook and Washington Counties, Maine, for 150 days. Supporting shipper: Morton Salt Co., 110 North Wacker Drive, Chicago, Ill. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl Street, Portland, Maine 04112. NOTE: The purpose of this republication is to change the destination territory to points in Aroostook and Washington Counties, Maine.

No. MC 128446 (Sub-No. 1 TA), filed October 4, 1966. Applicant: ROBERT A. MORRIS, doing business as MORRIS TRUCKING SERVICE, Star Route, Indian River, Mich. 49749. Applicant's representative: Robert A. Morris, Indian River, Mich. 49749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and rough lumber*, from Vanderbilt, Mich., to Milwaukee, Wis., for 150 days. Supporting shipper: O. W. Rowley & Sons, Inc., Vanderbilt, Mich. 49795. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 128615 TA, filed October 4, 1966. Applicant: CHARLES J. UNRATH, doing business as CHARLES UNRATH TRUCKING, 1018 Milwaukee Street, Delafield, Wis. 53018. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the ports of entry on the international boundary line between the United States and Canada, located at or near Portal, N. Dak.; International Falls, Pigeon River, and Noyes,

Minn.; and Sault Ste. Marie, Mich.; to points in Minnesota, Wisconsin, Illinois, Indiana, and Michigan, for 180 days. Supporting shippers: Boehm-Madisen Lumber Co., 161 West Wisconsin Avenue, Milwaukee, Wis. 53203, Ben Nuzum Lumber Co., Tomah, Wis. 54660, Lake States Lumber Co., Inc., 312 East Wisconsin Avenue, Post Office Box 1675, Milwaukee, Wis. 53201, Metropolitan Lumber Co., 1300 North Glenview Place, Milwaukee, Wis. 53213. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11039; Filed, Oct. 10, 1966;
8:48 a.m.]

[Notice 1424]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 6, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68777. By order of September 30, 1966, the Transfer Board approved the transfer to Gilpin County Freight Service, Inc., Denver, Colo., of the portion of the certificate of registration in No. MC-98757 (Sub-No. 4), issued December 7, 1964, to Thomas D. Lane, doing business as Thomas D. Lane Truck Lines, Denver, Colo., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Colorado, corresponding to certificate of public convenience and necessity No. PUC-1127, as transferred to Thomas D. Lane, doing business as Thomas D. Lane Truck Lines, Denver, Colo., by decision No. 49158, dated November 27, 1957, as issued by the Public Utilities Commission of the State of Colorado. Julius I. Ginsberg, 818 Majestic Building, Denver, Colo. 80202, attorney for transferee.

No. MC-FC-68940. By order of September 30, 1966, the Transfer Board, on reconsideration, approved the transfer to Wanatah Trucking Co., Inc., Wanatah, Ind., of certificate No. MC-113569, issued January 13, 1954, to Earl J. Mohlke, Wanatah, Ind., and authorizing the transportation of: Grain, from points in La Porte and Porter Counties, Ind., to Chicago, Ill.; feed, from Chicago, Ill., to

points in La Porte and Porter Counties, Ind.; fertilizer, from Calumet City, Ill., to points in La Porte and Porter Counties, Ind., and from Chicago Heights, Ill., to points in La Porte and Porter Counties, Ind.; cement blocks from points in Illinois within 1 mile of Dyer, Ind., to points in La Porte County, Ind., and Livestock, between Chicago, Ill., on the one hand, and, on the other, points in La Porte and Porter Counties, Ind. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-68982. By order of September 30, 1966, the Transfer Board, on reconsideration, approved the transfer to Allied Truck, Inc., Portland, Ore., of the portion of the operating rights in certificate No. MC-29447 issued February 20, 1961 to Sandy Truck Line, Inc., Sandy, Ore., authorizing the transportation of: Household goods, as defined by the Commission, and lumber mill products, forest products, agricultural commodities, seed, and machinery, between specified points in Washington, and Oregon. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Ore. 97210, attorney for applicants.

No. MC-FC-69043. By order of September 30, 1966, the Transfer Board approved the transfer to Donald F. Nottke and Robert E. Nottke, a partnership, doing business as Nottke Bros., Traverse City, Mich., of the operating rights in certificate No. MC-118392, issued November 18, 1960, to Harry E. Heller and Donald F. Nottke, a partnership, doing business as Heller & Nottke, Traverse City, Mich., authorizing the transportation, over irregular routes, of frozen fruits, from Traverse City, Mich., to points in Illinois, with no transportation for compensation on return except as otherwise authorized. Mrs. Donald F. Nottke, 622 Webster Street, Traverse City, Mich. 49684, representative for applicants.

No. MC-FC-69049. By order of September 28, 1966, the Transfer Board approved the transfer to Brown's Trucking Co., a corporation, Trenton, N.J., of certificate in No. MC-2017, issued December 11, 1962, to Helen M. Citro, doing business as Brown's Trucking Co., Trenton, N.J., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, over regular routes, between Philadelphia, Pa., and New York, N.Y.; between Trenton, N.J., and Philadelphia, Pa.; between Trenton, N.J., and New Brunswick, N.J.; and between Trenton, N.J., and Princeton, N.J.; serving all intermediate points and certain specified off-route points. August W. Heckman, 297 Academy Street, Jersey City, N.J. 07306, attorney for applicants.

No. MC-FC-69052. By order of September 30, 1966, the Transfer Board approved the transfer to Gainey Truck Lines, Inc., Hanahan, S.C., of certificate in No. MC-117695, issued April 29, 1960, to Vance B. Murphy, Orangeburg, S.C., authorizing the transportation of: Bananas, from Miami and Tampa, Fla., and

Charleston, S.C., to Columbia, S.C. Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, attorney for applicants.

No. MC-FC-69098. By order of September 29, 1966, the Transfer Board approved the transfer to Gale Industrial Rigging & Erecting Contractors, Inc., Detroit, Mich., of the operating rights of Gale Heavy Haul, Inc., in certificate No. MC-47024, issued August 3, 1965, authorizing the transportation, over irregular routes, of heavy machinery, between points in the Lower Peninsula of Michigan. Richard D. Weber, 1600 Dime Building, Detroit, Mich. 48226, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11040; Filed, Oct. 10, 1966; 8:48 a.m.]

[Notice 1424-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 6, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68800. By order of September 30, 1966, Division 3, acting as an Appellate Division, approved the transfer to Charles F. Padovano, doing business as Padovano Trucking Co., Kearny, N.J., of the portion of the operating rights in certificate No. MC-7089 issued August 2, 1966, to Jacob Lazer, doing business as Bond Motor Express Co., Paterson, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between points in Hudson County, N.J., and New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11041; Filed, Oct. 10, 1966; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	13 CFR	Page	24 CFR	Page
PROCLAMATIONS:		121.....	12840	5.....	13081
3749.....	12935	PROPOSED RULES:		203.....	13000
3750.....	12995	121.....	12849, 12924	220.....	13000
EXECUTIVE ORDERS:		14 CFR		221.....	13000
Sept. 24, 1847 (revoked by		37.....	12941	232.....	13000
PLO 4100).....	12950	39.....	12921	234.....	13000
April 17, 1926 (revoked in part		71.....	12840, 12921, 12943, 13038, 13039,	1000.....	13000
by PLO 4098).....	12950	13115.			
11122 (superseded by EO		73.....	12922, 12944, 13115	26 CFR	
11307).....	12917	95.....	12944	PROPOSED RULES:	
11215 (amended by EO 11309).....	13075	97.....	13116	1.....	12843, 12845, 13091
11307.....	12917	121.....	13078	29 CFR	
11308.....	12919	208.....	12947	462.....	13001
11309.....	13075	295.....	12948	31 CFR	
		378.....	12948	520.....	13001
5 CFR		PROPOSED RULES:		32 CFR	
213.....	12833, 12937, 13113	39.....	12924	855.....	13081
1700.....	13113	71.....	12925		
		73.....	12925	32A CFR	
7 CFR		15 CFR		PROPOSED RULES:	
210.....	13035	372.....	13040	Ch. X.....	12924, 13050
319.....	12834	373.....	13040	33 CFR	
701.....	13035	374.....	13040	202.....	13129
722.....	13035, 13036, 13132	379.....	13040	204.....	13129
728.....	13036	382.....	13040		
729.....	12921, 12940	385.....	13040	37 CFR	
811.....	13133	398.....	13040	1.....	12922
874.....	12940	399.....	13040	38 CFR	
905.....	12835			3.....	13088
908.....	12836, 13077	16 CFR		36.....	13003
909.....	13134	13.....	12937, 12938, 13078-13080	41 CFR	
910.....	12837, 13077	18 CFR		9-1.....	13046
915.....	13135	204.....	12840	9-2.....	13046
958.....	12940	19 CFR		9-3.....	13046
993.....	13037	1.....	12938, 13080	22-1.....	13001
1038.....	13037	PROPOSED RULES:		42 CFR	
1421.....	13078	12.....	12964	22.....	12939
1443.....	12837	20 CFR		43 CFR	
1490.....	12997	404.....	13126	PUBLIC LAND ORDERS:	
PROPOSED RULES:		21 CFR		1195 (revoked in part by PLO	
730.....	12952	8.....	12840	4099).....	12950
929.....	13136	17.....	12949	3152 (revoked in part by PLO	
948.....	12953	27.....	12949	4104).....	12951
982.....	12954	51.....	12950	3584 (revoked in part by PLO	
984.....	13005	53.....	12840	4104).....	12951
993.....	13136	121.....	12841, 13128	4097.....	12950
994.....	13090	146.....	12841	4098.....	12950
1005.....	12845, 13090	PROPOSED RULES:		4099.....	12950
1038.....	12954	19.....	13005	4100.....	12950
1041.....	13136	121.....	12849	4101.....	12951
1069.....	13091	191.....	13006	4102.....	12951
1126.....	13005	22 CFR		4103.....	12951
Ch. XI.....	12956	41.....	13080	4104.....	12951
8 CFR		42.....	13080	45 CFR	
212.....	13114	23 CFR		6.....	12842
9 CFR		Ch. II.....	13128	7.....	12842
97.....	13114			8.....	12842
12 CFR					
329.....	12837				
526.....	13039				
545.....	12838, 12839, 13000				
PROPOSED RULES:					
222.....	12965				

46 CFR

Page

PROPOSED RULES:

2-----	12860
24-----	12860
30-----	12860
70-----	12860
90-----	12860
110-----	12860
175-----	12860
188-----	12860
189-----	12860
190-----	12860
191-----	12860
192-----	12860
193-----	12860
194-----	12860
195-----	12860
196-----	12860

47 CFR**PROPOSED RULES:**

73-----	12965
---------	-------

50 CFR

32-----	12923,
	12939, 13003, 13004, 13048, 13049,
	13088, 13130.
33-----	12939

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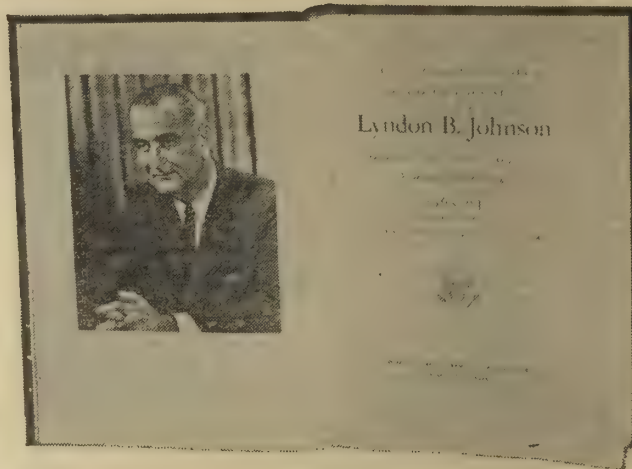
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FEDERAL REGISTER

VOLUME 31 • NUMBER 198

Wednesday, October 12, 1966 • Washington, D.C.

Pages 13163-13191

Agencies in this issue—

Agency for International Development
Agricultural Stabilization and
Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Engineers Corps
Federal Aviation Agency
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Reserve System
Food and Drug Administration
Interstate Commerce Commission
Labor Department
Land Management Bureau
Maritime Administration
National Bureau of Standards
National Mediation Board
Post Office Department
Securities and Exchange Commission
Veterans Administration

Detailed list of Contents appears inside.



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of the

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Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices	
Laubach Literacy, Inc.; register of voluntary foreign aid agencies--	13178

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations	
Cotton; 1967 crop of upland cotton acreage allotments and marketing quotas-----	13168

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

Notices	
Texas A&M University; notice of issuance of facility license amendments -----	13180

CIVIL AERONAUTICS BOARD

Notices	
Civil Air Transport Co., Ltd.; notice of indefinite postponement of prehearing conference--	13180
Aerea Aerea Nacional—Chile (LAN); notice of hearing-----	13180
W.A.A.C. (Nigeria) Ltd.; notice of postponement of prehearing conference -----	13181

COMMERCE DEPARTMENT

See Maritime Administration; National Bureau of Standards.

CONSUMER AND MARKETING SERVICE

Rules and Regulations	
Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County; shipment limitations-----	13171
Olives grown in California:	
Determination relative to establishment of reserve and to carryover of unexpended funds-----	13171
Expenses and rate of assessment -----	13171
Proposed Rule Making	
Grapefruit grown in certain areas; proposed expenses and rate of assessment -----	13174

CUSTOMS BUREAU

Notices	
Tubeless tire valves from West Germany; withholding of appraisal notice-----	13178

DEFENSE DEPARTMENT

See Engineers Corps.

ENGINEERS CORPS

Rules and Regulations	
Dardanelle Reservoir Area; public use-----	13172

FEDERAL AVIATION AGENCY

Rules and Regulations	
Airworthiness directives; Boeing Model 707 and 720 Series airplanes-----	13167

Proposed Rule Making

Jet route; proposed realignment--	13176
-----------------------------------	-------

Notices

Airport traffic control tower, Alexander Hamilton Airport, St. Croix, V.I.; notice of commissioning-----	13183
Flight service station, St. Croix, V.I.; notice of closing-----	13183

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations	
Operations; amendment relating to other insurance or guaranty--	13167

FEDERAL MARITIME COMMISSION

Notices	
Agreements filed for approval:	
Farrell Lines, Inc., and Messrs. Rederiaktiebolaget Helsingborg-----	13181
Moore-McCormack Lines, Inc., and Adolfo Morey E Hijos-----	13181
Pacific Westbound Conference--	13181
Royal Netherlands Steamship Co-----	13181
Oceanbrokers, Inc., et al.; independent ocean freight forwarder licenses and applications therefor; revision-----	13182
North Atlantic Kingdom Freight Conference; limitation on transshipment-----	13182

FEDERAL RESERVE SYSTEM

Notices	
Baystate Corp.; notice of application for approval of acquisition of shares of Bank-----	13183

FOOD AND DRUG ADMINISTRATION

Notices

Petitions filed:	
Atlas Chemical Industries, Inc.--	13179
Chipmann Chemical Co., Inc.--	13179
Hooker Chemical Corp-----	13179
Rohm & Haas Co-----	13179
Velsicol Chemical Corp-----	13179
Virginia Chemicals, Inc-----	13179

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief-----	13184
Motor carrier:	
Alternate route deviation notices-----	13185
Applications and certain other proceedings (2 documents)---	13185, 13188
Intrastate applications-----	13189
Temporary authority applications -----	13189

LABOR DEPARTMENT

Proposed Rule Making

Farm labor contractor registration-----	13174
---	-------

LAND MANAGEMENT BUREAU

Notices

Montana; proposed classification of public lands-----	13178
Outer continental shelf off Louisiana; call for nominations of areas for oil and gas leasing---	13178

MARITIME ADMINISTRATION

Notices

First Pennsylvania Banking and Trust Co.; notice of approval as trustee-----	13179
--	-------

NATIONAL BUREAU OF STANDARDS

Rules and Regulations

Standards of certified properties and purity-----	13167
---	-------

(Continued on next page)

**NATIONAL MEDIATION
BOARD****Proposed Rule Making**

Establishment of special adjustment boards----- 13176

POST OFFICE DEPARTMENT**Rules and Regulations**

Bureaus and offices; Bureau of Facilities----- 13172

**SECURITIES AND EXCHANGE
COMMISSION****Notices***Hearings, etc.:*Great American Industries, Inc. 13183
Ohio Power Co.----- 13184
Pinal County Development Association----- 13184
Underwater Storage, Inc.----- 13184**STATE DEPARTMENT**

See Agency for International Development.

TREASURY DEPARTMENT

See Customs Bureau.

VETERANS ADMINISTRATION**Rules and Regulations**

Adjudication; foreign payees----- 13172

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

7 CFR722----- 13168
932 (2 documents)----- 13171
947----- 13171
PROPOSED RULES:
909----- 13174**12 CFR**

563----- 13167

14 CFR39----- 13167
PROPOSED RULES:
75----- 13176**15 CFR**

230----- 13167

29 CFRPROPOSED RULES:
40----- 13174
1207----- 13176**36 CFR**

326----- 13172

38 CFR

3----- 13172

39 CFR

822----- 13172

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-2,767]

PART 563—OPERATIONS

Other Insurance or Guaranty

OCTOBER 6, 1966.

Resolved that, notice and public procedure having been duly afforded (31 F.R. 11156) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amending § 563.31 of the Rules and Regulations for Insurance of Accounts (31 CFR 563.31) to prohibit institutions insured by the Federal Savings and Loan Insurance Corporation from acquiring any other insurance or guaranty on their withdrawable accounts, and for the purpose of effecting such amendment, hereby amends said § 563.31 to read as follows, effective November 12, 1966.

§ 563.31 Other insurance or guaranty.

An insured institution shall not acquire any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by Title IV of the National Housing Act. As used in this section the term "accounts" shall have the same meaning as the term "withdrawable or repurchasable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-11091; Filed, Oct. 11, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7660; Amtd. 39-293]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

There have been shorted wires to the tail navigation light on Boeing Model 707

and 720 Series airplanes, one of which resulted in a fire causing considerable damage to the tail cone and elevator control components. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the tail cone wiring, repair as necessary, and modification on certain Boeing Model 707 and 720 Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 707 and 720 Series airplanes equipped with nylon tube conduit in the tail cone.

Compliance required as indicated, unless already accomplished.

To prevent fire in the tail cone due to shorted tail navigation light wires, accomplish the following:

(a) Within the next 300 hours' time in service after the effective date of this AD, remove tail cone and inspect tail navigation light wiring for frayed or deteriorated wires and inspect protective nylon tube to ensure that it is secured to bulkhead. Replace frayed or deteriorated wires and secure nylon tube to bulkhead as necessary before further flight.

(b) Within the next 700 hours' time in service after the effective date of this AD, accomplish the following or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(1) Trim nylon tube flush with bulkhead, 65-14660-3, at Fuselage Station 1653;

(2) Install cover plate and angle fabricated in accordance with Boeing Service Bulletin No. 2395 (R-1) or later FAA-approved revision using a clamp and grommet in accordance with that Bulletin; and

(3) Replace all frayed or chafed tail cone light wiring.

This amendment becomes effective October 12, 1966.

(Sec. 313 (a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354 (a), 1421, 1423)

Issued in Washington, D.C., on October 6, 1966.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-11061; Filed, Oct. 11, 1966; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

FREEZING-POINT STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment revises § 230.8-2 to reflect two types of freezing-point standards, and to add standard reference material 740. The revised material supersedes § 230.8-2 previously issued.

The following amends Title 15 CFR Part 230:

Section 230.8-2 *Freezing-point standards* is revised and supersedes § 230.8-2 previously issued, as follows:

§ 230.8-2 Freezing-point standards.

(a) *Defining fixed points—International Practical Temperature Scale.* The purity of these materials is such that they are suitable for realizing the defining fixed points on the International Practical Temperature Scale of 1948.

Sample No.	Kind	Value assigned to defining fixed point °C (Int. 1948)	Approximate weight in grams	Price
740	Zinc----	419.505	350	\$65.00

(b) *Secondary reference points.* These are intended for the calibration of resistance thermometers and thermocouples.

Sample Nos.	Kind	Determined freezing point °C (Int. 1948)	Approximate weight in grams	Price
44e	Aluminum----	660.0	200	\$12.00
45d	Copper-----	1083.3	450	12.00
49c	Lead-----	327.417	600	12.00
42f	Tin-----	231.88	350	12.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959, 15 U.S.C. 275a.)

Dated: September 27, 1966.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 66-11058; Filed, Oct. 11, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

COUNTY PROJECTED YIELDS

Basis and purpose. This document is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

The purpose of § 722.470 is to establish county projected yields under section 301 (b) (13) (L) of the act for upland cotton of the 1967 crop.

Notice that the Secretary was preparing to establish county projected yields was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

Since the yields established under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.470 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and § 722.470 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.470 County projected yields for upland cotton of the 1967 crop.

(a) *Method of determining county projected yields.* The county projected yields for the 1967 crop of upland cotton were determined on the basis of the average yield per harvested acre in the counties during 1961, 1962, 1963, 1964, and 1965, adjusted for abnormal weather conditions affecting such yields, for trends in yields and for any significant changes in production practices, as provided under section 301 (b) (13) (L) of the Act.

(b) *Adjustments for change in determining cotton acreage planted in skip-row patterns.* The county harvested yields for each year of the base period (1961-1965) were adjusted to provide comparable harvested yields for such years on the basis of the current method for measuring the acreage devoted to cotton planted in skip-row patterns under the provisions of Part 718 of this chapter. Such adjustments were made on the following basis:

(1) 1962, 1963, 1964, and 1965. It was estimated that a 30 percent increase in harvested acreage of cotton in 1962, 1963, 1964, and 1965 planted in less than four

skip-row patterns would result if the method for measuring the acreage devoted to cotton in skip-row patterns applicable beginning with the 1966 crop had been in effect during 1962, 1963, 1964, and 1965, and approximately the same acreage of land had been used for cotton. Such estimate was also based on the predominance during 1962, 1963, 1964, and 1965 of 40-inch row widths and skip-row patterns of two rows of cotton by one skip-row and two rows of cotton by two skip-rows, and the acreage currently determined as devoted to cotton in such patterns. Beginning with the 1966 crop, accordingly, county harvested yields for 1962, 1963, 1964, and 1965 were adjusted by adding an amount of harvested acreage for each county equal to 30 percent of the cotton acreage planted in skip-row patterns of less than four row skips in such county for each such year.

(2) 1961. In 1961 skip-row patterns of less than four row skips (generally two rows of cotton and two rows skipped) were used primarily as a moisture conservation practice in dryland areas and all the land planted in such patterns was regarded as planted to cotton. It was estimated that a 35-percent decrease in harvested acreage in 1961 planted in less than four skip-row patterns would result if the method for measuring the acreage devoted to cotton in skip-row patterns applicable beginning with the 1966 crop had been in effect during 1961 and approximately the same acreage of land had been used for cotton. Accordingly, county harvested yields for 1961 were adjusted by subtracting an amount of harvested acreage for each county equal to 35 percent of the cotton acreage planted in skip-row patterns of less than four row skips in such county.

(c) *Adjustments for abnormal weather conditions, trends, and significant changes in production practices.* The harvested yields adjusted under paragraph (b) of this section for each county for the base period (1961-65) were adjusted for abnormal weather conditions, for trends in yields, and for any significant changes in production practices during such period as follows:

(1) For each annual yield in the 5-year period which was less than 80 percent of the 5-year average harvested yield, a yield equal to 80 percent of such 5-year average was substituted. For each annual yield in the 5-year period which was more than 140 percent of the 5-year average harvested yield, a yield equal to 140 percent of such 5-year average was substituted. A simple average of the 5-year yields so adjusted was obtained for each county.

(2) The 5-year average yield for each county as adjusted under subparagraph (1) of this paragraph was further adjusted for trends in yields and significant changes in production practices (referred to as trend adjustments) by obtaining a simple average of (i) the 1961-65 average yield for each county as adjusted under subparagraph (1) of this paragraph, and (ii) the 1964-65 average yield for each county as adjusted under subparagraph (1) of this

paragraph except that if the 5-year average of the harvested yields prior to adjustment under subparagraph (1) of this paragraph exceeded the adjusted annual yield for 1964 or 1965, such 5-year average yield was substituted for the purpose of trend adjustment. For each county for which the trend adjustment exceeded the 5-year average yield as adjusted under subparagraph (1) of this paragraph, the simple average determined under this subparagraph (2) was substituted for the 5-year average yield as adjusted under subparagraph (1) of this paragraph.

(d) *Preliminary county projected yields.* The preliminary county projected yields were determined as follows:

(1) A State weighted average of county adjusted yields determined under paragraph (c) of this section was obtained by dividing (i) the sum of the products of the 1966 county allotments, including allocations from the State reserve for hardships and inequities and for small farms, times the adjusted county yields, under paragraph (c) (2) of this section, by (ii) the State total of 1966 county allotments, including allocations from the State reserve for hardships and inequities and for small farms;

(2) A State yield factor was computed by dividing (i) the 1967 State projected yield determined under § 722.467 (31 F.R. 11965) by (ii) the State weighted yield under subparagraph (1) of this paragraph; and

(3) The preliminary county projected yield was obtained by multiplying the county adjusted yield by the State yield factor.

(e) *County projected yields for 1967.* The county projected yields were established as follows:

(1) The preliminary county projected yields for each State established under paragraph (d) of this section were revised by the State committee and on the basis of all available data, the State committee adjusted such preliminary county projected yields to provide comparability and proper relationships between counties in the State. The weighted average of the county projected yields as adjusted by the State committee did not exceed the State projected yield.

(f) *Tabulation of county projected yields for 1967.* The following county projected yields for upland cotton of the 1967 crop are hereby determined and established:

ALABAMA			
County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Autauga	615	Clarke	368
Baldwin	435	Clay	408
Barbour	422	Cleburne	404
Bibb	610	Coffee	413
Blount	505	Colbert	637
Bullock	349	Conecuh	412
Butler	455	Coosa	342
Calhoun	505	Covington	444
Chambers	513	Crenshaw	442
Cherokee	693	Cullman	552
Chilton	509	Dale	433
Choctaw	383	Dallas	490

ALABAMA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
De Kalb	608	Marion	563
Elmore	592	Marshall	617
Escambia	568	Mobile	387
Etowah	493	Monroe	558
Fayette	561	Montgomery	420
Franklin	491	Morgan	545
Geneva	443	Perry	534
Greene	453	Pickens	504
Hale	532	Pike	361
Henry	434	Randolph	462
Houston	464	Russell	377
Jackson	572	St. Clair	404
Jefferson	509	Shelby	655
Lamar	482	Sumter	415
Lauderdale	552	Talladega	450
Lawrence	693	Tallapoosa	498
Lee	490	Tuscaloosa	527
Limestone	608	Walker	462
Lowndes	501	Washington	521
Macon	481	Wilcox	406
Madison	621	Winston	498
Marengo	411		

ARIZONA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Cochise	830	Pima	937
Gila	953	Pinal	1,137
Graham	917	Santa Cruz	604
Greenlee	812	Yavapai	837
Maricopa	1,135	Yuma	1,460
Mohave	1,656		

ARKANSAS

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Arkansas	507	Lee	663
Ashley	697	Lincoln	713
Baxter	382	Little River	561
Benton	271	Logan	470
Boone	323	Lonoke	605
Bradley	347	Marion	330
Calhoun	316	Miller	523
Chicot	635	Mississippi	675
Clark	448	Monroe	628
Clay	592	Montgomery	316
Cleburne	375	Nevada	422
Cleveland	376	Newton	319
Columbia	332	Ouachita	356
Conway	521	Perry	373
Craighead	650	Phillips	753
Crawford	533	Pike	441
Crittenden	684	Poinsett	589
Cross	617	Polk	427
Dallas	368	Pope	549
Desha	652	Prairie	539
Drew	581	Pulaski	574
Faulkner	460	Randolph	579
Franklin	460	St. Francis	646
Fulton	391	Saline	341
Garland	411	Scott	366
Grant	325	Searcy	356
Greene	581	Sebastian	332
Hempstead	437	Sevier	344
Hot Springs	486	Sharp	413
Howard	492	Stone	431
Independence	508	Union	363
Izard	430	Van Buren	323
Jackson	530	Washington	281
Jefferson	696	White	401
Johnson	646	Woodruff	619
Lafayette	611	Yell	565
Lawrence	576		

CALIFORNIA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Fresno	1,131	Riverside	1,410
Imperial	1,597	San Benito	1,165
Kern	1,193	San Bernar-	
Kings	1,083	dino	614
Los Angeles	781	San Diego	1,363
Madera	907	Stanislaus	870
Merced	922	Tulare	961

FLORIDA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Alachua	310	Lafayette	334
Baker	250	Leon	286
Bay	317	Levy	273
Calhoun	300	Liberty	257
Clay	438	Madison	293
Columbia	190	Nassau	361
Dixie	311	Okaloosa	397
Escambia	529	Putnam	283
Gadsden	278	Santa Rosa	552
Gilchrist	259	Suwannee	200
Hamilton	238	Taylor	216
Holmes	360	Union	272
Jackson	349	Walton	369
Jefferson	312	Washington	296

GEORGIA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Appling	380	Grady	415
Atkinson	373	Greene	248
Bacon	360	Gwinnett	451
Baker	386	Habersham	326
Baldwin	405	Hall	291
Banks	441	Hancock	366
Barrow	439	Haralson	356
Bartow	619	Harris	448
Ben Hill	557	Hart	548
Berrien	458	Heard	423
Bibb	519	Henry	442
Bleckley	605	Houston	532
Brantley	312	Irwin	455
Brooks	395	Jackson	484
Bryan	295	Jasper	368
Bulloch	482	Jeff Davis	453
Burke	509	Jefferson	520
Butts	478	Jenkins	472
Calhoun	598	Johnson	471
Candler	400	Jones	289
Carroll	444	Lamar	332
Catoosa	405	Lanier	387
Charlton	291	Laurens	505
Chatham	375	Lee	503
Chatta-		Liberty	237
hoochee	213	Lincoln	270
Chattooga	466	Long	332
Cherokee	364	Lowndes	351
Clarke	351	Lumpkin	416
Clay	555	McDuffie	375
Clayton	328	McIntosh	282
Clinch	375	Macon	621
Cobb	283	Madison	446
Coffee	448	Marion	512
Colquitt	534	Meriwether	491
Columbia	277	Miller	521
Cook	478	Mitchell	441
Coweta	411	Monroe	325
Crawford	521	Montgomery	397
Crisp	569	Morgan	454
Dade	318	Murray	343
Dawson	359	Muscogee	280
Decatur	366	Newton	431
De Kalb	389	Oconee	555
Dodge	500	Oglethorpe	444
Dooley	668	Paulding	316
Dougherty	380	Peach	643
Douglas	291	Pickens	305
Early	537	Pierce	373
Echols	314	Pike	500
Effingham	358	Polk	473
Elbert	490	Pulaski	541
Emanuel	480	Putnam	339
Evans	450	Quitman	444
Fayette	432	Randolph	648
Floyd	512	Richmond	425
Forsyth	421	Rockdale	469
Franklin	519	Schley	491
Fulton	416	Screven	492
Gilmer	391	Seminole	472
Gordon	529	Spalding	382
Glascock	414	Stephens	461

GEORGIA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Stewart	528	Upson	364
Sumter	673	Walker	353
Talbot	317	Walton	550
Tallafarro	244	Ware	379
Tattnall	450	Warren	423
Taylor	680	Washington	508
Telfair	391	Wayne	373
Terrell	666	Webster	430
Thomas	445	Wheeler	453
Tift	450	White	384
Toombs	478	Whitfield	503
Treutlen	448	Wilcox	474
Troup	401	Wilkes	331
Turner	538	Wilkinson	326
Twiggs	514	Worth	528

ILLINOIS

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Alexander	538	Pulaski	498
Massac	498		

KANSAS

County	Projected yield (pounds per acre)
Montgomery	212

KENTUCKY

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Ballard	405	Graves	467
Calloway	442	Hickman	525
Carlisle	503	McCracken	498
Fulton	683	Marshall	416

LOUISIANA

Parish	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Acadia	481	Livingston	359
Allen	377	Madison	731
Ascension	380	Morehouse	721
Avoyelles	627	Natchi-	
Beauregard	356	touches	555
Bienville	298	Ouachita	671
Bossier	555	Pointe	
Caddo	611	Coupee	520
Caldwell	679	Rapides	740
Catahoula	597	Red River	560
Claiborne	243	Richland	573
Concordia	611	Sabine	352
De Soto	298	St. Helena	335
East Baton		St. Landry	555
Rouge	294	St. Martin	451
East Carroll	765	St. Tammany	264
East Fel-		Tangipahoa	255
ciana	381	Tensas	736
Evangeline	532	Union	346
Franklin	573	Vermilion	415
Grant	555	Vernon	351
Iberia	331	Washington	382
Iberville	256	Webster	349
Jackson	274	West Baton	
Jefferson		Rouge	473
Davis	407	West Carroll	573
Lafayette	489	West	
La Salle	590	Felician	389
Lincoln	313	Winn	265

MISSISSIPPI

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Adams	394	Chickasaw	585
Alcorn	632	Choctaw	602
Amite	414	Claiborne	529
Attala	653	Clarke	447
Benton	632	Clay	553
Bolivar	727	Coahoma	781
Calhoun	629	Copiah	498
Carroll	688	Covington	491

RULES AND REGULATIONS

MISSISSIPPI—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
De Soto	658	Neshoba	452
Forrest	467	Newton	434
Franklin	360	Noxubee	581
George	399	Oktibbeha	451
Greene	434	Panola	767
Grenada	768	Pearl River	367
Hancock	335	Perry	397
Harrison	395	Pike	397
Hinds	536	Pontotoc	637
Holmes	852	Prentiss	616
Humphreys	820	Quitman	760
Issaquena	823	Rankin	591
Itawamba	568	Scott	523
Jackson	435	Sharkey	902
Jasper	413	Simpson	456
Jefferson	421	Smith	449
Jefferson Davis	449	Stone	369
Jones	458	Sunflower	758
Kemper	475	Tallahatchie	814
Lafayette	578	Tate	774
Lamar	471	Tippah	680
Lauderdale	416	Tishomingo	565
Lawrence	438	Tunica	758
Leake	580	Union	630
Lee	518	Walthall	442
Leflore	823	Warren	681
Lincoln	419	Washington	830
Lowndes	548	Wayne	505
Madison	600	Webster	697
Marion	422	Wilkinson	429
Marshall	697	Winston	556
Monroe	581	Yalobusha	741
Montgomery	718	Yazoo	839

MISSOURI

Bollinger	460	New Madrid	607
Butler	568	Oregon	422
Cape		Pemiscot	649
Girardeau	560	Ripley	501
Carter	453	Scott	551
Dunklin	619	Stoddard	626
Howell	560	Vernon	455
Mississippi	649	Wayne	465

NEVADA

Clark	734	Nye	874
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NEW MEXICO

Bernalillo	556	Hidalgo	853
Chaves	862	Lea	479
Curry	565	Luna	914
De Baca	415	Otero	714
Dona Ana	842	Quay	576
Eddy	784	Roosevelt	574
Grant	729	Sierra	801
Guadalupe	486	Socorro	650
Harding	250	Valencia	503

NORTH CAROLINA

Alamance	301	Duplin	335
Alexander	361	Durham	329
Anson	459	Edgecombe	486
Beaufort	437	Forsyth	308
Bertie	448	Franklin	411
Bladen	355	Gaston	399
Brunswick	339	Gates	514
Burke	335	Granville	355
Cabarrus	375	Greene	355
Caldwell	326	Guilford	319
Camden	457	Halifax	500
Carteret	308	Harnett	440
Catawba	350	Hertford	471
Chatham	337	Hoke	444
Chowan	442	Hyde	351
Cleveland	522	Iredell	413
Columbus	312	Johnston	406
Craven	298	Jones	324
Cumberland	415	Lee	386
Currituck	415	Lenoir	315
Davidson	326	Lincoln	498
Davie	357	Martin	446

NORTH CAROLINA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Mecklenburg	413	Robeson	438
Montgomery	436	Rowan	446
Moore	417	Rutherford	484
Nash	437	Sampson	413
New Hanover	353	Scotland	535
Northampton	518	Stanly	442
Onslow	312	Tyrrell	408
Orange	308	Union	477
Pamlico	348	Vance	415
Pasquotank	395	Wake	382
Pender	312	Warren	364
Perquimans	460	Washington	327
Person	354	Wayne	354
Pitt	389	Wilkes	301
Polk	453	Wilson	400
Randolph	326	Yadkin	315
Richmond	427		

OKLAHOMA

Adair	244	La Flore	349
Atoka	231	Lincoln	280
Beaver	228	Logan	304
Beckham	286	Love	253
Blaine	278	McClain	340
Bryan	289	McCurtain	536
Caddo	340	McIntosh	358
Canadian	344	Major	273
Carter	278	Marshall	267
Cherokee	294	Mayes	277
Chocktaw	323	Murray	331
Cimarron	339	Muskogee	366
Cleveland	304	Noble	256
Coal	289	Nowata	288
Comanche	189	Okfuskee	263
Cotton	184	Oklahoma	267
Craig	282	Okmulgee	276
Creek	231	Osage	378
Custer	382	Pawnee	310
Dewey	256	Payne	300
Ellis	271	Pittsburg	306
Garfield	293	Pontotoc	240
Garvin	378	Pottawatomie	262
Grady	372	Pushmataha	211
Grant	218	Roger Mills	304
Greer	269	Rogers	326
Harmon	368	Seminole	258
Harper	247	Sequoyah	547
Haskell	512	Stephens	287
Hughes	304	Texas	433
Jackson	404	Tillman	280
Jefferson	233	Tulsa	333
Johnston	293	Wagoner	374
Kay	289	Washington	331
Kingfisher	209	Washita	323
Kiowa	221	Woodward	233
Latimer	224		

SOUTH CAROLINA

Abbeville	483	Greenwood	418
Aiken	525	Hampton	611
Allendale	572	Horry	300
Anderson	528	Jasper	328
Bamberg	546	Kershaw	402
Barnwell	510	Lancaster	487
Beaufort	312	Laurens	484
Berkeley	406	Lee	617
Calhoun	638	Lexington	469
Charleston	341	McCormick	416
Cherokee	466	Marion	400
Chester	419	Marlboro	602
Chesterfield	510	Newberry	427
Clarendon	561	Oconee	492
Colleton	430	Orangeburg	568
Darlington	584	Pickens	419
Dillon	504	Richland	526
Dorchester	514	Saluda	550
Edgefield	562	Spartanburg	395
Fairfield	343	Sumter	514
Florence	392	Union	420
Georgetown	277	Williamsburg	373
Greenville	447	York	432

TENNESSEE

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Bedford	528	Lawrence	518
Benton	550	Lewis	460
Bradley	415	Lincoln	529
Cannon	512	Loudon	461
Carroll	656	McMinn	356
Chester	641	McNairy	610
Coffee	491	Madison	681
Crockett	743	Marion	488
Cumberland	471	Marshall	467
Davidson	434	Maury	427
Decatur	588	Meigs	387
De Kalb	410	Monroe	362
Dyer	670	Moore	449
Fayette	558	Obion	659
Franklin	591	Perry	462
Gibson	688	Polk	416
Giles	505	Rhea	434
Grundy	504	Robertson	440
Hamilton	429	Rutherford	543
Hardeman	676	Shelby	619
Hardin	561	Tipton	695
Haywood	685	Van Buren	553
Henderson	644	Warren	467
Henry	567	Wayne	530
Hickman	467	Weakley	573
Humphreys	404	White	452
Knox	650	Williamson	442
Lake	700	Wilson	383
Lauderdale	714		

TEXAS

Anderson	316	Crockett	404
Andrews	437	Crosby	631
Angelina	338	Culberson	749
Aransas	336	Dallam	457
Archer	194	Dallas	252
Armstrong	308	Dawson	397
Atascosa	229	Deaf Smith	495
Austin	378	Delta	334
Bailey	491	Denton	274
Bandera	465	De Witt	266
Bastrop	211	Dickens	292
Baylor	234	Dimmit	485
Bee	305	Donley	333
Bell	234	Duval	118
Bexar	220	Eastland	130
Blanco	160	Ector	433
Borden	339	Ellis	277
Bosque	180	El Paso	877
Bowie	578	Erath	199
Brazoria	601	Falls	275
Brazos	638	Fannin	271
Brewster	502	Fayette	283
Briscow	542	Fisher	333
Brooks	165	Floyd	707
Brown	127	Foard	217
Burleson	572	Fort Bend	534
Burnet	157	Franklin	214
Caldwell	290	Freestone	203
Calhoun	493	Frio	654
Callahan	135	Gaines	538
Cameron	530	Galveston	460
Camp	241	Garza	359
Carson	325	Gillespie	131
Cass	308	Glasscock	651
Castro	673	Goliad	237
Chambers	332	Gonzales	213
Cherokee	259	Gray	297
Childress	382	Grayson	244
Clay	265	Gregg	168
Cochran	549	Grimes	331
Coke	141	Guadalupe	278
Coleman	164	Hale	687
Collin	265	Hall	342
Collingsworth	320	Hamilton	173
Comal	250	Hansford	299
Comanche	140	Hardeman	278
Concho	210	Hardin	363
Cooke	272	Harris	892
Coryell	209	Harrison	213
Cottle	256	Hartley	304
		Haskell	294

TEXAS—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Hays	270	Palo Pinto	203
Hemphill	373	Panola	217
Henderson	174	Parker	181
Hidalgo	555	Parmer	727
Hill	233	Pecos	502
Hockley	537	Polk	262
Hood	215	Potter	485
Hopkins	161	Presidio	884
Houston	346	Rains	179
Howard	275	Randall	333
Hudspeth	702	Reagan	730
Hunt	219	Real	507
Irion	196	Red River	378
Jack	209	Reeves	854
Jackson	472	Refugio	575
Jasper	306	Roberts	451
Jeff Davis	739	Robertson	670
Jefferson	270	Rockwall	250
Jim Hogg	124	Runnels	246
Jim Wells	231	Rusk	303
Johnson	237	Sabine	241
Jones	241	San Augustine	211
Karnes	205	San Jacinto	243
Kaufman	228	San Patricio	472
Kendall	318	San Saba	264
Kent	238	Schleicher	250
Kerr	222	Scurry	362
Kimble	157	Shackelford	239
King	222	Shelby	241
Kinney	287	Smith	210
Kleberg	301	Somervell	220
Knox	315	Starr	285
Lamar	304	Stephens	157
Lamb	570	Sterling	245
Lampasas	119	Stonewall	222
La Salle	197	Sutton	555
Lavaca	242	Swisher	659
Lee	201	Tarrant	245
Leon	273	Taylor	193
Liberty	505	Terrell	593
Limestone	152	Terry	596
Live Oak	230	Throck-	
Llano	176	morton	204
Loving	350	Titus	235
Lubbock	533	Tom Green	257
Lynn	459	Travis	221
McCulloch	159	Trinity	290
McLennan	224	Tyler	378
McMullen	105	Upshur	144
Madison	404	Upton	645
Marion	132	Uvalde	728
Martin	346	Val Verde	569
Mason	346	Van Zandt	168
Matagorda	507	Victoria	405
Maverick	536	Walker	292
Medina	584	Waller	377
Menard	147	Ward	350
Midland	411	Washington	327
Milam	278	Webb	647
Mills	215	Wharton	523
Mitchell	343	Wheeler	304
Montague	222	Wichita	273
Montgomery	249	Wilbarger	279
Moore	435	Willacy	385
Morris	211	Williamson	325
Motley	265	Wilson	243
Nacogdoches	273	Winkler	400
Navarro	227	Wise	175
Newton	223	Wood	176
Nolan	304	Yoakum	526
Nueces	846	Young	168
Ochiltree	456	Zapata	706
Oldham	318	Zavala	760

VIRGINIA

Accomack	309	Lunenburg	336
Brunswick	367	Mecklenburg	351
Charlotte	326	Nansemond	375
Chesapeake	442	Patrick	417
Cumberland	334	Prince Edward	376
Dinwiddie	284	Prince George	392
Franklin	417	Southampton	418
Greensville	516	Surry	465
Isle of Wight	498	Sussex	315

(Secs. 301(b) (13) (L), 79 Stat. 1197; 7 U.S.C. 1301(b) (13) (L))

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 5, 1966.

E. A. JAENKE,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10999; Filed, Oct. 10, 1966; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 932—OLIVES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

On September 21, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 12483) regarding proposed expenses and the related rate of assessment for the fiscal year ending August 31, 1967, pursuant to the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented including the proposals set forth in such notice which were submitted by the Olive Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 932.202 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the fiscal year ending August 31, 1967, will amount to \$73,500.

(b) *Rate of assessment.* The rate of assessment for said year, payable by each first handler in accordance with § 932.39, is fixed at \$1.75 per ton, or equivalent quantity, of olives.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable olives from the beginning of such year; and (2) such year began on September 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable olives beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 7, 1966.

F. L. SOUTHERLAND,

Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11102; Filed, Oct. 11, 1966; 8:49 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Establishment of Reserve and Carryover of Unexpended Funds

Notice was published in the September 21, 1966, issue of the FEDERAL REGISTER (31 F.R. 12483), that consideration was being given to a proposal for establishing a reserve and that unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1966, be placed in said reserve, to be used in accordance with the provisions of § 932.40 of the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Olive Administrative Committee, established pursuant to the provisions of the said marketing agreement and order, it is hereby determined that:

§ 932.203 Reserve.

(a) It is necessary and appropriate to establish and maintain a reserve in an amount not to exceed approximately 1 crop year's expenses to be used in accordance with the provisions of § 932.40 of the marketing agreement and this part, and

(b) Assessments collected for the fiscal year ended August 31, 1966, were in excess of the expenses for such period and the committee is hereby authorized to place such excess in said reserve.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 7, 1966.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11101; Filed, Oct. 11, 1966; 8:48 a.m.]

[947.324, Amdt. 2]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agree-

ment and order, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1003) in that (1) shipments of 1966 crop potatoes grown in the production area are now being made, (2) to maximize benefits to producers, this amendment should apply to as many shipments as possible, (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. The introductory paragraph and paragraph (a), of § 947.324 (31 F.R. 9269, 12709) are amended to read as follows:

§ 947.324 Limitation of shipments.

During the period October 17, 1966, through June 30, 1967, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section, as applicable.

(a) *Minimum quality requirements.*—(1) *Grade.* All varieties—U.S. No. 2, or better, grade.

(2) *Size*—(i) *Round varieties.* 1 $\frac{3}{8}$ inches minimum diameter.

(ii) *All other varieties grown in Districts No. 1, No. 2, and No. 4.* 2 inches minimum diameter or 4 ounces minimum weight.

(iii) *All other varieties grown in District No. 3.* 1 $\frac{3}{8}$ inches minimum diameter, except that for potatoes grading U.S. No. 1, or better, grade, the size requirement is 2 inches minimum diameter or 4 ounces minimum weight.

(iv) *All varieties.* Size B if U.S. No. 1, or better, grade.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 6, 1966, to become effective October 17, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-11075; Filed, Oct. 11, 1966;
8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 822—BUREAUS AND OFFICES

Bureau of Facilities

In § 822.7, a new paragraph (h) (1) is inserted to show the functions and duties of the Field Liaison Officer, Realty Division, and present paragraph (h) (1), (2), and (3) are redesignated paragraph (h) (2), (3), and (4) respectively.

As the addition of a new paragraph (h) (1) to § 822.7 relates to a proprietary function of the Government and does not affect substantive rights, advanced notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest. Accordingly, new § 822.7 (h) (1) is revised to read as follows effective upon publication in the *FEDERAL REGISTER*.

§ 822.7 Bureau of Facilities.

(h) *Realty Division.* * * *

(1) *Field Liaison Officer.* (i) Represents the Director, Realty Division in reviewing and evaluating the quality and scope of regional real estate programs and implementation of headquarter's policies and directives. Recommends action to assure immediate, as well as long term, regional improvement in programs, policies, and procedures; directs on-site improvement within previously established policies and procedures.

(ii) Maintains close liaison with regional officials in developing realty information for use by bureaus and offices having primary responsibility in various areas, as well as assisting regional officials in effecting Departmental policies and decisions.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 7, 1966.

[F.R. Doc. 66-11100; Filed, Oct. 11, 1966;
8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

Dardanelle Reservoir Area

The Secretary of the Army having determined that the use of the Dardanelle Reservoir Area by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be

inconsistent with the operation and maintenance of the reservoir for its primary purpose, hereby prescribes rules and regulations for its public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195), adding the reservoir to the list in § 326.1(c), as follows:

§ 326.1 Areas covered.

(c) The areas covered by this part are:

ARKANSAS

Dardanelle Reservoir Area, Arkansas River

[Regs., Sept. 23, 1966, ENGWC-OM] (sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11059; Filed, Oct. 11, 1966;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

FOREIGN PAYEES

In § 3.653, paragraphs (b) and (c) are amended to read as follows:

§ 3.653 Foreign residence.

(b) *Retroactive payments.* Any amount not paid to an alien under this section, together with any amounts placed to his credit in the special deposit account in the Treasury or covered into the Treasury as miscellaneous receipts under 31 U.S.C. 123-128 will be paid to him on the filing of a new claim. Such claim should be supported with evidence that he has not been guilty of mutiny, treason, or sabotage or rendering assistance to an enemy, as provided in § 3.902(a). (38 U.S.C. 3109)

(c) *Treasury Department list.* This paragraph is applicable to claims for benefits for aliens residing in countries identified on the list established by the Secretary of the Treasury as countries to which checks could not be delivered with reasonable assurance that the payee would actually receive and be able to negotiate a check for full value.

(1) *Evidence requests.* Requests for evidence to establish either basic or continued entitlement will not be made where such evidence would be obtained from a country on the Treasury Department list unless the claimant requests

that checks be sent to him in care of a U.S. Foreign Service post in a country which is not on the list.

(2) *Awards.* Payments for a claimant residing in a country included in the Treasury Department list will not be authorized unless the claimant requests that checks be sent to him in care of a U.S. Foreign Service post in a country which is not on the list.

(3) *Retroactive payments.* Where award action is authorized under subparagraph (2) of this paragraph, or a new claim has been filed after a country has been removed from the Treasury Department list, all benefits to which the payee is otherwise entitled will be paid as provided in paragraph (b) of this section. There is no time limit for filing claim.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective date of approval.

By direction of the Administrator.

Approved: October 6, 1966.

[SEAL]

CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11079; Filed, Oct. 11, 1966;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 909]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA, IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1966-67 Fiscal Period and Carry-over of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1966, through July 31, 1967, will amount to \$138,000.

(b) That the Secretary of Agriculture fix the rate of assessment for such period, payable by each handler in accordance with § 909.41, at three cents (\$0.03) per carton; and

(c) That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing

Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 6, 1966.

FLÖYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 66-11076; Filed, Oct. 11, 1966;
8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 40]

FARM LABOR CONTRACTOR REGISTRATION

Notice of Proposed Rule Making

Pursuant to section 14 of the Farm Labor Contractor Registration Act of 1963 (7 U.S.C. 2053), and Secretary of Labor's Orders Nos. 36-64 and 37-64 (30 F.R. 1139), 29 CFR Part 40 is proposed to be amended in the manner set forth below. The changes are proposed primarily to implement the administration of the insurance provisions of the Act and to eliminate the necessity for the issuance of a new Farm Labor Contractor Employee Identification Card whenever a full-time or regular employee who engages in farm labor contracting activities changes his employer.

Interested persons may submit written data, views, and arguments concerning the proposed amendments within 15 days of their publication in the *FEDERAL REGISTER*. Such submissions should be filed by mail with the Administrator, Bureau of Employment Security, U.S. Department of Labor, Washington D.C. 20210.

1. Section 40.3 would be amended to read as follows:

§ 40.3 Certificate of Registration required.

(a) On or after January 1, 1965, the effective date of the Farm Labor Contractor Registration Act of 1963, any person who desires to engage in activities as a farm labor contractor, as defined in the Act, must first obtain a Certificate of Registration.

(b) A farm labor contractor who holds a valid Certificate of Registration is responsible for assuring that his full-time or regular employees have filed applications for Farm Labor Contractor Employee Identification Cards before they participate in any of the activities enumerated in section 3(b) of the Act.

2. Section 40.4 would be amended to read as follows:

§ 40.4 Application for Certificate of Registration.

(a) The application for a Certificate of Registration on Form ES-410 is available and must be executed and filed in any office of the Employment Service of the various States, except that in States requiring licensing or registration of farm labor contractors under State law, such application shall be available and shall be filed at the Employment Service office of such State or the same office where the State registration or license is filed, whichever may be designated by the Governor of such State.

(b) The application shall set forth the information required thereon, shall be subscribed and sworn to by the applicant and shall have attached the applicant's fingerprints on a completed Form FD-258.

(c) Before any person may transport, within the meaning of the Act, migrant workers and their property in any vehicle which he owns, operates, or causes to be operated, he shall have complied with the insurance or financial responsibility requirements of the Act by having submitted the following:

(1) A completed Farm Labor Contractor Automobile Liability Certificate of Insurance, showing that the passenger hazard is included (as evidence of liability insurance which covers the workers while being transported). Such certificate represents that an automobile liability insurance policy including a Farm Labor Contractor Liability Endorsement provides insurance in an amount not less than that required under the law or regulation of any State in which such applicant operates a vehicle in connection with his business, activities, or operations as a farm labor contractor; but in no event less than \$5,000 for bodily injuries to or death of one person; \$20,000 for bodily injuries to or death of all persons injured or killed in any one accident; \$5,000 for the loss or damage in any one accident to property of others, and that it was obtained from an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained; or

(2) Proof of financial responsibility evidenced by (i) a completed Farm Labor Contractor Standard Accident Policy Certificate of Insurance, as evidence of the issuance of a Farm Labor Contractor Standard Accident Policy, in addition to a completed Farm Labor Contractor Automobile Liability Certificate of Insurance, if the Farm Labor Contractor Automobile Liability Policy shows that the passenger hazard has been excluded; or (ii) a liability bond executed by the applicant, identified in the instrument as the "principal," to-

gether with a third party, identified in the instrument as the "surety," to assure payment of any liability up to \$50,000 for damages to persons or property arising out of the applicant's ownership of, operation of, or his causing to be operated any vehicle for the transportation of migrant workers in connection with his business, activities, or operations as a farm labor contractor. The "surety" shall be one which appears on the list contained in Treasury Department Circular 570, with an underwriting limit of not less than \$50,000 or which has been approved by the Secretary under the Welfare and Pension Plan Disclosure Act, as amended. Treasury Department Circular 570 may be obtained from the U.S. Treasury Department, Bureau of Accounts, Division of Deposit and Investments, Surety Bonds Branch, Washington, D.C. 20226.

(d) The foregoing provisions of paragraph (c) of this section must be complied with, except to the extent that other arrangements have been approved by the Secretary.

(e) Any insurance policy or liability bond which is obtained pursuant to this Act should provide the required coverage for the full period during which the applicant for a Certificate of Registration shall be engaged in transporting migrant workers within the meaning of the Act during a calendar year. If a policy or liability bond shall expire within 30 days of the date of filing an application for a Certificate of Registration, such Certificate will not be issued unless the applicant shall have submitted written evidence of renewal or extension of said policy or liability bond for the period of time during which migrant workers will be transported. In the event that a policy or liability bond shall expire on a date which exceeds 30 days from the date of application for a Certificate of Registration, proof of renewal or extension of a policy or of a liability bond must be submitted promptly to the Regional Administrator who has issued the Certificate of Registration. The requirements of this paragraph do not excuse compliance with the provisions hereinafter set forth in § 40.11.

(f) Before any person may transport migrant workers within the meaning of the Act, he shall submit evidence satisfactory to the Regional Administrator that he is in compliance with the rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce.

(g) The holder of a valid Certificate of Registration may request the renewal of his Certificate of Registration by executing and filing with a local office of the Employment Service of the various States or any office designated by the Governor of a State pursuant to section 40.4 the following: (1) An application which shall set forth the information required thereon; (2) proof of insurance coverage as required in paragraph (c) (1) of this section or proof of financial responsibility as required in paragraph (c) (2) of this section; (3) upon request, a completed Form FD-258 Fingerprint

Card; and (4) upon request, evidence of compliance with applicable rules and regulations promulgated by the Interstate Commerce Commission.

(h) If a Certificate of Registration is lost or destroyed, a duplicate Certificate of Registration may be obtained by submission to any Regional Office of the Bureau of Employment Security of a written statement explaining its loss or destruction, indicating where the original application was filed and requesting that a duplicate be issued.

3. Section 40.5 would be amended to read as follows:

§ 40.5 Corporations, partnerships, associations, and other organizations.

Any corporation, partnership, association, or other organization which is a farm labor contractor within the meaning of the Act must obtain a Certificate of Registration. If any officer, director, partner, or member of a corporation, partnership, association, or other organization, engages in any of the covered farm labor contracting activities as a full-time or regular employee of such business organization, he must comply with the requirements for obtaining a Farm Labor Contractor Employee Identification Card.

4. Section 40.6 would be amended to read as follows:

§ 40.6 Farm Labor Contractor Employee Identification Cards, Applications.

(a) Any person who intends to be employed as a full-time or regular employee in any of the covered farm labor contracting activities by a farm labor contractor who is a holder of a valid Certificate of Registration must obtain a Farm Labor Contractor Employee Identification Card. This can be obtained by submitting Form ES-412, Application for Farm Labor Contractor Employee Identification Card, which shall be subscribed and sworn to by the applicant. The applicant shall submit a completed Form FD-258, Fingerprint Card. These forms are available at any local office of the Employment Service of the various States or any office designated by the Governor of the State pursuant to section 40.4.

(b) An application for a Farm Labor Contractor Employee Identification Card shall be acknowledged by the Regional Administrator. Until a determination is made upon the application, such acknowledgment shall authorize the applicant to engage in any of the covered activities of a farm labor contractor, as defined in the Act, in behalf of any holder of a valid Certificate of Registration. While engaging in such activities, the employee must have in his possession either the letter of acknowledgment, which shall not be effective for more than 30 days, or a Farm Labor Contractor Employee Identification Card where such has been issued. Such employee shall not be engaged as a driver of a bus or truck for transportation of migrant workers in connection with the business, activities, or operations of a farm labor

contractor subject to the Act, unless he shall comply with rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce.

(c) If a Farm Labor Contractor Employee Identification Card is lost or destroyed, a duplicate Farm Labor Contractor Employee Identification Card may be obtained by submitting to any Regional Office of the Bureau of Employment Security a written statement explaining its loss or destruction, indicating where the original application was filed, and requesting that a duplicate be issued.

(d) The Farm Labor Contractor Employee Identification Card authorizes the employee to engage in activities as a farm labor contractor within the meaning of the Act in behalf of any holder of a valid Certificate of Registration.

(e) A holder of a valid Farm Labor Contractor Employee Identification Card may request renewal of such card by executing and filing at a local office of the Employment Service of the various States or to any office designated by the Governor of a State pursuant to section 40.4 the following: (1) An application for renewal; (2) upon request, a Form FD-258, Fingerprint Card; and (3) upon request, a Form ES-415, Doctor's Certificate.

5. Paragraphs (a), (b), and (c) (9) and (15) of section 40.10 would be amended to read as follows:

§ 40.10 Terms of Certificates of Registration, other conditions and obligations.

(a) Certificates of Registration and Farm Labor Contractor Employee Identification Cards shall expire on each December 31. In any case in which an application for renewal of a valid Certificate of Registration submitted in accordance with the requirements of § 40.4 or employee identification card submitted in accordance with the requirements of § 40.6 has been made on or before November 30 of the year preceding the year for which renewal is sought, the authority to operate as a farm labor contractor or employee of a certificate holder shall not expire until the application shall have been finally determined by the Administrator.

(b) [Revoked]

(c) Certificates of Registration and Farm Labor Contractor Employee Identification Cards may be revoked or suspended, or issuance or renewal thereof refused, if the applicant or registrant:

* * * * *

(9) Knowingly employs or continues to employ any person, to whom subsection (b) of section 4 of the Act applies, who has taken any action, except for that listed in subparagraph (15) of this paragraph, which could be used by the Administrator to refuse to issue a Certificate of Registration or a Farm Labor Contractor Employee Identification Card.

* * * * *

(15) Has failed to obtain or maintain in effect, or, has had canceled or terminated, any insurance policy or liability bond required by the Act and this part and cannot demonstrate financial responsibility acceptable to the Secretary or his representative.

6. Section 40.11 would be amended to read as follows:

§ 40.11 Cancellation of insurance, review of financial responsibility, change of ownership.

(a) Any insurance policy or liability bond required by the Act or this part shall provide that it shall not be canceled, rescinded, or suspended, nor become void for any reason whatsoever during such period in which the insurance or liability bond is required by the Act to be effective, except by the expiration of the term for which it is written, or until the company or the named insured, in the case of an insurance policy, or the "surety" or the "principal," in the case of a liability bond, shall have first given thirty (30) days' notice in writing by registered mail to the Director of the Office of Farm Labor Service, Bureau of Employment Security, U.S. Department of Labor, Washington, D.C., said thirty (30) days' notice to commence to run from the date notice is actually received.

(b) Any change in the membership or officers of a holder of a valid Certificate of Registration from that most recently reported shall within twenty (20) days of the change be reported in writing by registered mail to the Regional Administrator who issued the Certificate of Registration.

§ 40.27 [Revoked]

7. Section 40.27 would be revoked.
(Sec. 14, 78 Stat. 924; 7 U.S.C. 2053)

Signed at Washington, D.C., this 6th day of October, 1966.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[F.R. Doc. 66-11068, Filed, Oct. 11, 1966;
8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 75]

[Airspace Docket No. 66-WE-58]

JET ROUTE

Proposed Realignment

The Federal Aviation Agency is considering an amendment to Part 75 of the Federal Aviation Regulations which would alter Jet Route No. 9.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Jet Route No. 9 is presently aligned in part from Milford, Utah, via Provo, Utah; Salt Lake City, Utah; to Ogden, Utah. It is proposed herein to realign this portion of J-9 from Milford direct to Ogden. Such action would eliminate two doglegs which exist in the current routing and would decrease the jet route distance by 11 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 5, 1966.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 66-11065; Filed, Oct. 11, 1966;
8:45 a.m.]

NATIONAL MEDIATION BOARD

[29 CFR Part 1207]

ESTABLISHMENT OF SPECIAL ADJUSTMENT BOARDS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the Railway Labor Act, as amended (45 U.S.C. 151-163), it is proposed to add a new Part 1207 to Title 29, Chapter X, of the Code of Federal Regulations, to read as set forth below.

The proposed regulations define responsibilities and prescribe related procedures of the National Mediation Board under Public Law 89-456 (80 Stat. 208), which amended the Railway Labor Act to provide for establishment of special adjustment boards upon the request of either the representatives of employees or of carriers to resolve disputes otherwise referable to the National Railroad Adjustment Board.

If further hearings are deemed necessary, they shall be held within ten (10) days in the offices of the National Mediation Board.

By direction of the National Mediation Board.

THOMAS A. TRACY,
Executive Secretary.

Sec.
1207.1 Establishment of special adjustment boards (PL Boards).
1207.2 Requests for Mediation Board action.

Sec.
1207.3 Compensation of neutrals.
1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

AUTHORITY: The provisions of this Part 1207 issued under the Railway Labor Act, as amended (45 U.S.C. 151-163).

§ 1207.1 Establishment of special adjustment boards (PL Boards).

Public Law 89-456 (80 Stat. 208) governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of special adjustment boards, hereinafter referred to as PL Boards. Public Law 89-456 requires action by the National Mediation Board in the following circumstances:

(a) *Designation of party member of PL Board.* Public Law 89-456 provides that within thirty (30) days from the date a written request is made by an employee representative upon a carrier, or by a carrier upon an employee representative, for the establishment of a PL Board, an agreement establishing such a Board shall be made. If, however, one party fails to designate a member of the Board, the party making the request may ask the Mediation Board to designate a member on behalf of the other party. Upon receipt of such request, the Mediation Board will notify the party which failed to designate a partisan member for the establishment of a PL Board of the receipt of the request. The Mediation Board will then designate a representative on behalf of the party upon whom the request was made. This representative will be an individual associated in interest with the party he is to represent. The designee, together with the member appointed by the party requesting the establishment of the PL Board, shall constitute the Board.

(b) *Appointment of a procedural neutral to determine matters concerning the establishment and/or jurisdiction of a PL Board.* (1) When the members of a PL Board constituted in accordance with paragraph (a) of this section are unable to agree on questions concerning the establishment of the Board and/or its jurisdiction, either party may, within ten (10) days after their failure to agree, request the Mediation Board to appoint a neutral member to determine these procedural issues.

(2) Upon receipt of this request, the Mediation Board will notify the other party to the PL Board. The Mediation Board will then designate a neutral member to sit with the PL Board and resolve the procedural issues in dispute. When the neutral has determined the procedural issues in dispute, he shall cease to be a member of the PL Board.

(c) *Appointment of neutral to sit with PL Boards and dispose of disputes.* (1) When the members of a PL Board constituted by agreement of the parties, or by the appointment of a party member by the Mediation Board, as described in paragraph (a) of this section, are unable to agree upon awards disposing of the dispute or group of disputes, and are unable to agree upon the selection of a

neutral to assist them in this endeavor, either member of the Board may, within ten (10) days after their failure to agree, request the Mediation Board to appoint each neutral person. Upon receipt of such a request, the Mediation Board will notify the other party to the Board, and will make such appointment.

(2) A request for the appointment of a neutral under the paragraph (b) of this section or this paragraph (c) shall:

- (i) Show the authority for the request—Public Law 89-456, and
- (ii) Define and list the proposed specific issues or disputes to be heard.

§ 1207.2 Requests for Mediation Board action.

(a) Requests for the National Mediation Board to appoint neutrals or party representatives should be made on NMB Form 5.

(b) Those authorized to sign request on behalf of parties:

(1) The "representative of any craft or class of employees of a carrier," as referred to in Public Law 89-456, making request for Mediation Board action, shall be either the General Chairman, Grand Lodge Officer (or corresponding officer of equivalent rank), or the Chief Executive of the representative involved. A request signed by a General Chairman or Grand Lodge Officer (or corresponding officer of equivalent rank) shall bear the approval of the Chief Executive of the employee representative.

(2) The "carrier representative" making such a request for the Mediation Board's action shall be the highest car-

rier officer designated to handle matters arising under the Railway Labor Act.

(c) Docketing of PL Board agreements: The National Mediation Board will docket agreements establishing PL Board, which agreements meet the requirements of coverage as specified in Public Law 89-456. No neutral will be appointed under § 1207.1(c) until the agreement establishing the PL Board has been docketed by the Mediation Board.

§ 1207.3 Compensation of neutrals.

(a) *Neutrals appointed by the National Mediation Board.* All neutral persons appointed by the National Mediation Board under the provisions of § 1207.1 (b) and (c) will be compensated by the Mediation Board in accordance with legislative authority. Certificates of appointment will be issued by the Mediation Board in each instance.

(b) *Neutrals selected by the parties.* (1) In cases where the party members of a PL Board created under Public Law 89-456 mutually agree upon a neutral person to be a member of the Board, the party members will jointly so notify the Mediation Board, which Board will then issue a certificate of appointment to the neutral and arrange to compensate him as under paragraph (a) of this section.

(2) The same procedure will apply in cases where carrier and employee representatives are unable to agree upon the establishment and jurisdiction of a PL Board, and mutually agree upon a procedural neutral person to sit with them as a member and determine such issues.

§ 1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

(a) *Designation of PL Boards.* All special adjustment boards created under Public Law 89-456 will be designated PL Boards, and will be numbered serially, commencing with No. 1, in the order of their docketing by the National Mediation Board.

(b) *Filing of agreements.* The original agreement creating the PL Board under Public Law 89-456 shall be filed with the National Mediation Board at the time it is executed by the parties. A copy of such agreement shall be filed by the parties with the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill.

(c) *Disposition of records.* Since the provisions of section 2(a) of Public Law 89-456 apply also to the awards of PL Boards created under this Act, two copies of all awards made by the PL Boards, together with the record of proceedings upon which such awards are based, shall be forwarded by the neutrals who are members of such Boards, or by the parties in case of disposition of disputes by PL Boards without participation of neutrals, to the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill., for filing, safekeeping, and handling under the provisions of section 2(q), as may be required.

[F.R. Doc. 66-11077; Filed, Oct. 11, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development LAUBACH LITERACY, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Reg. 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Laubach Literacy, Inc., 1011 Harrison Street,
Post Office Box 131, Syracuse, N.Y. 13210.

HERBERT J. WATERS,
Assistant Administrator
for Material Resources.

OCTOBER 4, 1966.

[F.R. Doc. 66-11072; Filed, Oct. 11, 1966;
8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-b]

TUBELESS TIRE VALVES FROM WEST GERMANY

Withholding of Appraisement Notice

OCTOBER 6, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of valves, tubeless tire, finished (except Item Nos. TR 413 and TR 415 produced by Alligator Ventilfabrik, Giengen-Brenz), imported from West Germany as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisement of valves, tubeless tire, finished (except Item Nos. TR 413 and TR 415 produced by Alligator Ventilfabrik, Giengen-Brenz), imported from West Germany. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on April 26, 1966. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 9751 of the FEDERAL REGISTER of July 19, 1966, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-11080; Filed, Oct. 11, 1966;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 073813]

MONTANA

Notice of Proposed Classification of Public Lands

OCTOBER 3, 1966.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412) notice is hereby given of a proposal to classify the lands described below for disposal through exchange under section 8 of the Act of June 28, 1934 (43 U.S.C. 315a) for lands within the El Rancho Glorietta, Watson, and Wheeler ranches located 25 air miles north of Forsyth, Mont.

The lands affected by this proposal are located in Northern Rosebud County and are described as follows:

PRINCIPAL MERIDIAN, MONTANA

- T. 10 N., R. 38 E.,
Sec. 10, All;
Sec. 12, W $\frac{1}{2}$;
Sec. 14, All;
Sec. 22, E $\frac{1}{2}$;
Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 8 N., R. 39 E.,
Sec. 10, N $\frac{1}{2}$;
Sec. 23, E $\frac{1}{2}$;
Sec. 24, S $\frac{1}{2}$;
Sec. 26, E $\frac{1}{2}$.
T. 9 N., R. 39 E.,
Sec. 18, Lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, and E $\frac{1}{2}$;
Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$;
Sec. 30, Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$.
T. 10 N., R. 39 E.,
Sec. 6, Lots 2, 3, 4, 5, 6, and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, Lots 1, 2, 3, and 4, and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 20, S $\frac{1}{2}$;
Sec. 28, E $\frac{1}{2}$;
Sec. 30, Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, All.

The areas described aggregate 7,365.06 acres.

This proposal has been discussed with District Advisory Board members, local governmental officials, and other interested parties. Information derived from these discussions and other sources indicates these lands meet the criteria of 43 CFR Part 2410.

Information concerning the lands, including the record of public discussions, is available for study at the Bureau of Land Management District Office, 217 South Eighth Street, Miles City, Mont.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Miles City District, Post Office Box 960, Miles City, Mont.

HAROLD TYSK,
State Director.

[F.R. Doc. 66-11067; Filed, Oct. 11, 1966;
8:46 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR Part 3380, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana as shown upon Ship Shoal Area, and Ship Shoal Area, South Addition, official leasing maps, and all other mapped areas to the east awarded to the United States by the Supplemental Decree of the Supreme Court, entered December 13, 1965, in United States v. Louisiana, No. 9, Original (382 U.S. 288), or included in Zone 3 as described in the Interim Agreement of October 12, 1956, between the United States and the State of Louisiana, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than January 9, 1967. Copies of nominations should be sent to the Regional Oil and Gas Supervisor, Geological Survey, T-6009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113. Envelopes should be marked "Nominations for leasing in the Outer Continental Shelf—Louisiana."

Official leasing maps in a set of 25 maps and cover sheet showing leasing blocks off Louisiana, may be purchased from the Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue (Post Office Box 53226), New Orleans, La. 70150, and the Director, Bureau of Land Management, Washington, D.C. 20240, for \$5 per set. Whole blocks or properly described subdivisions thereof not less than one quarter of a block may be nominated.

Any areas selected for competitive bidding will be published in the **FEDERAL REGISTER** and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: October 6, 1966.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 66-11081; Filed, Oct. 11, 1966;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2095) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing an amendment to § 121.1030 *Polysorbate 60* * * * to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) alone or in combination with sorbitan monostearate, polyoxyethylene (20) sorbitan tristearate, and/or polysorbate 80 as an emulsifier in whipped vegetable oil topping, provided that the amount of polysorbate 60 shall not exceed 0.77 percent of the weight of the finished whipped vegetable oil topping and no combination of these emulsifiers shall exceed 1.04 percent of the weight of such topping.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11103; Filed, Oct. 11, 1966;
8:49 a.m.]

CHIPMAN CHEMICAL CO., INC.

Notice of Filing of Petition Regarding Pesticide Bromoxynil

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0536) has been filed by Chipman Chemical Co., Inc., Post Office Box 1065, Burlingame, Calif. 94010, proposing a tolerance for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), from use of its octanoic acid ester, of 0.2 part per million (calculated

as bromoxynil) in or on the raw agricultural commodities barley, flax, oats, rye, and wheat.

The analytical method proposed in the petition for determining residues of bromoxynil is extraction with acetone followed by alkaline hydrolysis and measurement of the bromoxynil by infrared spectrophotometry.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11104; Filed, Oct. 11, 1966;
8:49 a.m.]

HOOVER CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2089) has been filed by Hoover Chemical Corp., Durez Plastics Division, Walck Road, North Tonawanda, N.Y. 14120, proposing that § 121.2576 *Cross-linked polyester resins* be amended to provide for the safe use of 1,4,5,6,7,7-hexachlorobicyclo - (2.2.1) - 5 - heptene-2,3 dicarboxylic acid (as a reactant) and 2-methyl hydroquinone (as an inhibitor) in the production of cross-linked polyester resins for repeated food-contact use.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11105; Filed, Oct. 11, 1966;
8:49 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1555) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.2514 *Resinous and polymeric coatings* be amended to provide for the use of ethyl acrylate-styrene-methacrylic acid copolymers and ethyl acrylate-methyl methacrylate-styrene-methacrylic acid copolymers as modifiers of epoxy resins used in the production of resinous and polymeric coatings for articles that contact food.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11106; Filed, Oct. 11, 1966;
8:49 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 7B2092, 7B2093, 7B2094) have been filed by Velsicol Chemical Corp., Industrial Chemicals Division, 341 East Ohio Street, Chicago, Ill. 60611, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of butyl benzoate, glyceryl tribenzoate, and benzyl benzoate as optional components of food-packaging adhesives.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11107; Filed, Oct. 11, 1966;
8:49 a.m.]

VIRGINIA CHEMICALS, INC.

Notice of Filing of Petition for Food Additive Sodium Hydrosulfite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2086) has been filed by Virginia Chemicals, Inc., West Norfolk, Va. 23703, proposing the issuance of a regulation to provide for the safe use of sodium hydrosulfite as a processing aid in sugar production.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11108; Filed, Oct. 11, 1966;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

THE FIRST PENNSYLVANIA BANKING & TRUST CO.

Notice of Approval of Applicant as Trustee

Notice is hereby given that The First Pennsylvania Banking & Trust Co., a Pennsylvania corporation, with offices at Southeast Corner 15th and Chestnut Streets, Philadelphia, Pa., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: October 10, 1966.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 66-11149; Filed, Oct. 11, 1966;
8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-59, 50-128]

TEXAS A & M UNIVERSITY

Notice of Issuance of Facility License Amendments

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-23 and Amendment No. 2, set forth below, to Facility License No. R-83. License Nos. R-23 and R-83, as previously issued, authorize The Texas Agricultural and Mechanical College System to operate its Model AGN-201, Serial No. 106 and the pool-type nuclear reactors, respectively, which are located on its campus at College Station, Tex. The amendments reflect a change in the name of the licensee from The Texas Agricultural and Mechanical College System to Texas A & M University.

By application for license amendment dated August 8, 1966, the licensee advised the Commission that the name of Texas Agricultural and Mechanical College had been changed to Texas A & M University. The licensee stated that there have been no changes in operating procedures or personnel for the reactors as a result of this change in name and requested that License Nos R-23 and R-83 be amended to reflect the change in name of its organization.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these amendments, see the application for license amendment dated August 8, 1966, a copy of which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 5th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. R-23; Amdt. 7]

The Atomic Energy Commission having found that:

a. The application for license amendment dated August 8, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the activities authorized by this license, as amended, can be conducted at the designated location without endangering the

health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. Texas A & M University is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. Texas A & M University is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. Texas A & M University is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended;

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-23, as amended, which authorizes The Texas Agricultural and Mechanical College System to operate its Model AGN-201, Serial No. 106 nuclear reactor located on its campus at College Station, Tex., is hereby further amended in accordance with the application.

1. "Texas A & M University" is substituted for "The Texas Agricultural and Mechanical College System" wherever it appears in License No. R-23.

2. This amendment is effective as of the date of issuance.

Date of issuance: October 5, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. R-83; Amdt. 2]

The Atomic Energy Commission having found that:

a. The application for license amendment dated August 8, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the activities authorized by this license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. Texas A & M University is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. Texas A & M University is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. Texas A & M University is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended;

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-83, as amended, which authorizes The Texas Agricultural and Mechanical College System to operate its pool-type nuclear reactor located on its campus at College Station, Tex., is hereby further amended in accordance with the application.

1. "Texas A & M University" is substituted for "The Texas Agricultural and Mechanical College System" wherever it appears in License No. R-83.

2. This amendment is effective as of the date of issuance.

Date of issuance: October 5, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11060; Filed, Oct. 11, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17597]

CIVIL AIR TRANSPORT CO., LTD.

Notice of Indefinite Postponement of Prehearing Conference

On October 5, 1966, Civil Air Transport Co., Ltd., requested a further postponement of the prehearing conference in this proceeding until October 13, 1966. Good cause has been shown by applicant in support of its request; however, inasmuch as the conference has been postponed on several previous occasions at its request it would appear more appropriate to postpone the matter for an indefinite period rather than to the date suggested by the applicant. Accordingly, notice is given herewith that the prehearing conference now assigned to be held on October 6, 1966, is hereby postponed indefinitely.

Dated at Washington, D.C., October 5, 1966.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 66-11083; Filed, Oct. 11, 1966; 8:47 a.m.]

[Docket No. 17711]

LINEA AEREA NACIONAL—CHILE (LAN)

Notice of Hearing

Application of Linea Aerea Nacional—Chile (LAN) for the further amendment of its amended foreign air carrier permit by the addition of New York, N.Y., as a coterminal point and the redesignation of Miami, Fla., as a coterminal point.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 18, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

Dated at Washington, D.C., October 6, 1966.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 66-11084; Filed, Oct. 11, 1966; 8:47 a.m.]

[Docket 17727]

W.A.A.C. (NIGERIA) LTD.**Notice of Postponement of Prehearing Conference**

Application for renewal of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that the prehearing conference on the above-entitled application now assigned for October 12, 1966, is postponed to October 19, 1966. The conference will be held at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 7, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11151; Filed, Oct. 11, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION**FARRELL LINES, INC., AND MESSRS. REDERIAKTIEBOLAGET HELSINGBORG****Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Gerald Shea, Traffic Manager, Operations, Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement 9581, between Farrell Lines, Inc., and Messrs. Rederiaktiebolaget Helsingborg, cover the establishment of a through billing arrangement for the movement of general cargo from Messrs. Rederiaktiebolaget Helsingborg's ports of call in New Guinea to Farrell Lines ports of call at U.S. Atlantic and Gulf ports with transshipment at Australian ports

in accordance with the terms and conditions set forth in the agreement.

Dated: October 6, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11085; Filed, Oct. 11, 1966; 8:47 a.m.]

GRACE LINE, INC., AND ROYAL NETHERLANDS STEAMSHIP CO.**Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. C. Astudillo, General Manager, Freight Rates and Conference Relations, Grace Line, Inc., 3 Hanover Square, New York, N.Y. 10004.

Agreement 9580, between Grace Line, Inc., and Royal Netherlands Steamship Co., proposes the establishment of a through billing service for the movement of general cargo from U.S. Pacific Coast ports to the ports of Georgetown, British Guiana; Paramaribo, Surinam; and Cayenne, French Guiana with transshipment at Port of Spain, Trinidad, in accordance with the terms and conditions set forth in the agreement.

Dated: October 6, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11086; Filed, Oct. 11, 1966; 8:47 a.m.]

MOORE-McCORMACK LINES, INC., AND ADOLFO MOREY E HIJOS**Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. B. Ewers, Attorney, Ira L. Ewers, Suite 401, 1000 16th Street NW., Washington, D.C. 20036.

Agreement 9579, between Moore-McCormack Lines, Inc., and Adolfo Morey E Hijos provides for the establishment of a through billing service for the movement of cargo between Peruvian Amazon Region ports and U.S. East Coast ports, with transshipment at Belem, Brazil. In addition, each company will act as the other's agent at the respective destinations, all in accordance with the terms and conditions of the agreement.

Dated: October 6, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11088; Filed, Oct. 11, 1966; 8:47 a.m.]

PACIFIC WESTBOUND CONFERENCE**Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

William C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement 57-86, between the member lines of the Pacific Westbound Conference, Agreement 57, as amended, would modify Article 6 of the basic agreement by deleting certain language pertaining to the retention of conference voting records previously required to appear in rate making agreements by the Commission's General Order No. 18. As initially promulgated by the Commission on January 29, 1966. By revised order issued September 1, 1966, this language is no longer required.

Dated: October 6, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11090; Filed, Oct. 11, 1966; 8:48 a.m.]

OCEANBROKERS, INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applications Therefor

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

LICENSEES

Oceanbrokers, Inc., 500 Sansome Street, San Francisco, Calif. 94111; License No. 1077, suspended September 19, 1966.

Eastern Freight Forwarders, Inc., Post Office Box 433, 309 St. Michael Street, Mobile, Ala.; License No. 1107, canceled September 21, 1966.

H. C. Richards Co. (Helen Currie Richards, d.b.a.) 125B 26th Street, Newport News, Va.; License No. 998, canceled September 13, 1966.

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANT

E & R Forwarders, Inc., 150 Broadway, New York, N.Y.; Application No. 654, denied September 14, 1966.

NEW APPLICANTS

Carl F. Ewig, Inc., 82 Wall Street, New York, N.Y. 10005; Application withdrawn September 21, 1966.

United Van Lines, Inc., No. 1 United Drive Fenton, St. Louis County, Mo. 73026; Application withdrawn September 26, 1966.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to

communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Air Freight Specialists, Inc., 140 Cedar Street, New York, N.Y. 10006; Martin Strauss, president; Pasquale Pascarella, secretary and treasurer.

Crescent Transport Co. (Adil Araboglu, d.b.a.), 1200 18th Street NW., Washington, D.C. 20036; Adil Araboglu, owner.

Cuestas Moving & Express Corp., 204 Nine Street, Brooklyn, N.Y.; Luciano Stella, president and treasurer; Manuel H. Medina, vice president and secretary.

Wilson Warehouse Co. of Texas, Inc., 2321 Sorrell Avenue, Post Office Box 748, Baton Rouge, La.; Ernest D. Wilson, president; Margaret M. Wilson, secretary and treasurer; Patricia W. Baldrige, vice president; C. D. Baldrige, Jr., vice president and general manager; Carolyn W. Sandor, vice president.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

R. J. Bolte, 223 Lafayette Building, Fifth and Chestnut Streets, Philadelphia, Pa.; License No. 1127.

Paul A. Boulo (Branch), 301 Pascagoula, Moss Point Bank Building, Pascagoula, Miss. 39567; License No. 788.

Pan American Shipping Co., Inc., Post Office Box 3385, New Orleans, La. 70117; License No. 245.

Bridgetts & Co., Inc., 27 Pearl Street, New York, N.Y. 10004; License No. 609.

Eyrnes & Lowry, 55 Broadway, New York, N.Y.; License No. 828.

Cleto Hernandez R., 267 West 89th Street, Suite 6-C, New York, N.Y. 10024; License No. 1108.

The Hipage Co., Inc. (Branch), 125B 26th Street, Newport News, Va.; License No. 498.

Impex Services, 260 California Street, Room 1105, San Francisco, Calif. 94111; License No. 27.

American Transatlantic Package Forwarders, 15 Park Row, New York, N.Y. 10038; License No. 708.

Luigi-Serra, Inc., 21 West Street, New York, N.Y. 10006; License No. 282.

M. A. Graser-Rothe, 414 Walnut Street, 703 Mercantile Library Building, Cincinnati, Ohio 45202; License No. 983.

Metro Shipping Corp., 50 Doncaster Road, Malverne, N.Y. 11565; License No. 368.

J. B. Wood Shipping Co., Inc., 17 Battery Place, New York, N.Y. 10004; License No. 81.

United States Forwarding Corp., 80 Broad Street, New York, N.Y.; License No. 12.

CHANGE OF OFFICERS

American Express Co. (License No. 289), 65 Broadway, New York, N.Y.; Brooks Banker, vice president; James A. Henderson, treasurer and senior vice president.

Orbit Shipping Corp. (License No. 138), 24 Stone Street, New York, N.Y.; Walter J. Cowan, traffic manager.

Trans Atlantic Shipping Co., Ltd. (License No. 1010), 52 Broadway, New York, N.Y. 10004; Galo Pineda, president; William G. Sikora, vice president; Ivan A. Barrow, secretary and treasurer.

Fulton Freight Forwarding Corp. (License No. 611), 32 Broadway, New York, N.Y.; Charles F. Capaldo, secretary.

Sorrentino Shipping, Inc. (License No. 878), 80 Broad Street, New York, N.Y. 10004; Robert R. Risch, vice president and treasurer; Alfred J. Visone, vice president and secretary.

C. H. Timms & Son, Inc. (License No. 579), 55 Broadway, New York, N.Y.; Charles H. Timm, Jr., president; William C. Fischefer, vice president; Robert A. Craft, vice president; Margaret C. Timm, secretary; Genevieve E. Timm, treasurer.

Florida Panama Forwarders, Inc. (License No. 1085), 844 Biscayne Boulevard, Miami, Fla. 33132; Julio Lecuona, secretary.

NEW APPLICANTS LICENSED

September 1966

Dickinson, Mikell & Comar, Inc., 4 North Atlantic Wharf, Suite 201, Charleston, S.C.; License No. 1129, issued September 6, 1966.

Air Freight Specialists, d.b.a. Hemisphere Air Freight, 140 Cedar Street, New York, N.Y.; License No. 1130, issued September 28, 1966.

CHANGE OF NAME

Alba Forwarding, Inc. (Branch), to Alba Chicago, Inc., 327 South La Salle Street, Chicago, Ill. 60604; License No. 267.

Dated: October 7, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11087; Filed, Oct. 11, 1966; 8:47 a.m.]

[Docket No. 66-53]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Order of Investigation Regarding Limitation on Transshipment

The North Atlantic United Kingdom Freight Conference operates under Agreement No. 7100-2, approved by the Federal Maritime Commission on August 6, 1965, pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814). The member lines of the conference have now filed with the Commission a modification (No. 7100-3) for approval under section 15. This modification provides (1) for transshipment at European Continental ports of containerized cargo only on vessels owned or wholly time chartered by the member line, and (2) that all other transshipment shall continue to be prohibited.

Sea-Land Service, Inc., a member of the conference, has protested approval of this modification. The protest raises the question whether Agreement No. 7100-3 was adopted in accordance with the terms of the basic agreement, whether Agreement No. 7100-3 meets the standard for approval set forth in section 15, and whether Agreement No. 7100-3 was carried out, in whole or part, prior to approval by the Commission.

The Commission is of the opinion that, in order to resolve these questions and to determine whether Agreement No. 7100-3 should be approved, disapproved, or modified, it will institute an investigation so that it can make these determinations upon an evidentiary record.

Therefore, it is ordered, That the Commission, pursuant to section 15 and section 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), institute an investigation to determine:

1. Whether the present agreement, Agreement No. 7100-2, limits or prohibits transshipments;

2. Whether the modification, Agreement No. 7100-3, was adopted in accordance with the provisions of the basic conference agreement, Agreement No. 7100-2;

3. Whether the modification, Agreement No. 7100-3, should be approved, disapproved, or modified pursuant to section 15; and

4. Whether the modification, Agreement No. 7100-3, or other agreement, understanding, or arrangement that limits or prohibits transshipment, has been entered into or carried out, since August 6, 1965, prior to the filing with and approval of the Federal Maritime Commission.

It is further ordered, That the North Atlantic United Kingdom Freight Conference and the member lines thereof, as listed in Appendix A hereto, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 20, 1966, with copy to parties;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

North Atlantic United Kingdom Freight Conference, Mr. R. J. Gage, Chairman, 17 Battery Place, New York, N.Y. 10004.

Anchor Line, Ltd., The Cunard Steam-Ship Co., Ltd., 25 Broadway, New York, N.Y. 10004.

Bristol City Line of Steamships, Ltd., Charles Hill & Sons, Inc., General Agents, 1 Broadway, New York, N.Y. 10004.

The Cunard Steam-Ship Co., Ltd., 25 Broadway, New York, N.Y. 10004.

Irish Shipping Ltd., Hansen & Tidemann, Inc., General Agents, 67 Broad Street, New York, N.Y. 10004.

Johnston Warren Lines, Ltd., Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.

Manchester Liners, Ltd., Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.

Sea-Land Service, Inc., Post Office Box 1050, Terminal and Fleet Streets, Elizabeth, N.J. 07207.

The Ulster Steamship Co., Ltd., Ellerman's Wilson Line, 26 Beaver Street, New York, N.Y. 10004.

United States Lines Co., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-11089; Filed, Oct. 11, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

AIRPORT TRAFFIC CONTROL TOWER, ALEXANDER HAMILTON AIRPORT, ST. CROIX, V.I.

Notice of Commissioning

Notice is hereby given that on or about November 7, 1966, the Airport Traffic Control Tower at Alexander Hamilton Airport, St. Croix, V.I., will begin operation, providing VFR airport traffic control services to aircraft operating at Alexander Hamilton Airport.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-11063; Filed, Oct. 11, 1966; 8:45 a.m.]

FLIGHT SERVICE STATION, ST. CROIX, V.I.

Notice of Closing

Notice is hereby given that on or about November 7, 1966, the Flight Service Station, St. Croix, V.I., will be closed concurrent with the commissioning of the Airport Traffic Control Tower at Alexander Hamilton Airport. Services formerly provided by this facility will be provided by the San Juan, P.R., International Flight Service Station.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-11064; Filed, Oct. 11, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BAYSTATE CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (section 3(a)(3) of the Act, as amended by Public Law 89-485, which became effective July 1, 1966), by Baystate Corp., which is a bank holding company located in Boston, Mass., for the prior approval of the Board of the acquisition by Applicant of up to 100 percent of the voting shares of The Merchants National Bank of New Bedford, New Bedford, Mass.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or

conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 5th day of October 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-11066; Filed, Oct. 11, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 5, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, \$10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 6, 1966, through October 15, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11069; Filed, Oct. 11, 1966; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

OCTOBER 5, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5½ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period October 6, 1966, through October 15, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11070; Filed, Oct. 11, 1966;
8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

OCTOBER 5, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 6, 1966, through October 15, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11071; Filed, Oct. 11, 1966;
8:46 a.m.]

[File No. 70-4420]

OHIO POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks

OCTOBER 6, 1966.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50(a) (3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is sum-

marized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell, from time to time prior to December 31, 1966, its promissory notes in an aggregate principal amount not to exceed \$58,600,000 outstanding at any one time, to the following banks in the respective amounts shown:

Irving Trust Co., New York, N.Y.	\$8,900,000
First National City Bank of New York, N.Y.	8,900,000
Manufacturers Hanover Trust Co., New York, N.Y.	7,000,000
Continental Illinois National Bank & Trust Co., Chicago, Ill.	7,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	6,500,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	5,800,000
Chase Manhattan Bank, New York, N.Y.	5,800,000
Bankers Trust Co., New York, N.Y.	2,900,000
Chemical Bank New York Trust Co., New York, N.Y.	2,900,000
The Northern Trust Co., Chicago, Ill.	2,900,000
Total	58,600,000

Each note will be dated as of the date of issue, will bear interest at the then current prime rate (currently 6 percent per annum), will mature within 270 days thereafter, and will be prepayable at any time, in whole or in part, without penalty or premium. Approval is requested for the issue and sale of any note which is not exempted from the provisions of section 6(a) of the Act by the first sentence of section 6(b) thereof. Ohio proposes to use the proceeds from the sale of the proposed notes to temporarily finance, in part, its construction costs, which are estimated at about \$142,000,000 for the second half of 1966 and the year 1967. It is estimated that approximately one-half of its construction expenditures will be obtained from internal sources and that the next permanent financing of Ohio, expected to consist of senior securities and equity securities or a capital contribution, will be completed during 1967. All of the notes outstanding at the time of Ohio's permanent financing will be paid from the proceeds of such financing which will be subject to further proceedings before this Commission.

The declaration states that there will be no fees, commissions, or expenses incident to the proposed transactions and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 2, 1966, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securi-

ties and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11092; Filed, Oct. 11, 1966;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 7, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40734—*Cement and related articles from Gifco, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8903), for interested rail carriers. Rates on cement and related articles, in carloads, from Gifco, Tex., to points in Illinois Freight Association, southern, southwestern, and western trunkline territories, also Mississippi and Ohio River crossings, and Virginia cities gateway points.

Grounds for relief—Market competition.

Tariffs—Supplement 69 to Southwestern Freight Bureau, agent, tariff ICC 4587 and Southwestern Freight Bureau, agent, tariff ICC 4701.

FSA No. 40735—*Chlorine to Jay, La.* Filed by Southwestern Freight Bureau, agent (No. B-8900), for interested rail carriers. Rates on chlorine, in carloads, from Evans City, Ala., to Jay, La.

Grounds for relief—Market competition.

Tariff—Supplement 142 to Southwestern Freight Bureau, agent, tariff ICC 4469.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11093; Filed, Oct. 11, 1966;
8:48 a.m.]

[Notice 416]

**MOTOR CARRIER ALTERNATE ROUTE
DEVIATION NOTICES**

OCTOBER 7, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 30), **HELM'S EXPRESS, INC.**, 1011 Lincoln Highway, West Irwin, Pa., filed October 3, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Elyria, Ohio, and Willoughby, Ohio, over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Elyria, Ohio, over U.S. Highway 20 to Euclid, Ohio, thence over U.S. Highway 6 to junction Ohio Highway 91, thence over Ohio Highway 91 to junction U.S. Highway 20, thence over U.S. Highway 20 to Willoughby, Ohio, and return over the same route.

No. MC 38565 (Deviation No. 3), **HARRIS MOTOR EXPRESS, INC.**, Charlestown Road, Post Office Box 1288, Martinsburg, W. Va. 25401, filed October 3, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Hagerstown, Md., and Winchester, Va., over Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Hagerstown, Md., and Winchester, Va., over U.S. Highway 11.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 333) (Cancels Deviation No. 292), **GREYHOUND LINES, INC.** (Southern Division), 219 East Short Street, Lexington,

Ky. 40507, filed September 30, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 55 to junction U.S. Highways 61 and 67, 4.7 miles from the St. Louis, Mo., city limits, with the following access route: From junction Interstate Highway 55 and U.S. Highways 61 and 67 over U.S. Highways 61 and 67 to junction Missouri Highway 267; and (2) from junction Interstate Highway 55 and U.S. Highway 61, 4 miles east of Jackson, Mo., over Interstate Highway 55 to Memphis, Tenn., with the following access routes: (a) From junction Interstate Highway 55 and U.S. Highway 62 over U.S. Highway 62 to Sikeston, Mo., (b) from junction Interstate Highway 55 and Missouri Highway 162 over Missouri Highway 162 to Portageville, Mo., (c) from junction Interstate Highway 55 and Missouri Highway 84 over Missouri Highway 84 to Hayti, Mo., (d) from junction Interstate Highway 55 and Arkansas Highway 18 over Arkansas Highway 18 to Blytheville, Ark., (e) from junction Interstate Highway 55 and Arkansas Highway 140 over Arkansas Highway 140 to Osceola, Ark., (f) from junction Interstate Highway 55 and Arkansas Highway 181 over Arkansas Highway 181 to Wilson, Ark., (g) from junction Interstate Highway 55 and Arkansas Highway 118 over Arkansas Highway 118 to Joiner, Ark., and (h) from junction Interstate Highway 55 and Arkansas Highway 42 over Arkansas Highway 42 to Turrell, Ark., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61 at a point approximately 1 mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, Ark., thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss., and return over the same route.

No. MC 61616 (Deviation No. 17), **MIDWEST BUSLINES, INC.**, 433 West Washington Avenue, North Little Rock, Ark., filed October 3, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 45 and U.S. Highway 75, 4 miles south of Huntsville, Tex., over Interstate Highway 45 to junction Texas Highway 150 (as access road) thence over Texas Highway 150 to New Waverly, Tex. (a distance of 14 miles), (2) from New Waverly, Tex., over Texas Highway 150 (as access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction Farm Road 1097 (as access road), thence over Farm Road 1097 to Willis, Tex. (a distance of 8

miles) and (3) from Willis, Tex., over Farm Road 1097 (as access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction U.S. Highway 75, 3 miles south of Conroe, Tex. (a distance of 12 miles), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Judsonia, Ark., thence over U.S. Highway 67 to junction U.S. Highway 67C, thence over U.S. Highway 67C to junction U.S. Highway 67, thence over U.S. Highway 67 to Maud, Tex., thence over Texas Highway 8 to junction U.S. Highway 59, thence over U.S. Highway 59 to Marshall, Tex., thence over Texas Highway 43 to Henderson, Tex., thence over U.S. Highway 79 to Palestine, Tex., thence over U.S. Highway 287 to Crockett, Tex., thence over Texas Highway 19 to Huntsville, Tex., thence over U.S. Highway 75 to Houston, Tex., thence over Texas Highway 288 to Freepport, Tex., and return over the same route.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 66-11094; Filed, Oct. 11, 1966;
8:48 a.m.]

[Notice 975]

**MOTOR CARRIER APPLICATIONS AND
CERTAIN OTHER PROCEEDINGS**

OCTOBER 7, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER* issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING**MOTOR CARRIERS OF PROPERTY**

No. MC 109478 (Sub-No. 98), filed August 25, 1966, published *FEDERAL REGISTER* September 22, 1966, and republished this issue. Applicant: **WORSTER MOTOR LINES, INC.**, Gary Road, Post Office Box 110, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and materials and supplies* used in the manufacture, distribution, and sale thereof, between Toledo, Ohio, on the one hand, and, on the other, points in New York and New Jersey. NOTE: The purpose of

this republication is to reflect the hearing information.

HEARING: October 24, 1966, at the New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio, before Examiner Elden J. Miller.

No. MC 128487 (Amendment), filed July 21, 1966, published **FEDERAL REGISTER** issue of August 24, 1966, amended and republished, this issue. Applicant: C & A TRANSPORT, INC., 4923 Old Midlothian Pike, Post Office Box 8811, Richmond, Va. 23225. Applicant's representative: John D. Clark, Post Office Box 608, Washington, D.C. 20044. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: Over regular routes: (1) *Such commodities as are dealt in by wholesale grocery houses and malt beverages*, from Baltimore, Md., over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 211 to Warrenton, Va., and thence over U.S. Highway 29 to Charlottesville, Va., and return over the same route, serving the intermediate point of Washington, D.C., restricted to pickup only, and (2) *empty malt beverage containers*, from Charlottesville, Va., over the above-specified route in (1) above to Baltimore, Md., and return over the same route, serving the intermediate point of Washington, D.C., restricted to delivery only, and over irregular routes: *Malt beverages*, from Cumberland, Md., to Charlottesville, Va. **NOTE:** Common control may be involved. Applicant states this application is for conversion from contract authority in MC 33597 and Sub 2 to common carrier authority. The purpose of this republication is to more clearly set forth the proposed operation, reflect the hearing information, to indicate said proceeding will be heard concurrently with MC-F-9493, Russell Beverley Trucking Co., Inc., Control and Merger—C & A Transport, Inc., and to show that MC-F-9493 has been transferred from Examiner Alvin H. Schuttrumpf to Examiner Paul J. Clerman.

HEARING: November 7, 1966, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Paul J. Clerman.

No. MC 66562 (Sub-No. 1257), and MC 66562 (Sub-No. 1269) (Extension of expiration date of operating authority), filed August 8, 1966. Applicant: RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: William H. Marx (same address as applicant). The above-named carrier in certificates Nos. MC 66562 (Sub-Nos. 1257 and 1269), dated August 29, 1956, and September 4, 1956, respectively, holds authority to operate as a common carrier by motor vehicle, of classes A and B explosives, among other things, from and to certain points over regular routes; that those portions of the certificates authorizing the transportation of classes A and B explosives expired by their express terms, on August 29, 1961, and September 4, 1961; by petitions filed August 8, 1966, application is made to extend the expiration dates of those portions of the certificates authorizing the trans-

portation of classes A and B explosives. An order of the Commission, Division 1, dated September 22, 1966, and served October 3, 1966, finds that inasmuch as the certificates have expired on August 29, 1961, and September 4, 1961, the said petitions of August 8, 1966, will be treated as petitions for reinstatement of the certificates. That certificates Nos. MC 66562 (Sub-Nos. 1257 and 1269), dated August 29, 1956, and September 4, 1956, to the extent such certificates authorize the transportation of classes A and B explosives, be, and they are hereby, reinstated, and the expiration dates of said portions of those certificates be, and they are hereby, fixed as 5 years from the effective date of this order. Unless an appropriate protest or other pleading is filed as provided in the second preceding paragraph (in which event the effective date of this order will be postponed pending the disposition thereof), this order shall be effective 30 days from the date of the **FEDERAL REGISTER** publication provided for above. Because it is possible that other parties may have an interest in and would be prejudiced by the lack of proper notice of the action taken in this order, a notice thereof will be published in the **FEDERAL REGISTER** and the effective date of this order will be postponed for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 114877 (Sub-No. 4), filed September 26, 1966. Applicant: CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass. 01801. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in Columbia County, N.Y., (2) between points in Columbia County, N.Y., on the one hand, and, on the other, points in Albany, Dutchess, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, and Westchester Counties, N.Y., and New York City and Long Island City, N.Y., and the towns of Hempstead and West Hempstead, N.Y., (3) between points in Montgomery County, N.Y., on the one hand, and, on the other, points in Albany, Dutchess, Rensselaer, Saratoga, Schenectady, Warren, and Westchester Counties, N.Y., and New York City and Long Island City, N.Y., and the towns of Hempstead and West Hempstead, N.Y., (4) between New York City and Long Island City, N.Y., and the towns of Hempstead and West Hempstead, N.Y.,

and points in Westchester County, N.Y., on the one hand, and, on the other, points in Albany, Dutchess, Montgomery, Rensselaer, Saratoga, Schenectady, and Warren Counties, N.Y., (5) between points in Herkimer County, N.Y., and points in Columbia, Dutchess, and Westchester Counties, N.Y., and New York City and Long Island City, N.Y., and the towns of Hempstead and West Hempstead, N.Y., and (B) *textile products*, from points in Columbia County, N.Y., to points in Herkimer County, N.Y. **NOTE:** Applicant states it intends to tack at points in Albany, Montgomery, and Columbia Counties, N.Y., on traffic moving to or from points in New York, Massachusetts, Rhode Island, and Connecticut. This application is directly related to application in MC-F-9542, published **FEDERAL REGISTER** issue of October 5, 1966.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9544. Authority sought for purchase by CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa, of the operating rights of ROY FRANCIS MESSINGER (EDITH C. MESSINGER, EXECUTRIX), doing business as MESSINGER'S, 1131 5th Street NW., Cedar Rapids, Iowa, and for acquisition by HERALD A. SMITH, JR., and MIRAM G. SMITH, both of 536 Valley Brook Drive SE., Cedar Rapids, Iowa, of control of such rights through the purchase. Applicants' representatives: Robert E. Konchar, Suite 315 Commerce Exchange Building, Cedar Rapids, Iowa, Herald A. Smith, Jr., Post Office Box 68, Cedar Rapids, Iowa, and Robert E. Ford, 830 Higley Building, Cedar Rapids, Iowa. Operating rights sought to be transferred: *Heavy machinery and wrecked automobiles and trucks*, as a *common carrier*, over irregular routes, between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9545. Authority sought for purchase by M. G. M. TRANSPORT CORPORATION, 800 Main Street, Paterson, N.J., of the operating rights and property of H. KOHNKE, INC., 55 Bushwick Place, Brooklyn, N.Y., and for acquisition by MICHAEL MASSOOD and GEORGE MASSOOD, both also of Paterson, N.J., of control of such rights and property through the purchase. Applicants' attorney and representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., and Vincent Pitaro, 107-21 Queens Boulevard, Forest Hills, N.Y. Operating

rights sought to be transferred: *New furniture*, as a *common carrier*, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey and New York within 100 miles of Columbus Circle, New York, N.Y.; and *new furniture*, crated and uncrated, from Kingston, N.Y., to points in New York, New Jersey, and Pennsylvania, from Eldred, Pa., and Boonville, Buffalo, and Herkimer, N.Y., to Kingston, N.Y., with restriction. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9546. Authority sought for purchase by DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo., of the operating rights of SMOCK TRANSPORTATION COMPANY, INC. (WALTER SMOCK, TRUSTEE IN BANKRUPTCY), Doniphan, Mo., and for acquisition by PAUL D. DODDS, MELBOURN DODDS, and DAVID D. DODDS, all also of West Plains, Mo., of control of such rights through the purchase. Applicants' attorneys: Elvis Mooney, Bloomfield, Mo., and Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. 64105. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Hoxie, Ark., and National Stock Yards, Ill., serving certain intermediate points, between Doniphan, Mo., and Poplar Bluff, Mo., serving certain intermediate and off-route points, between Corning, Ark., and Walter Ridge, Ark., serving all intermediate and certain off-route points; between Roxana, Ill., and Doniphan, Mo., as follows: *Petroleum lubricating oils and greases*, from Roxana over unnumbered highway to junction Illinois Highway 159, thence over Illinois Highway 159 to junction Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Missouri Highway 14, and thence over Missouri Highway 14 to Doniphan. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9547. Authority sought for purchase by MID-CONTINENT FREIGHT LINES, INC. (OKLA. CORP.), 11 Oak Street SE, Minneapolis, Minn. 55414, of a portion of the operating rights of SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105, and for acquisition by MID-CONTINENT FREIGHT LINES INC. (MINN. CORP.), also of Minneapolis, Minn., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: (A) *General commodities*, excepting, among others, household

goods and commodities in bulk, as a *common carrier*, over regular routes, between Moberly, Mo., and Kansas City, Mo., serving all intermediate points; and *general commodities*, excepting, among others, household goods and commodities in bulk, in truckload lots, over irregular routes, between points on the routes specified in (A) above, on the one hand, and, on the other, points in Iowa. Vendee is authorized to operate as a *common carrier* in Oklahoma, Missouri, Kansas, Illinois, Texas, Minnesota, Wisconsin, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9548. Authority sought for purchase by PHILIPP TRANSIT LINES, INC., Highway 100 East, Post Office Box 335, Washington, Mo. 63090, of the operating rights of FISCHER TRUCKING COMPANY, 7467 Maple Avenue, Post Office Box 3430, Maplewood, Mo. 63143, and for acquisition by PAUL F. PHILIPP, 512 West 10th Street, Washington, Mo., of control of such rights through the purchase. Applicants' attorney: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between East St. Louis, Ill., and Linn, Mo., serving all intermediate and certain off-route points, between junction U.S. Highway 50 and Missouri Highway 100 and junction U.S. Highway 50 and Missouri Highway 89, between Rosebud, Mo., and Belle, Mo., between Washington, Mo., and Union, Mo., serving all intermediate points; one alternate route for operating convenience only; and *livestock*, over irregular routes, from certain specified points in Missouri, to National Stock Yards, Ill. Vendee is authorized to operate as a *common carrier* in Missouri and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9549. Authority sought for purchase by DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508, of a portion of the operating rights and certain property of RINGLE TRANSPORT, INC., 405 South Grand Street, Fowler, Ind. 47944, and for acquisition by BERT GLUPKER, LOUIS E. CAIN, and EUGENE BEENE, all also of Grand Rapids, Mich., of control of such rights and property through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *Roofing and roofing materials*, as a *common carrier*, over irregular routes, from Whiting, Ind., to points in Illinois, Ohio, Kentucky, and West Virginia, and those in Missouri within 10 miles of the west bank of the Missouri River; *insulated brick siding*, from Lowell, Ind., to points in Illinois, Ohio, Kentucky, and West Virginia, and those in Missouri within 10 miles of the west bank of the Mississippi River; *roofing, building and insulating materials*, from Lockland, Ohio, to points in Indiana (except Lake County), Illinois, and Louisville, Ky., from Joliet, Ill., to points

in Indiana (except Lake County), Ohio, those in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Louisville, Ky., from Vandalia, Ill., to points in Indiana, Ohio, those in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Louisville, Ky., from St. Louis, Mo., to points in Indiana (except Indianapolis, and points in Lake County), and to points in Ohio (except Cincinnati); and *roofing and roofing materials*, from Joliet, Ill., to points in West Virginia and Kentucky (except Louisville), with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut, Maine, Michigan, Illinois, Ohio, Indiana, Tennessee, Iowa, Virginia, West Virginia, Iowa, Wisconsin, Missouri, Nebraska, Kentucky, Rhode Island, Delaware, Maryland, Minnesota, Vermont, Mississippi, New Jersey, New York, New Hampshire, and Pennsylvania; and as a *contract carrier* in Michigan, Ohio, Missouri, Indiana, Illinois, Wisconsin, Pennsylvania, Kentucky, West Virginia, Iowa, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9550. Authority sought for control and merger by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, of the operating rights and property of ROCKET TRANSPORTATION COMPANY, Old Airport Road, Post Office Box 310, New Cumberland, Pa., and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of such rights and property through the transaction. Applicants' attorneys: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas W. Faris, Post Office Box 471, Akron, Ohio 44309. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Harrisburg, Pa., and York Haven, Pa., serving all intermediate points, and the off-route point of Marysville, Pa.; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points west of the Susquehanna River, within 6 miles of New Cumberland, Pa., including New Cumberland, on the one hand, and, on the other, points within 15 miles of New Cumberland; and under a certificate of registration, in Docket No. MC-43012 Sub. No. 3, covering the transportation of property, in intrastate commerce, as a *common carrier*, in the State of Pennsylvania. ROADWAY EXPRESS, INC. is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Michigan, Missouri, Indiana, Pennsylvania, Illinois, Kansas, Tennessee, Alabama, Georgia, North Carolina, South Carolina, New Jersey, New York, Kentucky, Maryland, West Virginia, Virginia, Connecticut, Wisconsin, Mississippi, Massachusetts, Rhode Island, and the District of Columbia. Application has not been

[Notice 977]

filed for temporary authority under section 210a(b).

No. MC-F-9551. Authority sought for purchase by GREAT LAKES TRUCKING COMPANY, 29 Washington Street, Monroe, Mich. 48161, of the operating rights of O. R. Hayden, 1421 West Front Street, Monroe, Mich. 48161, and for acquisition by THOMAS E. GRIFFIN, 29 Washington Street, Monroe, Mich. 48161, of control of such rights through the purchase. Applicants' attorney: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *Paper and paper products*, as a *contract carrier*, over irregular routes, from Monroe to points in Ohio, and those in that part on and west of U.S. Highway 19; *raw material for the manufacture of paper and paper products*, from points in the above-specified Ohio and Pennsylvania territory, to Monroe; *paper and paper products*, from Monroe, Mich., to Connersville, Ind., and points in that part of Indiana on and north of U.S. Highway 40; *raw materials used in the manufacture of paper and paper products*, from Connersville and points in the above-described Indiana territory, to Monroe; *strawboard, fiberboard, corrugated board, and boxes manufactured therefrom*, from Monroe, Mich., to points in Illinois, those in Missouri in the St. Louis, Mo., commercial zone, as defined in 1 M.C.C. 656, and certain specified points in Wisconsin and West Virginia; and *raw materials* used in the manufacture of the above-specified commodities, from the above destination points to Monroe. Vendee is authorized to operate as a *contract carrier* in Michigan and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9552. Authority sought for purchase by MARK E. YODER, INC., 41 Parkway, Schuylkill Haven, Pa. 17972, of the operating rights of JEANNETTE M. BOYLE, doing business as E. J. BOYLE, 622 Arlington Street, Tamaqua, Pa. 18252, and for acquisition by MARK E. YODER, also of Schuylkill Haven, Pa., and THOMAS E. YODER, Orchard Ave., Schuylkill Haven, Pa., of control of such rights through the purchase. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be transferred: *Anthracite coal*, as a *common carrier*, over irregular routes, from certain specified points in Pennsylvania, to certain specified points in New York, with exceptions. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and Delaware. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11095; Filed, Oct. 11, 1966;
8:48 a.m.]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 7, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 10761 (Sub-No. 201), filed October 10, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: Paul Coyle, 5631 Utah Avenue NW, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byprod-*

ucts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, from the plantsite of Swift & Co. located at or near Guymon, Okla., to points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted against tacking at origin and restricted against the transportation of commodities in bulk in tank vehicles.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner W. Elliott Nefflen.

No. MC 106194 (Sub-No. 17) (Amendment), filed January 10, 1966, published FEDERAL REGISTER issue of February 3, 1966, amended October 3, 1966, and republished, as amended, this issue. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except oil country tubular goods), between the plant and warehouse sites of C F & I Steel Corp. at or near Pueblo, Colo., on the one hand, and, on the other, points in Wyoming, Texas, Iowa, and Missouri. Note: The purpose of this republication is to broaden the radial territory.

HEARING: Remains assigned October 24, 1966, at the New Courthouse and Federal Building, 1961 Stout Street, Denver, Colo., before Examiner Jerome K. Soffer.

No. MC 118142 (Sub-No. 24) (Amendment), filed December 13, 1965, published in the FEDERAL REGISTER issue of January 6, 1966, amended and republished, this issue. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. Applicant's representative: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except in tank vehicles), as described in appendix I, articles A and C, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans. (except the site of the Cudahy Packing Co.), to points in Alabama, Texas, Louisiana, Tennessee, Georgia, Mississippi, New Mexico, Oklahoma, Kentucky, Utah, Nevada, Washington, Oregon, and Colorado. Note: The purpose of this republication is to broaden the territorial description by adding Utah, Nevada, Washington, Oregon, and Colorado as destination States.

HEARING: October 24, 1966, at Lasen Terrace Motor Hotel, Wichita, Kans.,

at 9:30 a.m., before Examiner Lyle C. Farmer.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11096; Filed, Oct. 11, 1966;
8:48 a.m.]

[Notice 267]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 7, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 89684 (Sub-No. 56 TA), filed October 5, 1966. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, Post Office Box 366, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, moving in express service, between points in Utah and Idaho south of Idaho County, on the one hand, and, on the other hand, points north of the Idaho-Montana border on U.S. Highway 91, and Montana Highway 41; over U.S. Highway 91 to Butte, Mont., and return, serving all intermediate points, and over Montana Highway 41 to junction with U.S. Highway 10 to Butte, Mont., and return, serving all intermediate points, and the off-route point of Sheridan, Mont., for 180 days. Supporting shippers: The application is supported by statements from 22 shippers which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 100542 (Sub-No. 13 TA), filed October 5, 1966. Applicant: RANDALL R. SAIN, doing business as C-B TRUCK LINE, 1034 Humble Place, El Paso, Tex. 79915. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese ore*, in bulk, in hopper-type trailers, from site of Black Canyon Mine in Socorro, N. Mex., to El Paso, Tex., for 180 days. Supporting shipper: Clarence Major, Plant Superintendent, American Minerals, Inc., 3666 Doniphan Drive, El Paso, Tex. 79922. Send protests to: Jerry R. Murphy, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 109 U.S. Courthouse, Albuquerque, N. Mex. 87101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11097; Filed, Oct 11, 1966;
8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 7, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-4112, filed September 15, 1966. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. Applicant's representative: C. J. Lincoln, 1550 Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Little Rock, Ark., and Fulton, Ark., from Little Rock, Ark., over U.S. Highway 67 to Fulton and return over the same route, service authorized at Curtis, Ark., and Fulton, Ark., and intermediate points between Curtis and Fulton, Ark., between Amity, Ark., and Arkadelphia, Ark., from Amity, Ark., over Arkansas Highway 8 to Arkadelphia, Ark., and return over the same route, service not authorized at intermediate points. Both intrastate and interstate authority sought.

HEARING: Wednesday, November 9, 1966, at the Arkansas Commerce Commission's Courtroom, Justice Building, Little Rock, Ark., at 10 a.m. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Public Service Commission, Justice Building, Little Rock, Ark., and should not be directed to the Interstate Commerce Commission.

State Docket No. 9913, filed September 19, 1966. Applicant: SAIA MOTOR FREIGHT LINE, INC., Post Office Box 10157, Station No. 1, Naval Air Station, Houma, La. Applicant's representative: John L. Saia, 116 Central Avenue, Houma, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, (1) between New Orleans and Donaldsonville on Louisiana Highway 18, including the plantsite of Hooker Chemical Co. and Union Carbide, serving all intermediate points and return, and (2) between Thibodaux on Louisiana Highway 20 to Vacherie, serving all intermediate points and return.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Louisiana Public Service Commission, Box 4035, Capitol Station, Baton Rouge, La. 70804, and should not be directed to the Interstate Commerce Commission.

State Docket No. 34105, filed August 31, 1966. Applicant: GAFFNEY MOTOR FREIGHT, INC., 724 South Columbus Street, Lancaster, Ohio 43130. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Certificate of public convenience and necessity sought to operate a freight service as follows: Applicant seeks to amend State certificate No. 1259-I and certificate of registration No. MC 106573, Sub 12, to authorize transportation of *property*, unrestricted, over irregular routes, from and to Lancaster, Ohio, and also the transportation of *household goods, office furniture, and fixtures* from and to any point within Fairfield County, Ohio. Both intrastate and interstate authority is sought.

HEARING: Thursday, October 20, 1966, at the offices of the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, at 10 a.m., e.s.t. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11098; Filed, Oct. 11, 1966;
8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	12 CFR	Page	21 CFR—Continued	Page
PROCLAMATIONS:		329-----	12837	PROPOSED RULES:	
3749-----	12935	526-----	13039	19-----	13005
3750-----	12995	545-----	12838, 12839, 13000	121-----	12849
		563-----	13167	191-----	13006
EXECUTIVE ORDERS:		PROPOSED RULES:			
Sept. 24, 1847 (revoked by		222-----	12965		
PLO 4100)-----	12950			22 CFR	
April 17, 1926 (revoked in part				41-----	13080
by PLO 4098)-----	12950	13 CFR		42-----	13080
11122 (superseded by EO		121-----	12840		
11307)-----	12917	PROPOSED RULES:		23 CFR	
11215 (amended by EO 11309)-----	13075	121-----	12849, 12924	Ch. II-----	13128
11307-----	12917				
11308-----	12919	14 CFR		24 CFR	
11309-----	13075	37-----	12941	5-----	13081
		39-----	12921, 13167	203-----	13000
5 CFR		71-----	12840, 12921, 12943, 13038, 13039, 13115.	220-----	13000
213-----	12833, 12937, 13113	73-----	12922, 12944, 13115	221-----	13000
1700-----	13113	95-----	12944	232-----	13000
		97-----	13116	234-----	13000
7 CFR		121-----	13078	1000-----	13000
210-----	13035	208-----	12947		
319-----	12834	295-----	12948	26 CFR	
701-----	13035	378-----	12948	PROPOSED RULES:	
722-----	13035, 13036, 13132, 13168			1-----	12843, 12845, 13091
728-----	13036	PROPOSED RULES:			
729-----	12921, 12940	39-----	12924	29 CFR	
811-----	13133	71-----	12925	462-----	13001
874-----	12940	73-----	12925	PROPOSED RULES:	
905-----	12835	75-----	13176	40-----	13174
908-----	12836, 13077			1207-----	13176
909-----	13134	15 CFR			
910-----	12837, 13077	230-----	13167	31 CFR	
915-----	13135	372-----	13040	520-----	13001
932-----	13171	373-----	13040		
947-----	13171	374-----	13040	32 CFR	
958-----	12940	379-----	13040	855-----	13081
993-----	13037	382-----	13040		
1038-----	13037	385-----	13040	32A CFR	
1421-----	13078	398-----	13040	PROPOSED RULES:	
1443-----	12837	399-----	13040	Ch. X-----	12924, 13050
1490-----	12997				
PROPOSED RULES:		16 CFR		33 CFR	
730-----	12952	13-----	12937, 12938, 13078-13080	202-----	13129
909-----	13174			204-----	13129
929-----	13136	18 CFR			
948-----	12953	204-----	12840	36 CFR	
982-----	12954			326-----	13172
984-----	13005	19 CFR			
993-----	13136	1-----	12938, 13080	37 CFR	
994-----	13090	PROPOSED RULES:		1-----	12922
1005-----	12845, 13090	12-----	12964		
1038-----	12954			38 CFR	
1041-----	13136	20 CFR		3-----	13088, 13172
1069-----	13091	404-----	13126	36-----	13003
1126-----	13005				
Ch. XI-----	12956	21 CFR		39 CFR	
		8-----	12840	822-----	13172
8 CFR		17-----	12949		
212-----	13114	27-----	12949	41 CFR	
		51-----	12950	9-1-----	13046
9 CFR		53-----	12840	9-2-----	13046
97-----	13114	121-----	12841, 13128	9-3-----	13046
		146-----	12841	22-1-----	13001

42 CFR	Page	45 CFR	Page	46 CFR—Continued	Page
22-----	12939	6-----	12842	PROPOSED RULES—Continued	
43 CFR		7-----	12842	192-----	12860
PUBLIC LAND ORDERS:		8-----	12842	193-----	12860
1195 (revoked in part by PLO		46 CFR		194-----	12860
4099)-----	12950	PROPOSED RULES:		195-----	12860
3152 (revoked in part by PLO		2-----	12860	196-----	12860
4104)-----	12951	24-----	12860		
3584 (revoked in part by PLO		30-----	12860	47 CFR	
4104)-----	12951	70-----	12860	PROPOSED RULES:	
4097-----	12950	90-----	12860	73-----	12965
4098-----	12950	110-----	12860		
4099-----	12950	175-----	12860	50 CFR	
4100-----	12950	188-----	12860	32-----	12923,
4101-----	12951	189-----	12860	12939, 13003, 13004, 13048, 13049,	
4102-----	12951	190-----	12860	13088, 13130.	
4103-----	12951	191-----	12860	33-----	12939
4104-----	12951				

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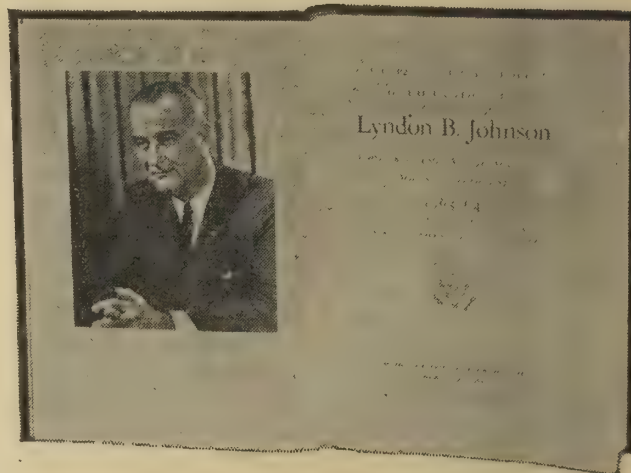
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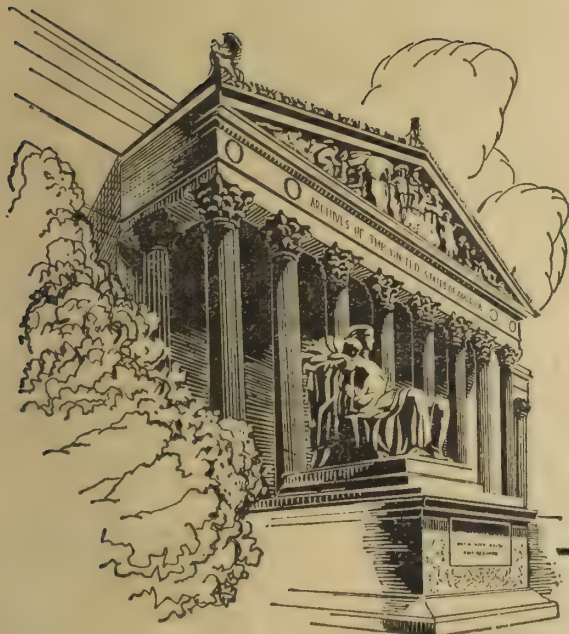
Pages 13193-13298

(Part II begins on page 13271)

Agencies in this issue—

The President
Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Air Force Department
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Education Office
Engraving and Printing Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Foreign-Trade Zones Board
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Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Post Office Department
Securities and Exchange Commission
Small Business Administration
Wage and Hour Division

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Contents

THE PRESIDENT

PROCLAMATION

National Forest Products Week,
1966 13197

EXECUTIVE ORDER

Assigning emergency prepared-
ness functions to the Attorney
General 13199

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations
Imports and exports; commuted
travel time allowances 13203

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations
Cotton, upland, 1966 and succeed-
ing crops; acreage allotments;
miscellaneous amendments 13205
Preservation of cropland and allot-
ment acreage 13204

Proposed Rule Making

Tobacco, flue-cured; quotas, 1967-
68; determinations 13242

AGRICULTURE DEPARTMENT

See Agricultural Research Ser-
vice; Agricultural Stabilization
and Conservation Service; Com-
modity Credit Corporation;
Consumer and Marketing
Service.

AIR FORCE DEPARTMENT

Rules and Regulations
Procurement; miscellaneous
amendments 13213

CIVIL AERONAUTICS BOARD

Notices
Hearings, etc.:
Miami-Key West service inves-
tigation 13254
Sudflug, Suddutsche Fluggesel-
lschaft mbH 13253

COMMODITY CREDIT CORPORATION

Rules and Regulations
Peanuts, 1966 crop; purchase and
inspection; correction 13207

CONSUMER AND MARKETING SERVICE

Rules and Regulations
Poultry soups; postponement of
effective date of amendments 13203
Warehouses; canned food, cold-
pack fruit, and seeds; revoca-
tion 13203

Proposed Rule Making

Milk in Upper Florida marketing
area; decision 13272
Raisins produced from grapes
grown in California; volume,
1966-67 13244

Notices

Organization, functions, and au-
thority delegations 13249
Stockyards:
Changes in names 13253
Posted 13253

DEFENSE DEPARTMENT

See Air Force Department.

EDUCATION OFFICE

Rules and Regulations
Financial assistance for construc-
tion of higher education facili-
ties 13220

ENGRAVING AND PRINTING BUREAU

Notices
Assistant Director et al.; authority
delegation 13247

FEDERAL AVIATION AGENCY

Rules and Regulations
Control zones and transition
areas:
Alteration 13207
Designation and alteration 13207
Transition area; designation 13207

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations
Industrial radiolocation service;
miscellaneous amendments 13230
Statement of program service;
television program form 13228
Table of assignments, FM broad-
cast stations 13234
Television broadcast stations; pro-
gram logging 13237

Proposed Rule Making

Table of assignments, FM broad-
cast stations 13245
Telephone companies; uniform
system of accounts 13244
UHF television broadcast channel,
Orlando, Fla. 13246

Notices

RACES Plan; extension of time for
filing 13254
Hearings, etc.:
Jupiter Associates, Inc., et al. 13254
Lamar Life Insurance Co. 13254
Lebanon Valley Radio et al. 13254
Trend Radio, Inc., and James
Broadcasting Co., Inc. 13254
Wilkes County Radio 13254

FEDERAL MARITIME COMMISSION

Notices

Mercal International, Inc.; show
cause order 13255

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Duke Power Co. 13255
Illinois Power Co. and Michigan
Wisconsin Pipe Line Co. 13255
Marathon Oil Co. 13256
May Petroleum, Inc. 13257
Northern Natural Gas Co. 13257
Ohio Fuel Gas Co. 13257
Texas Gas Transmission Corp.
(2 documents) 13255, 13257

FEDERAL TRADE COMMISSION

Rules and Regulations

Administrative opinions and rul-
ings:
Cooperative advertising pro-
gram; availability to all com-
peting customers 13210
Newspapers right to reject ad-
vertising 13210
Prohibited trade practices:
Fredericks Furs, Inc., et al. 13208
Merck & Co., Inc., et al. 13209
Pageant Press, Inc., and Simon
A. Halpern 13209
Royal Oil Corp., et al. 13209

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting in wildlife refuge areas:
Chautauqua, Ill.; correction 13241
Upper Mississippi River, Illinois,
et al. (2 documents) 13240

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Endrin; tolerances for residues .. 13210

FOREIGN-TRADE ZONES BOARD

Notices

New Orleans, La.; reduction and
readjustment of zone boundary,
and erection of building 13258

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and
Drug Administration.

INDIAN AFFAIRS BUREAU

Proposed Rule Making

Fort Hall Indian Irrigation Proj-
ect, Idaho; basic and other
water charges 13242

(Continued on next page)

INTERIOR DEPARTMENT

See Fish and Wildlife Service;
Indian Affairs Bureau; Land
Management Bureau.

INTERNAL REVENUE SERVICE**Proposed Rule Making**

Time for mailing certain notices
to shareholders by regulated in-
vestment companies; hearing__ 13242

**INTERSTATE COMMERCE
COMMISSION****Notices**

Motor carrier:

Broker, water carrier and
freight forwarder applica-
tions_____ 13259

Temporary authority applica-
tions_____ 13268

Wuerker, Alexander W.; state-
ment of changes in financial
interests_____ 13268

LABOR DEPARTMENT

See Wage and Hour Division.

LAND MANAGEMENT BUREAU**Notices**

California; proposed withdrawal
and reservation of lands and
partial elimination_____ 13248

Idaho:

Filing of plats of survey (2
documents)_____ 13248

Opening of lands and revoca-
tion of classification order__ 13248

POST OFFICE DEPARTMENT**Notices**

Board of Zip Code Extension Ap-
peals; establishment and proce-
dure_____ 13247

**SECURITIES AND EXCHANGE
COMMISSION****Notices**

Hearings, etc.:

Continental Vending Machine
Corp_____ 13258

First Standard Corp_____ 13258

Lincoln Printing Co_____ 13258

United Security Life Insurance
Co_____ 13259

Westec Corp_____ 13259

**SMALL BUSINESS
ADMINISTRATION****Notices**

Area Administrators; authority
delegation_____ 13258

TREASURY DEPARTMENT

See Engraving and Printing Bu-
reau; Internal Revenue Service.

WAGE AND HOUR DIVISION**Rules and Regulations**

Review committees for Puerto
Rico and Virgin Islands_____ 13211

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

3 CFR

PROCLAMATION:

3751_____ 13197

EXECUTIVE ORDER:

11310_____ 13199

7 CFR

81_____ 13203

110_____ 13203

112_____ 13203

113_____ 13203

354_____ 13203

719_____ 13204

722_____ 13205

1446_____ 13207

PROPOSED RULES:

725_____ 13242

989_____ 13244

1006_____ 13272

14 CFR

71 (3 documents)_____ 13207

16 CFR

13 (4 documents)_____ 13208, 13209

15 (2 documents)_____ 13210

21 CFR

120_____ 13210

25 CFR

PROPOSED RULES:

221_____ 13242

26 CFR

PROPOSED RULES:

1_____ 13242

29 CFR

512_____ 13211

32 CFR

1001_____ 13213

1002_____ 13217

1003_____ 13217

1004_____ 13217

1007_____ 13218

1010_____ 13219

1013_____ 13219

1017_____ 13220

1018_____ 13220

1030_____ 13220

1053_____ 13220

1054_____ 13220

45 CFR

170_____ 13220

47 CFR

1_____ 13228

2_____ 13230

73 (2 documents)_____ 13234, 13237

91_____ 13230

99_____ 13230

PROPOSED RULES:

31_____ 13244

33_____ 13244

73 (2 documents)_____ 13245, 13246

50 CFR

32 (3 documents)_____ 13240, 13241

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3751

NATIONAL FOREST PRODUCTS WEEK, 1966

By the President of the United States of America

A Proclamation

In the mighty forests of this Nation our people have an inheritance of majestic beauty which is both a material and a spiritual resource.

With the application of expanding scientific knowledge and technological advances, these forest resources—both public and private—yield a variety of products which contribute a large measure of our Nation's wealth, prosperity, and security.

Our forests

- sustain a vast complex of industries which employ a large segment of our population and contribute to the economic and social improvement of our forested rural areas.
- protect our water supply and our wildlife.
- provide unmatched opportunities for both physical recreation and spiritual uplift.

The Congress, in order to reemphasize the importance and heritage of our forest resources, has by a joint resolution of September 13, 1960 (74 Stat. 898), designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue annually a proclamation calling for the observance of that week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the people of the United States to observe the week beginning October 16, 1966, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the essential role that our forest resources play in stimulating the advancement of our rural economy and in the continued growth and prosperity of the entire Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of October in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

NICHOLAS DEB. KATZENBACH,
Acting Secretary of State.

[F.R. Doc. 66-11234; Filed, Oct. 12, 1966; 10:41 a.m.]

Executive Order 11310**ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS
TO THE ATTORNEY GENERAL**

By virtue of the authority vested in me as President of the United States and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* (a) The Attorney General shall prepare national emergency plans and develop preparedness programs covering law-enforcement functions of concern to the executive branch of the Federal Government except to the extent that such functions are vested in other departments or agencies by statute or Executive order. Upon request, the Attorney General shall assist, as appropriate, in developing preparedness programs covering law-enforcement functions vested in other departments and agencies of the executive branch. He shall also provide, as appropriate, liaison with and guidance and assistance to the various divisions of State and local government, and maintain liaison with the Federal judicial system and the United States Congress as hereinafter set forth.

(b) These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

SEC. 2. *Basic Functions.* The Attorney General shall:

(a) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(b) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(c) *Judicial and legislative liaison.* In cooperation with the Office of Emergency Planning, maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(d) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(e) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(1) The location, restraint, or custody of alien enemies.

(2) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(3) Apprehension of deserting alien crewmen and stowaways.

(4) Investigation and control of aliens admitted as contract laborers.

(5) Control of persons entering or departing from the United States at designated ports of entry.

(6) Increased surveillance of the borders to preclude prohibited crossings by persons.

(f) *Alien property.* Develop emergency plans for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(g) *Security standards.* In consultation with the Department of Defense and with other executive agencies to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(h) *Research.* Within the framework of over-all Federal research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task-force groups, and provide advice and assistance to other agencies in planning for research in areas involving the interests of the Department of Justice.

SEC. 3. *Civil Defense.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(a) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law-enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions of learning; and assist the States in preparing for the conduct of intrastate and interstate law-enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(b) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when available, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and for the development of Federal prisoner skills to appropriately augment the total supply of manpower; advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(c) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

SEC. 4. *Interagency Cooperation.* Unless otherwise provided in this order, the Attorney General shall assume the initiative in developing joint plans for emergency preparedness functions described in this order in consultation with those departments and agencies which have responsibilities for any segment of such activities.

SEC. 5. *Presidential Coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of, functions under this order with the total national preparedness program.

SEC. 6. *Emergency Planning.* Emergency plans and programs shall be developed as an integral part of the continuing activities of the Department of Justice on the basis that it will have the responsibility for carrying out such programs during an emergency. The Attorney General shall be prepared to implement all appropriate plans developed under this order. Modifications, based on emergency conditions, will be in accordance with policy determinations by the President.

SEC. 7. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2291-2297), or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 8. *Redelegation.* The Attorney General is hereby authorized to redelegate within the Department of Justice the functions hereinabove assigned to him.

SEC. 9. *Construction.* Nothing in this order shall be deemed to derogate from any now-existing assignment of functions to any Executive agency or officer made by statute or by Executive order.

SEC. 10. *General.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 11, 1966.

[F.R. Doc. 66-11227; Filed, Oct. 11, 1966; 4:40 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Effective Date of Certain Amendments Postponed

On July 7, 1964, there were published in the *FEDERAL REGISTER* (29 F.R. 8456) certain amendments of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.) to become effective on January 1, 1965.

In a lawsuit instituted against the Secretary of Agriculture and other officials of the Department of Agriculture in the U.S. District Court for the District of New Jersey challenging the validity of the amendments with respect to soups containing poultry ingredients, on behalf of one processor of dehydrated soups, a preliminary injunction was issued restraining enforcement of such amendments against that processor with respect to dehydrated soup mixes. In order to afford equitable treatment to all poultry soup processors in view of this preliminary injunction, the effective date of the amendments insofar as they relate to all types of soups containing poultry ingredients, was postponed on a month-to-month basis until July 1, 1966 (31 F.R. 7553).

The U.S. District Court on June 10, 1966, issued an opinion upholding the validity of the amendments but no final order was entered at that time. Pending further action by the District Court, it was necessary, in order to avoid disruption of orderly operations in the affected industry, to postpone temporarily the effective date of the amendments with respect to soups containing poultry ingredients beyond July 1, 1966, the date on which the amendments otherwise would have become effective, and such effective date was further postponed until September 1, 1966 (31 F.R. 9043 and 10311). At the time of such postponement, it was announced that the Department contemplated making the amendments effective on January 1, 1967.

On July 13, 1966, a final order was entered by the Court granting the defendants' motion for summary judgment, vacating the preliminary injunction, and dismissing the plaintiff's complaint. Accordingly an order was issued on August 25, 1966 (31 F.R. 11448), providing that the amendments would become effective

with respect to soups containing poultry ingredients on January 1, 1967.

Subsequently the plaintiff in the above-mentioned law suit appealed the order of the District Court to the U.S. Court of Appeals for the Third Circuit and filed with the latter Court a motion for stay of such order pending disposition of the appeal. At the hearing on such motion in the Court of Appeals on September 26, 1966, the Court suggested that the effective date of the regulations with respect to such soups be administratively postponed until March 1, 1967. The Government acceded to the Court's suggestion and agreed to such an administrative postponement of the effective date of the regulations to obviate the necessity at that time for the Court to rule on the plaintiff's motion for stay, which remains pending in the Court of Appeals.

Therefore the effective date of the amendments with respect to soups containing poultry ingredients is hereby postponed until March 1, 1967.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

In view of the foregoing, under the provisions in 5 U.S.C., section 553, it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and unnecessary. This postponement action shall become effective on January 1, 1967, when the amendments would otherwise become effective.

Done at Washington, D.C., this 10th day of October 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-11168; Filed, Oct. 12, 1966;
8:50 a.m.]

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 110—CANNED FOOD WAREHOUSES

PART 112—COLD-PACK FRUIT WAREHOUSES

PART 113—SEEDS WAREHOUSES

Revocation of Regulations

On September 2, 1966, there was published in the *FEDERAL REGISTER* (31 F.R. 11614) a notice of proposed revocations of the regulations relating to Canned Food Warehouses (7 CFR, Part 110); the regulations relating to Cold-Pack Fruit Warehouses (7 CFR, Part 112); and the regulations relating to Seeds Warehouses (7 CFR, Part 113) under the U.S. Warehouse Act, as amended (7 U.S.C. 241 et seq.). After due consideration of all relevant matters and under authority of section 28 of said act (7 U.S.C. 268), said regulations are hereby revoked.

The regulations relating to Canned Food Warehouses were originally promulgated under the act on August 11, 1926, as Service and Regulatory Announcement No. 101. There has been no appreciable activity in this commodity since 1930 when the total number of licenses reached 73. There have been few requests for new licenses since and none in the last 10 years. The last license terminated during fiscal year 1965 because the warehouseman's bond had expired.

The regulations relating to Cold-Pack Fruit Warehouses were originally promulgated under the act on May 26, 1928, as Service and Regulatory Announcement No. 111. There have never been more than five licensed Cold-Pack Fruit Warehouses at one time. There have been no new licenses issued since 1934. Only one warehouse was under license from 1941 until 1965 when this license was not renewed on the bond renewable date due to failure by the warehouseman to furnish bond.

The regulations relating to Seeds Warehouses were originally promulgated under the act on November 21, 1930, as Service and Regulatory Announcement No. 122. The maximum number of warehouses licensed at one time under these regulations was 14 in 1932 soon after the regulations were promulgated. There have been no new applications since 1957 and the last license terminated at the request of the warehouseman in 1964.

These three sets of regulations are being revoked because of their limited use, and apparent lack of future interest by warehousemen in them.

The foregoing revocations shall become effective 30 days following the date of publication hereof in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 7th day of October 1966.

ROY W. LENNARTSON,
Acting Deputy Administrator,
Regulatory Programs, Consumer and Marketing Service.

[F.R. Doc. 66-11169; Filed, Oct. 12, 1966;
8:50 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1966, as amended March 19,

1966, April 23, 1966, June 9, 1966, July 15, 1966, and August 25, 1966 (31 F.R. 1052, 4722, 6247, 8113, 9593, 11213), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to the "list" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

*** * * * ***
OUTSIDE METROPOLITAN AREA

TWO HOURS

Melbourne, Fla. (served from Port Canaveral, Fla.).

* * * * *

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER. (64 Stat. 561)

This amendment shall become effective October 13, 1966.

Done at Hyattsville, Md., this 10th day of October 1966.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 66-11167; Filed, Oct. 12, 1966; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Preservation of Cropland and Allotment Acreage

Basis and purpose. This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), section 203(g) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. A. 203), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g-q). This amendment further implements section 602(g) of the Food and Agriculture Act of 1965 (79 Stat. 1208; 7 U.S.C. 1838(g)).

The amendment to the Regulations for Reconstitution of Farms, Allotments, and Bases includes the following:

(a) Amends § 719.2(f) to provide that cropland acreage planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year.

(b) Amends § 719.10 to extend provision for preserving cropland acreage and allotment history to cropland acreage established and maintained in vegetative cover (excluding trees) under the Regional Conservation Program, Agricultural Conservation Program and to comparable practices carried out without Federal cost sharing. This amendment also provides for preservation of cropland acreage and allotment history for acreage diverted under the Cropland Adjustment Program.

Since the determination of history acreage for allotment crops is impending, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

The Regulations Governing the Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370), as amended, are amended as follows:

1. Subparagraph (5) of paragraph (f) of § 719.2 of the regulations as amended, is amended to read as follows:

§ 719.2 Definitions.

*** * * * ***
(f) Cropland. * * *

(5) Is preserved as cropland under § 719.10. Land classified as cropland shall be removed from such classification upon a determination by the county committee that (i) the land is removed from agricultural production; (ii) is no longer suitable for production of crops; (iii) is devoted to trees (other than orchards or one-row shelter belt plantings) which were planted in the preceding year except that land planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year; or (iv) is no longer preserved as cropland under the provisions of § 719.10 and does not meet the conditions in subparagraphs (1) through (4) of this paragraph.

* * * * *

2. Section 719.10 of the regulations is amended to read as follows:

§ 719.10 Preservation of cropland and allotment acreage.

(a) *Definitions.* Notwithstanding the definitions in § 719.2, for the purposes of this section, the following terms shall have the following meanings:

(1) *Final acreage.* The actual crop acreage, plus any additional acreage considered planted to the crop under applicable commodity regulations.

(2) *Underplanted acreage.* The acreage by which the allotment for a commodity exceeds the final acreage of the commodity.

(b) *Preservation of cropland and acreage available for diversion credit—(1) CRP, GPCP, CCP, CAP, and RCP.* Cropland acreage established and maintained in vegetative cover under the Conservation Reserve Program, Great Plains Conservation Program, Cropland Conversion Program, Cropland Adjustment Program, and Regional Conservation Program, shall retain its cropland classification for the period of the contract or agreement plus an equal period thereafter (not to exceed 10 years for the Conservation Reserve Program unless the land was approved tree cover) plus an additional 5 years if requested in writing by the producer and the vegetative cover is maintained in accordance with good farming practices. Such acreage shall be available for allotment diversion credit to the extent of the underplanted acreage of an allotment crop where needed to fully protect the allotment history for such crop.

(2) *ACP and comparable practices carried out without Federal cost sharing.* Cropland acreage established and maintained in vegetative cover (excluding trees) under the Agricultural Conservation Program or comparable practices carried out without Federal cost sharing shall retain its cropland classification for the life span of the practice not to exceed 5 years unless an additional equal period is requested in writing and approved by the county committee. Such acreage shall be available for allotment diversion credit to the extent of the underplanted acreage of an allotment crop where needed to fully protect the allotment history for such crop. To qualify for cropland classification and allotment diversion credit under this subparagraph (2), the following conditions shall be met:

(i) Acreage must be in excess of the sum of the conserving base and diverted acreage requirements under other adjustment programs.

(ii) The producer must notify the county committee in the year in which the cover is established of his intent to establish such cover and divert acreage from an allotment crop except that the producer may notify the county committee in the year following the year in which the cover is established in the case of diversion of winter wheat.

(iii) A request for preserving cropland and allotment acreage must be made in writing and must be approved by the county committee.

(iv) The practice must be carried out in accordance with good farming practices.

(c) *Termination of allotment diversion credit.* Acreage shall cease to be available for allotment diversion credit when:

(1) The contract or agreement for a given land area is canceled or terminated prior to the expiration date of the contract or agreement.

(2) The permanent vegetation is destroyed or not properly maintained.

(3) The period of extended protection expires.

(d) *Diversion credit for divided farms.* When a parent farm is reconstituted by division, future allotment diversion credit shall accrue to the farm or tract on which the vegetative cover is physically located.

(e) *Use of diversion credit.* The diversion credit determined under the provisions of this section for each underplanted allotment crop shall be considered as acreage devoted to the crop and shall be utilized in establishment of future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended.

(Sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 124, 70 Stat. 198, as amended, 7 U.S.C. 1812; sec. 203(g), 79 Stat. 12, 40 U.S.C. App. A. 203; sec. 602(g), 79 Stat. 1208, 7 U.S.C. 1388(g))

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11165; Filed, Oct. 12, 1966; 8:50 a.m.]

[Amdt. 8]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is as follows:

(1) To provide for computation of 1967 farm domestic allotments; and

(2) To provide for 1967 export market acreage allocations.

Since the county committees are now establishing farm domestic allotments and producers are making plans for the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) are amended as follows:

1. Section 722.429 of the regulations is amended by adding a new paragraph (b) at the end thereof to read as follows:

§ 722.429 Farm domestic allotments.

(b) *For 1967.* Section 350 of the act provides for the establishment of farm domestic acreage allotments for upland cotton of the 1967 crop. The farm domestic acreage allotment percentage of 65 percent was established for 1967 under § 722.467(d) (31 F.R. 11965). The county committee shall establish a farm domestic acreage allotment for each farm for 1967 by multiplying the farm allotment established under section 344 of the act, as revised by transfers under section 344a of the act, by 65 percent.

2. A new § 722.451 is added to the regulations after § 722.450 to read as follows:

§ 722.451 Export market acreage for 1967.

(a) *National export market acreage reserve.* A national export market acreage reserve for 1967 of 250,000 acres was established by § 722.468 (31 F.R. 11965), pursuant to section 346(e) of the act.

(b) *Applications for export market acreage—(1) Persons eligible to file applications.* The farm operator for 1967 of a farm for which a farm allotment for 1967 is established and which had an upland cotton allotment in 1965 and which he operated in 1965, may apply for export market acreage for the 1967 crop. If such farm operator in 1965 is deceased, his heir who is the farm operator for 1967, may apply for export market acreage for the 1967 crop. No farm shall be eligible for export market acreage for 1967 if a transfer by sale under section 344a of the act is approved from such farm for 1967 or was approved for 1966. No farm shall be eligible for export market acreage for 1967 if a transfer by lease under section 344a of the act is approved from such farm for 1967 or was approved for 1966 where the lease term also covers 1967.

(2) *Where application is to be filed.* Applications for export market acreage shall be filed with the county committee of the county in which the farm is located.

(3) *Closing date for filing applications.* Applications for export market acreage for the 1967 crop shall be filed on or before a date to be announced later.

(4) *Form of application.* The form of application for export market acreage shall be prescribed by the deputy administrator and shall provide that the applicant elects to forego price support for the 1967 crop of upland cotton on the farm for which application is made and on any other farm in which he has a controlling or substantial interest. No application shall be made for a greater acreage than is available on the farm for the production of upland cotton.

(5) *Closing date for withdrawal of applications.* The applicant may withdraw an application at any time (i) prior to apportionment of export market acreage to the farm, or (ii) within 15 days after notice of the original apportionment of export market acreage to the farm is mailed to the applicant or March 1, 1967, whichever is later, by filing a written request for such withdrawal with the county committee. Such timely with-

drawal shall also cancel the agreement of applicant to forego price support.

(6) *Closing date for furnishing bond or other undertaking.* The bond or other undertaking required to be furnished under this section shall be furnished to the county committee on or before the later of (i) 15 days after notice of the original apportionment to the farm is mailed to the applicant, or (ii) March 1, 1967.

(c) *Procedure for apportioning export market acreage to farms—(1) Initial apportionment.* The county committee shall determine the maximum acreage for which eligible applicants have filed applications by the closing date. Such maximum acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall tabulate the total of all applications and if not in excess of the national export market acreage reserve shall notify the respective State ASCS offices that the applications from each county are approved. If the total of all applications is in excess of the national export market acreage reserve, the deputy administrator shall establish a pro rata factor and notify the respective State ASCS offices that the applications from each county are approved subject to the reduction determined by applying the pro rata factor to each application. The county committee shall issue a notice to the applicant showing the export market acreage approved for the farm.

(2) *Supplemental apportionment.* If a supplemental apportionment is required, the county committee shall tabulate the export market acreage recovered from farms for which applications are timely withdrawn and notify the State ASCS office of the amount. Such recovered acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall apportion such recovered export market acreage to the remaining farms for which applications were approved and not withdrawn in amounts determined to be fair and reasonable taking into account the applications filed for such farms, but the total export market acreage so apportioned shall not exceed the acreage requested in the application for any farm. The county committee shall issue a notice showing the total export market acreage approved for a farm receiving a supplemental apportionment.

(3) *Finding as to amount of acreage requested for 1967.* This subparagraph will be amended after the closing date for filing applications to make a finding whether the applications for apportionment to farms are within the 250,000-acre national export market acreage reserve.

(d) *No acreage history.* Acreage planted to cotton in excess of the farm allotment established under section 344 of the act shall not be taken into account in establishing future State, county, and farm allotments.

(e) *Requirement of exportation of cotton.* The operator of any farm to which export market acreage is appor-

tioned, or the purchaser of cotton produced on such farm, shall furnish a bond or other undertaking providing for the exportation of all cotton produced on such farm without benefit of any Government cotton export subsidy, and for the payment of liquidated damages upon failure to comply with such bond or other undertaking.

(1) *Bond or other undertaking.*—(1) *Bond.* The deputy administrator shall prescribe the form of bond for exportation of cotton. The farm operator shall execute such bond as principal and furnish it to the county committee duly executed by the principal and a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. A person who has agreed to purchase all the cotton produced on the farm may execute the bond as principal in lieu of the farm operator.

(2) *Other undertaking.* In lieu of a bond under subparagraph (1) of this paragraph, the county committee may accept an undertaking from the farm operator or the purchaser of all the cotton produced on the farm providing for the exportation of all cotton produced on the farm and for deposit with the county committee of an amount to secure the payment of liquidated damages for failure to fulfill terms and conditions of such undertaking. The amount of such deposit shall be equal to the maximum obligation for the payment of liquidated damages determined under paragraph (g) of this section. Such deposit shall be refundable to the extent that it exceeds such maximum obligation or such undertaking for the exportation of cotton is satisfied. The deputy administrator shall prescribe the form of the undertaking to be furnished.

(g) *Liquidated damages.*—(1) *Determination of amount.* The county committee shall determine the estimated liquidated damages under each bond or other undertaking furnished under this section at the time so furnished. Such estimated liquidated damages shall be the number of dollars and cents obtained by multiplying the acreage permitted to be planted on the farm (farm allotment plus export market acreage) by the projected farm yield, and multiplying the result thereof by 21.3 cents. Such estimated liquidated damages shall be adjusted when the cotton crop has been harvested so that the adjusted liquidated damages shall be the number of dollars and cents obtained by multiplying the actual production of lint cotton on the farm in net weight pounds by the marketing quota penalty rate for the 1967 crop of upland cotton determined under section 346(a) of the act. In case of exportation of only part of the cotton produced on the farm, the adjusted liquidated damages shall be reduced accordingly.

(2) *Due date.* Liquidated damages shall be due and payable 15 days after the date of mailing notice of the amount of adjusted liquidated damages to the principal and surety on any bond, or to

the person furnishing any other undertaking in lieu of such bond. The county committee shall mail such notice by certified mail upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section. The principal and surety on any bond of indemnity shall be deemed to waive actual notice of any adjustments in the amount of liquidated damages.

(3) *Liability for liquidated damages.* The principal and surety on any bond of indemnity furnished under this section shall be jointly and severally liable for the payment of liquidated damages to the United States of America in accordance with the terms and conditions of the bond and the provisions of this section. Where an undertaking in lieu of a bond of indemnity is furnished, the person executing such undertaking shall be liable for liquidated damages to the United States of America in accordance with the terms and conditions of the undertaking and the provisions of this section and any such person shall authorize payment of the liquidated damages out of any deposit made with the county committee and shall pay any outstanding balance not covered by such deposit within 15 days from the date of mailing of notice of such balance by certified mail to the farm operator and to such person. The county committee shall collect such liquidated damages from the deposit so made and give notice of the balance due, if any, upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section.

(h) *Determination of cotton to be exported.* The county committee shall determine the actual production of lint cotton of the 1967 crop on the farm on the basis of evidence of production furnished by the operator. If the evidence of production is not satisfactory or none is furnished, the county committee shall appraise the actual production on the basis of the projected farm yield and such other information as is available. The actual production, or the appraised actual production, as determined under this paragraph of 1967 crop lint cotton on the farm shall be exported and the cotton so required to be exported is referred to as export cotton for the farm.

(i) *Evidence of exportation.* The county committee shall be furnished with evidence of exportation of export cotton for each farm in terms of bales of cotton of the 1967 crop which shall total at least the number of pounds of lint cotton net weight determined as the export cotton for the farm. The county committee shall review the evidence of exportation furnished for each farm which shall be deemed satisfactory if it meets the following requirements:

(1) There shall be submitted a listing showing the name of the farm operator, farm number, gin, or compress bale number or mark, and gross weight of each bale, bill of lading number and date, total quantity (pounds) of export cotton included on bill of lading, car-

rier, vessel, or car number, destination and date and place of lading, on rail and truck exports the number and date of the lading certificate. Such listing shall be certified by the exporter as true and correct and the farm operator shall also certify that each bale so listed was produced in the United States from the 1967 crop on the farm so designated.

(2) The exporter shall also certify that no cotton export subsidy for the exportation of the cotton so listed has been received from the Government and that no claim for any cotton export subsidy for the exportation of such cotton has been or will be filed by such exporter with the Government and the evidence of exportation of cotton furnished under this section has not and will not be used to satisfy the obligation to export cotton which such exporter or any other person may have under the cotton equalization program under section 348 of the act, or any other program for the exportation of cotton which may now be or later become effective under the statutes of the United States. However, exportation of export cotton under programs pursuant to Title I—Sales for Foreign Currency and Title IV—Long-Term Supply Contracts of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, 83d Cong.; 7 U.S.C. 1701-9, 1731-6) shall not be deemed to involve a Government cotton export subsidy within the meaning of section 346(e) of the act (7 U.S.C. 1346(e)). Accordingly, evidence of such exportation of export cotton may also be furnished to satisfy the obligation of the exporter under such programs if the applicable purchase authorization under such programs permits the exportation of export cotton.

(3) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the county committee, State committee, or deputy administrator and make his records available for inspection concerning the records for any farm for which he has provided proof of export.

(j) *Time limit for export and submission of evidence of exportation.* The export cotton for a farm shall be exported on or before July 31, 1968, and evidence of such exportation satisfactory to the county committee shall be furnished within 60 days after the date of exportation. The State committee, upon recommendation by the county committee may extend the date for exportation and the date for furnishing evidence of exportation upon a showing of good cause and the furnishing of an appropriate extension of the bond or other undertaking. Unless evidence of exportation within the time specified under this paragraph is furnished, liability for liquidated damages shall accrue.

(k) *Amounts collected as liquidated damages.* All amounts collected as liquidated damages shall be remitted to the Commodity Credit Corporation.

(l) *Records and reports.* The provisions of section 373 of the act are applicable to the export market acreage program.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-CE-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 9, 1966, a notice of proposed rule making was published in the **FEDERAL REGISTER** (31 F.R. 9423) stating that the Federal Aviation Agency proposed to designate controlled airspace at Sturgeon Bay, Wis.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the following transition area is added:

STURGEON BAY, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Door County-Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 2 miles each side of the 195° bearing from Door County-Cherryland Airport, extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 015° and 195° bearings from Door County-Cherryland Airport extending from 6 miles N to 14 miles S of the airport; and within 5 miles each side of the 015° bearing from Door County-Cherryland Airport extending from 6 to 12 miles N of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11110; Filed, Oct. 12, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area and Alteration of Adjacent Control Zone

On August 3, 1966, a notice of proposed rule making was published in the **FEDERAL REGISTER** (31 F.R. 10419) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Chesterfield, Mo., terminal area, and to alter the controlled airspace in the St. Louis, Mo., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments.

The two comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 December 8, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065) the following is added:

CHESTERFIELD, MO.

Within a 5-mile radius of the Spirit of St. Louis Airport, Chesterfield, Mo. (latitude 38°39'35" N., longitude 90°38'45" W.); within 2 miles each side of the Maryland Heights 243° radial extending from the 5-mile radius zone to 7 miles SW of the VORTAC; and within 2 miles each side of the Maryland Heights 310° radial extending from the 5-mile radius zone to 8 miles NW of the VORTAC. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (31 F.R. 2149) the following transition area is added:

CHESTERFIELD, MO.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Maryland Heights, Mo. VORTAC 243° radial extending from 7 miles SW of the VORTAC to 10.5 miles SW of the VORTAC.

(3) In § 71.171 (31 F.R. 2065) the St. Louis, Mo., control zone is amended to read:

ST. LOUIS, MO.

Within a 5-mile radius of the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 2 miles SE and 3 miles NW of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer SW course extending from the 5-mile radius zone to 12 miles SW of the Lake RBN, within 2 miles each side of the St. Louis VORTAC 142° radial, extending from the 5-mile radius zone to 7 miles NW of the NW end of the Lambert-St. Louis Municipal Airport Runway 12R, within 2 miles each side of the St. Louis Municipal Airport Runway 12R ILS localizer NW course extending from the 5-mile radius zone to the Runway 12R OM and within 2 miles each side of the St. Louis Municipal Airport Runway 12R ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the Runway 12R localizer, excluding that area which overlies the Spirit of St. Louis control zone during the hours it is in effect.

Initially, the Chesterfield, Mo., control zone will be effective from 0700 to 2200 hours local time daily.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11111; Filed, Oct. 12, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 6, 1966, a notice of proposed rule making was published in the **FEDERAL**

(m) *Appeals.* The Appeal Regulations in Part 780 of this chapter (29 F.R. 8200) shall be applicable to determinations under this section.

(n) *Failure to furnish a bond or other undertaking.* No application for export market acreage shall be approved unless a bond or other undertaking is furnished in accordance with this section.

(o) *Acreage planted to cotton exceeds farm allotment and export market acreage.* If the acreage planted to cotton on a farm receiving export market acreage exceeds the sum of the farm allotment and the export market acreage for the farm, the acreage planted to cotton in excess of the farm allotment shall be regarded as excess acreage for purposes of determining the farm marketing excess and marketing quota penalty under sections 345 and 346 of the act. The obligation to export cotton under the bond or other undertaking and the provisions of this section is not reduced or modified by reason of excess acreage plantings established under this paragraph.

(Secs. 346(e), 350, 375, 79 Stat. 1192, 1193, 52 Stat. 66, as amended; 7 U.S.C. 1346(e), 1350, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11164; Filed, Oct. 12, 1966; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations

PURCHASE AND INSPECTION; CORRECTION

F.R. Doc. 66-9156, published at page 11141 in the issue dated August 23, 1966, is corrected by changing item 2 to read as follows:

2. The last sentence of paragraph (e) of § 1446.1643 *Period of offering—size of lots—grading* is corrected to read:

(e) * * * Nothing in this subpart shall preclude the sheller or CCC from applying for an appeal inspection under the regulations governing inspection of fresh fruits, vegetables and other products, §§ 51.1-51.67 of this title.

Signed at Washington, D.C., October 10, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-11163; Filed, Oct. 12, 1966; 8:50 a.m.]

REGISTER (31 F.R. 10580) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Battle Creek, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065) the Battle Creek, Mich., control zone is amended to read:

BATTLE CREEK, MICH.

Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'55" W.), within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials, extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

(2) In § 71.181 (31 F.R. 2149) the Battle Creek, Mich., transition area is amended to read:

BATTLE CREEK, MICH.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course, extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42°14'07" N., longitude 85°33'10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41°57'30" N., longitude 85°35'30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°38'00" N., on the E by longitude 84°50'00" W., on the S by latitude 41°40'00" N., on the SW by V-277, and on the W by longitude 86°00'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11112; Filed, Oct. 12, 1966;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1114]

PART 13—PROHIBITED TRADE PRACTICES

Fredericks Furs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; 13.30-30 Fur Products Labeling Act;

§ 13.73 *Formal regulatory and statutory requirements*; 13.73-10 Fur Products Labeling Act; § 13.155 *Prices*; 13.155-45 Fictitious marking. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*; 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Fredericks Furs, Inc., et al., Surfside, Fla., Docket C-1114, Sept. 19, 1966]

In the Matter of Fredericks Furs, Inc., a Corporation, and Jerry Lindenbaum and Sidney Gelfand, Individually and as Officers of Said Corporation

Consent order requiring a Surfside, Fla., furrier to cease misbranding, falsely invoicing, and advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Fredericks Furs, Inc., a corporation, and its officers, and Jerry Lindenbaum and Sidney Gelfand, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

4. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to each such fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Uses the word "was" or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents in the recent regular course of their business, or otherwise misrepresents the prices at which such merchandise has been sold, or offered for sale by respondents.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11134; Filed, Oct. 12, 1966;
8:47 a.m.]

[Docket No. 8635]

PART 13—PROHIBITED TRADE PRACTICES

Merck & Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties or product or service*: 13.170–52 Medicinal, therapeutic, healthful, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Quinton Co. et al., Rahway, N.J., Docket 8635, July 20, 1936]

In the Matter of Merck & Co., Inc., a Corporation, Trading as Quinton Co., and Doherty, Clifford, Steers & Shenfield, Inc., a Corporation

Order modifying a final order dated April 8, 1966, 31 F.R. 7059, requiring a New Jersey drug manufacturer and its advertising agency to cease its deceptive television advertising of throat lozenges, by substituting as co-respondent a successor advertising agency.

The modified order to cease and desist, is as follows:

It is ordered, That this proceeding be, and it hereby is, reopened;

It is further ordered, That the Commission's final order of April 8, 1966, be, and it hereby is, modified by striking therefrom the preamble on page 4 of such order and substituting therefor the following:

It is further ordered, That respondent Doherty, Clifford, Steers & Shenfield, Inc., a corporation, and Needham, Harper & Steers, Inc., a corporation, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of throat lozenges or any similar preparation, do forthwith cease and desist from, directly or indirectly: * * *

Issued: July 20, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11135; Filed, Oct. 12, 1966; 8:47 a.m.]

[Docket No. C-1115]

PART 13—PROHIBITED TRADE PRACTICES

Pageant Press, Inc., and Simon A. Halpern

Subpart—Advertising falsely or misleadingly: § 13.160 *Promotional sales plans*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance*; § 13.1615 *Earnings and profits*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Pageant Press, Inc., et al., New York, N.Y., Docket C-1115, Sept. 23, 1966]

Consent order requiring a New York City subsidy publisher to cease misrepresenting in its advertising the profits which authors may make, the sales promotion it gives its books, and making other false claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Pageant Press, Inc., a corporation, and its officers, and Simon A. Halpern, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation of contracts for the publication of books or other printed matter for authors and prospective authors and in the promotion, sale, or distribution of books of authors who have engaged respondents' services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That under their plan of publication the contracting authors will recover all or substantially all of their entire investment in the publication of their books: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that any represented number or proportion of authors have recovered the represented portion or amount of their investment.

2. Misrepresenting, in any manner, the amount of return on investment, profits or gains derived or which may be derived by persons who have engaged respondents' services.

3. That books or other printed matter published by respondents are purchased in large numbers or quantities in the regular course of business by bookstores, department stores, wholesalers, libraries, colleges and universities; or misrepresenting, in any manner, the kind or number of purchasers of said books or the number of such books purchased by such organizations or others.

4. That the contracting author's book will be nationally advertised; or misrepresenting in any manner, the kind, manner or extent of the advertising, publicizing or promoting accorded said books or other printed matter.

5. That their advertising, publicity, or sales promotion campaign assures success of the sale or distribution of books or other printed matter published by them.

6. That they print or bind all or a portion of the copies listed in the contract of the first edition of an author's book: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said books are printed or bound as represented.

7. That books published by respondents are reviewed by critics or columnists, or in newspapers, magazines, radio, TV or other reviewing media: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted

hereunder to establish that the said books have been reviewed as represented.

8. That respondents offer and enter into contracts or agreements with authors of manuscripts, whether or not determined by them to have unusual possibilities of success or for any other reason, whereby respondents agree to assume all or a portion of the publication, promotion or distribution costs or to compensate the author on the basis of the number of books sold: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they make such offers and enter into contracts or agreements as represented and that a bona fide effort is made to make such offers and enter into such contracts with each of the authors responding to such advertising representations.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11136; Filed, Oct. 12, 1966; 8:47 a.m.]

[Docket No. 6702]

PART 13—PROHIBITED TRADE PRACTICES

Royal Oil Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed, or reused product being new*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, secondhand, reclaimed, or reconstructed as new*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Royal Oil Corp. et al., Baltimore, Md., Docket 6702, Sept. 19, 1966]

In the Matter of Royal Oil Corp., a Corporation, and Alden C. Jocelyn, Joseph A. Inciardi, and Irving H. Weil, Individually and as Officers of Royal Oil Corp.

Order reopening and modifying an earlier order, 23 F.R. 3298, dated April 7, 1958, requiring a marketer of lubricating oil to cease advertising its product without disclosing that the oil is refined or reprocessed, by affirmatively ordering that such disclosure be made on the front panel or panels of the container.

The modified order to cease and desist, is as follows:

It is ordered, That the proceeding herein be, and it hereby is, reopened and the Commission's order of April 7, 1958,

be, and it hereby is, modified by substituting the following paragraph for paragraph (1) contained in that order:

(1) Advertising, offering for sale or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels of the container.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11137; Filed, Oct. 12, 1966;
8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Cooperative Advertising Program Must Be Made Available to All Competing Customers

§ 15.92 Cooperative advertising program must be made available to all competing customers.

(a) The Commission was requested to furnish an advisory opinion concerning a proposal by an advertising agency to solicit suppliers of products sold in drug stores to permit the agency to place some of their money for advertising in one trade area. Suppliers were to be charged at the rate of \$3 per each store which agrees to participate. The agency will notify all drug stores in the area that, for example, supplier A wants to participate in the plan and ask each store to mark a self-addressed card as to whether they either displayed the item and/or if they would purchase additional products either for the display or in anticipation of the advertising campaign of that product. If 700 stores return the card as evidence of their in-store cooperation, the supplier would then pay the agency \$2,100 at the rate of \$3 per store. The agency will then take this sum and place the money in an advertising campaign for the supplier. In return for the pharmacists' cooperation, the agency will tag each supplier's advertising with "this product available at your local pharmacy." No specific names will be mentioned.

(b) Although each supplier's advertising will be run separately and there will be no joint advertising, each will be able to buy advertising under discounts earned from collective buying of space under the contract for all participating suppliers. There will be no payment to any individual druggist or association of druggists. Payments to the agency will be by the media in the form of agency commissions. Further, none of the advertisements to be published will contain selling prices for any of the products featured therein.

(c) The plan was subsequently amended so that the offer would be ex-

tended to all competing retailers of the products advertised instead of just to drug stores. However, the agency advised that it had already received negative answers from a number of food chains and other retailers and, consequently, it proposed to leave the tag reading as above, but that if any of the others subsequently indicated they would like to participate, the tag would be amended to read "available at your local pharmacy and grocery store" or "variety store" as the case may be. All of these stores will continue to be notified periodically.

(d) The Commission advised that while no specific customer will be named in the proposed advertisements, the fact that a class of customers will be specified, namely, pharmacies, means that the principles of section 2(e) of the Robinson-Patman Act apply and each supplier would owe a duty to make this proposal available on proportionally equal terms to all of their competing customers. The Commission further advised that it appeared the agency proposed to operate the plan in such manner as to meet the test of that section, assuming, of course, that all competing retailers will be notified of the availability of the plan and offered an opportunity to participate and that the tag will be changed in an appropriate manner if other than pharmacies evidence an interest.

(38 Stat. 717, as amended; 15 U.S.C. 41-58;
49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: October 12, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11132; Filed, Oct. 12, 1966;
8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Newspapers Right To Reject Advertising

§ 15.93 Newspapers right to reject advertising.

(a) The Commission was requested to render an advisory opinion with respect to the right of a newspaper to reject advertising which it regarded as false and misleading. While the question propounded involved the right of the paper to reject an advertisement by an automobile dealer which impliedly represented that a used car in its stock was a repossession when it was not, the Commission noted that the question presented went far beyond the fate of the particular advertisement and involved the basic question of whether or not a newspaper has the right under the antitrust laws to reject advertisements which are submitted to it for publication.

(b) The Commission further noted the fact that the newspaper, which is in open competition with other newspapers in the same area, is acting in accord with the exercise of its own independent judgment and not in concert with others in

proposing to reject the particular advertisement.

(c) Under these circumstances, the Commission advised that it could see no objection to the exercise by the newspaper of its right to refuse to accept the advertisement.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 12, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11133; Filed, Oct. 12, 1966;
8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Endrin

A petition (PP 5F0424) was submitted to the Food and Drug Administration by Shell Chemical Co., 110 West 51st Street, New York, N.Y. 10020, requesting the establishment of a tolerance of 0.1 part per million for residues of the insecticide endrin in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, and cauliflower.

The petition was found to be inadequate for filing because of deficiencies in the toxicological data; however, the petitioner requested that the petition be filed as submitted, as provided in § 120.7 (d), and it was filed.

The Secretary of Agriculture has certified that endrin is useful for the purposes for which the tolerances were requested.

After consideration of the data submitted, and other relevant material, scientists of the Food and Drug Administration concluded that endrin residues should not be tolerated on food crops by reason of the aforementioned deficiencies in the petition.

The Shell Chemical Co. asked that the petition be referred to an advisory committee, as provided by sections 408 (d) and (g) of the Federal Food, Drug, and Cosmetic Act, with the request that it make a report and recommendation thereon. The petition was referred to an advisory committee, and it has unanimously recommended that the petition be denied. Copies of the report and recommendations of the committee are on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201.

The available information shows that it is proper to continue the present tolerance of zero for endrin in or on cabbage and to establish a tolerance of zero for

endrin in or on broccoli, brussels sprouts, and cauliflower.

Therefore, based on consideration of all the data and the report and recommendations of the advisory committee, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(3)(A), 68 Stat. 513, 21 U.S.C. 346a(d)(3)(A)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.120; 31 F.R. 3008), § 120.131 is revised to read as follows:

§ 120.131 Endrin; tolerances for residues.

A tolerance of zero is established for residues of the insecticide endrin in or on each of the following raw agricultural commodities: Broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, cucumbers, eggplant, peppers, potatoes, sugarbeets, sugarbeet tops, summer squash, and tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(3)(A), 68 Stat. 513, 21 U.S.C. 346a(d)(3)(A))

Dated: October 10, 1966.

JAMES L. GODDARD,

Commissioner of Food and Drugs.

[F.R. Doc. 66-11204; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 512—REVIEW COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

Under authority provided in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1960 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), 29 CFR Part 512 is hereby revised in order to adapt the procedures set forth therein to the provisions in the Fair La-

bor Standards Amendments of 1966 (P.L. 89-601) for minimum wage increases to become effective during 1967 in industries operating in Puerto Rico and the Virgin Islands.

As these regulations are rules of agency procedure, no provision for public participation in their formulation is required by the Administrative Procedure Act. As they must be effective immediately in order to accomplish their purpose, good cause is hereby found, and they shall be, effective on publication in the FEDERAL REGISTER.

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| Sec. | |
| 512.1 | Scope and application. |
| 512.2 | Statutory requirements prerequisite for appointment of review committees. |
| 512.3 | Industry. |
| 512.4 | Confidentiality. |
| 512.5 | Identification and filing date. |
| 512.6 | Majority of employees in the industry. |
| 512.7 | Financial information. |
| 512.8 | Payroll and employment data. |
| 512.9 | Other information. |
| 512.10 | Action on application. |
| 512.11 | Review committee procedure. |
| 512.12 | Effective period of the 12 per centum increase or the review committee wage order. |
| 512.13 | Surety undertaking. |
| 512.14 | Information previously submitted. |

AUTHORITY: The provisions of this Part 512 issued under 52 Stat. 1060, as amended (P.L. 89-601); 29 U.S.C. 201.

§ 512.1 Scope and application.

Section 6(c)(2)(A) of the Fair Labor Standards Act of 1938, as amended, requires, with respect to employees in Puerto Rico and the Virgin Islands, that the rate or rates applicable to them under the latest industry wage order issued prior to February 1, 1967, be increased by 12 per centum, unless such rate or rates are superseded by a rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee appointed under section 6(c)(2)(C). The regulations in this part provide the procedure for applications for the appointment of such review committees, as well as the procedure to be observed by such committees in the conduct of investigations and hearings and in formulating their recommendations, and the procedure for the promulgation of wage orders giving effect to their recommendations.

§ 512.2 Statutory requirements prerequisite for appointment of review committees.

Under the terms of the governing statute, authority to appoint a review committee for the purpose provided in § 512.1, arises only where application is made to the Secretary of Labor in writing, by any employer or group of employers employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, for the appointment of a review committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates resulting from the percentage increase described in § 512.1. Such application shall be filed not later than November 22, 1966. Appointment of a review com-

mittee pursuant to such application is authorized only if the Secretary of Labor has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with the increase of 12 per centum referred to in § 512.1 will substantially curtail employment in such industry. The governing statute provides that the Secretary's decision on such application shall be final.

§ 512.3 Industry.

Only one application for each industry shall be received. The definition of each industry shall conform to one of the definitions under the first section, entitled "Definition," in Parts 601 to 699, both inclusive, and Part 720 of this chapter excluding, however, Parts 694, 695, and 697 of this chapter. In the case of industries in the Virgin Islands, the definition of an industry shall conform to one of the lettered paragraphs of § 694.1 of this chapter. Every employer who joins a group of employers in filing an application must sign it. Signers on behalf of business organizations should be the employer's chief executive officer in charge of all its operations in the industry in Puerto Rico or the Virgin Islands, as the case may be, or an officer with supervisory authority over such chief executive. Each such application should be complete in one document. Where, however, substantial reason compels a particular employer to join a group of employers in filing an application by a separate document and if it meets the requirements provided in §§ 512.3 to 512.9, it will be received, considered, together with the presentation of the other employers in the group, and the employer will be accorded status as an applicant under § 512.13.

§ 512.4 Confidentiality.

Each application and the financial and other information contained therein shall, if the application is granted, become a matter of public record at the time the application is granted. Such documents will, upon appointment of the review committee, be referred to it in accordance with section 5(d) of the Fair Labor Standards Act. Prior to the granting of any such application, and both prior to and after the denial of any such application, access to such documents will be restricted, and the contents thereof will be revealed only to the Secretary and officers and employees of the Department of Labor whose duties require the examination of such application.

§ 512.5 Identification and filing date.

Each application shall separately state for each employer participating in it, his name and address (in Puerto Rico or the Virgin Islands as the case may be), the products produced and services rendered by the employees to whom the application relates, and the applicable wage order and any classification or classifications applicable to such employees, all as defined in Parts 601 through 699, both inclusive, and Part 720 of this chapter. The application

shall be filed during the period prescribed by § 512.2. No clarification, supplemental, or additional data filed outside the period prescribed by § 512.2 may be considered. If the application is sent by airmail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the period prescribed by § 512.2. The original and two copies of the application shall be filed at the Office of the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, and one copy shall be filed at the Office of the Regional Director of the Wage and Hour Division, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R. 00908.

§ 512.6 Majority of employees in the industry.

In order to provide the information necessary to determine whether the employer or employers applying for appointment of a review committee employ a majority of the employees in the industry, the application shall show the number of employees subject to the wage order for such industry who are employed by each such employer for the payroll week which includes September 12, 1966. In addition to this information, such information on employment during another specific payroll week may be submitted if the application shows that employers employing a majority of the employees in the industry and participating in the application agree upon such week as the most recent payroll week considered to be normal, and if the application presents facts which establish that employment during such other week is, because of factors such as seasonality or temporary abnormal conditions, more representative than the employment during the week which includes September 12, 1966. The name and address of each employing establishment in the industry which has not joined in the application shall also be stated, together with the estimated number of employees employed by it in the workweek which includes September 12, 1966, and such other week as may be selected for counting employees of employers joining in the application. Employers filing information on employment in establishments operated by other employers in their industry who have not joined in the application shall supply the best information they are able to discover on this question and identify its source.

§ 512.7 Financial information.

(a) The application shall set forth separately for each employer participating in such application the financial and other information with respect to his operations which he relies upon to establish reasonable cause for believing that compliance with the minimum wage rate or rates resulting from the percentage increase referred to in § 512.1 will substantially curtail employment in the industry. If such information is not set forth in such pertinent detail as will permit the Secretary to conclude that there is rea-

sonable cause to believe that such curtailment of employment will result, he is not authorized to appoint a review committee. It is therefore recommended that each application contain information in at least the detail required by Part 511 of this chapter as a prerequisite to becoming a party to a proceeding before a special industry committee.

(b) With respect to financial information, each application shall provide pertinent, unabridged profit and loss statements and balance sheets for a representative period of years (not less than three) covering the operations of each employer in the industry joining in such application, and include the most recent year or fraction thereof for which such data are available. Such financial statements (except those relating to the most recent fiscal period that are for less than a full fiscal year and those that are for a year ending less than 90 days prior to the filing of the application) shall be certified by an independent certified public accountant, or verified by the employer to whom they relate, as conforming to, and being consistent with, the corresponding income tax returns covering the same years, so that the application presents all the detail in such returns that is pertinent to the question of whether the 12 per centum increase referred to in § 512.1 will substantially curtail employment in the industry. The names of individuals or business organizations with whom transactions were accomplished, and minor details which are not pertinent to the appointment of a review committee, need not be revealed.

§ 512.8 Payroll and employment data.

Each applicant shall present separately for each participating employer payroll data for the week or weeks identified in § 512.6 showing the following information for all employees employed by him in the industry in classifications subject to the 12 per centum increase referred to in § 512.1: (a) For employees other than learners and apprentices working under special minimum wage certificates and homeworkers—(1) the number of employees paid minimum wages and (2) the number of employees in each interval of straight-time earnings (the intervals should be $2\frac{1}{2}$ cents and the lowest interval should begin with and include the lowest appropriate multiple of 5 cents); (b) for learners and apprentices—the number of employees in each straight-time interval of earnings; and (c) for homeworkers—(1) the number of homeworkers and (2) the total amount of wages paid to homeworkers. In addition to the foregoing, there shall be submitted for each participating employer for every worker employed by him, on one of the copies to be filed with the Administrator pursuant to § 512.5, the following: The wage rate at which the worker is employed, his hours worked in the workweek, his total earnings, and his straight-time hourly earnings as computed from the weekly straight-time earnings and hours of work. In report-

ing payroll data on homeworkers, only the number of homeworkers and the total amount paid to each need be shown. Those employees who are learners or apprentices working under special certificates shall be identified as such in the data. In addition to the foregoing payroll data, there should be stated for each participating employer (i) the number of employees other than learners and apprentices and homeworkers, (ii) the number of learners and apprentices, and (iii) the number of homeworkers employed by him in the workweeks which included the following dates: August 12, 1964, November 12, 1964, February 12, 1965, May 12, 1965, August 12, 1965, November 12, 1965, February 12, 1966, May 12, 1966, August 12, 1966, and September 12, 1966.

§ 512.9 Other information.

Other information which the participants in the application deem necessary or appropriate for consideration on the question of whether the 12 per centum wage increase referred to in § 512.1 will substantially curtail employment in the industry shall be supplied in the application. Among the types of data which may be considered pertinent, are those revealing (a) employment and labor conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, particularly after the effective date of the most recent applicable wage order, including such items as present and past employment, present wage rates, perquisites, and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates and similar factors; (b) market conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, and similar marketing factors; (c) comparative production costs in Puerto Rico or the Virgin Islands, as the case may be, with such costs on mainland and in foreign countries, together with the conditions responsible for the differences.

§ 512.10 Action on application.

Each application under this part will be considered promptly after receipt, and decisions thereon will be promptly communicated to employers participating in the application. On approval of any such application, an order of appointment of a review committee for the industry to which it relates will be published in the FEDERAL REGISTER. Approval of an application shall not, in proceedings before a review committee, be considered as evidence that any specific rate or rates which may be applicable or may be made applicable under any provision of the Act to employees in the industry concerned will or will not cause substantial curtailment of employment therein.

§ 512.11 Review committee procedure.

The provisions of sections 5 and 8 of the Fair Labor Standards Act of 1938 relating to special industry committees are applicable to review committees appointed pursuant to this part. Part 511 of this chapter, entitled "Wage Order Procedure for Puerto Rico, the Virgin Islands, and American Samoa" shall govern the procedure of review committees and the general method for issuance of wage orders pursuant to their recommendations, except insofar as Part 511 of this chapter may be inconsistent with this part or the Fair Labor Standards Amendments of 1966 (Public Law 89-601).

§ 512.12 Effective period of the 12 per centum increase or the review committee wage order.

Except as provided in § 512.13, the 12 per centum increase in minimum wage rates or the superseding minimum rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee, as referred to in § 512.1, shall be effective April 2, 1967, and shall remain in effect for 1 year unless superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of \$1.40 per hour) hereafter issued by the Secretary of Labor pursuant to the recommendations of a special industry committee. However, no special industry committee shall hold any hearing within 1 year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary by a review committee to be paid in lieu of the 12 per centum referred to in § 512.1. Section 6(c)(2) (B) of the Fair Labor Standards Act of 1938 gives the conditions under which the minimum wage rates referred to in § 512.1 are to be increased by an additional 16 per centum on April 2, 1968.

§ 512.13 Surety undertaking.

(a) *Eligibility for relief.* In the event a review committee has been appointed as provided in § 512.10 and its deliberations have not resulted in a wage order effective on or before the effective date referred to in § 512.12, the 12 per centum increase shall go into effect on the effective date prescribed in that section, except with respect to the employees of an employer who filed a timely application under § 512.5 to the extent that he qualifies for relief under paragraph (b) of this section.

(b) *Conditions of relief.* Each employer eligible for relief as provided in paragraph (a) of this section is hereby relieved, subject to the following conditions, from the obligation to pay the 12 per centum wage increase referred to in § 512.1 until the effective date of the wage order for his industry recommended by the review committee appointed under § 512.10. Such relief shall begin when, and continue as long as, the following conditions are complied with:

(1) He shall file with the Secretary of Labor a bond enforceable by the Secretary of Labor in the district court of the United States for the District of Co-

lumbia or for the district of Puerto Rico by service of process on a public officer in the District of Columbia or in Puerto Rico who is, by irrevocable appointment in the undertaking, authorized to receive service of process on the employer's behalf in any judicial proceeding to enforce the bond. The condition of the bond shall be such that liability for the amount of the undertaking may be avoided only if there is payment to each of his employees of an amount equal to the difference between the wages they actually receive and the wages provided in the wage order made on recommendation of the review committee.

(2) The liability in such a bond shall be fully joined by a corporate surety identified currently by the Secretary of the Treasury under sections 6 through 13 of Title 6 of the United States Code as an acceptable surety on Federal bonds who is licensed to transact a surety business and has a process agent, both in the District of Columbia and in Puerto Rico.

(3) The employer shall file with the Secretary of Labor a weekly report showing the cumulative difference between the total amount of wages he has paid to his employees through the end of the preceding workweek and the total wages his employees will be entitled to receive if the review committee recommends an increase of 12 per centum.

(4) The relief shall not be effective for any period after the cumulative difference reported under subparagraph (3) of this paragraph exceeds 75 per centum of the amount of the undertaking, nor after the Secretary of Labor advises the employer that in his opinion the amount of the undertaking is inadequate to give satisfactory assurance that the employees whose wages are affected by the relief will ultimately receive the total compensation for their work to which they will be entitled.

(5) The condition of the bond shall also require that sums due employees who cannot be located within 3 years after the effective date of the wage order recommended by the review committee shall be payable to the Secretary of Labor to be covered into the Treasury of the United States as miscellaneous receipts.

§ 512.14 Information previously submitted.

Where financial information required to be included in a petition has previously been submitted to the Wage and Hour and Public Contracts Divisions in the form required by § 512.7, the petitioner may request that it be permitted to exclude such information, setting forth the date and circumstances of such prior submission. Such request, however, must be made and granted before a petition omitting the required information may be filed, and will not authorize a petition subsequent to November 22, 1966.

Signed at Washington, D.C., this 10th day of October 1966.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 66-11179; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

1. Subpart B is revised to read as follows:

Subpart B—Definition of Terms

Sec.	Definitions.
1001.201	Head of procuring activity.
1001.201-7	Base procurement.
1001.201-55	Central procurement.
1001.201-57	Foreign central procurement activity.
1001.201-59	Oversea commands.

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 126-133; 10 U.S.C. 8012, 2301-2314.

Subpart B—Definition of Terms

§ 1001.201 Definitions.

§ 1001.201-7 Head of procuring activity.

See § 1001.456.

§ 1001.201-55 Base procurement.

Any AF installation engaged in local purchase is a base procurement activity. Except as authorized by §§ 1003.607-2, 1004.2102(a), and 1004.2103 of this subchapter, the local purchase (and sales contracting) function will be consolidated under one office at AF installations. The base procurement office is the centralized purchasing office engaged in local purchase at an AF installation.

§ 1001.201-57 Central procurement.

The purchasing of consolidated AF requirements (supplies or services) by certain designated agencies, such as AFLC, AFSC, MAC, ACIC, ATC, AFCS, Department of the Army or Navy, and DSA.

§ 1001.201-59 Foreign central procurement activity.

Any AFLC/AFSC installation that is engaged in central procurement and is located outside the United States, its possessions, or Puerto Rico.

§ 1001.201-60 Oversea commands.

Major commands located in possessions of the United States, and in Puerto Rico, Alaska, and Hawaii, as well as those in foreign countries.

2. Section 1001.366 is deleted, and a new § 1001.367 is added as follows:

§ 1001.366 Allegations concerning the competitive procurement program. [Deleted]

§ 1001.367 Contracts for food of animal origin.

Contracts for food of animal origin will only be placed with those sources

which are approved with respect to sanitation according to the standards and procedures prescribed in AFR 160-48 (Veterinary Food Inspection). In this respect, contracting officers will solicit the cooperation of the director of base medical services, base veterinarian, or other duly authorized persons in determining the acceptability of food sources of supply. Further, the contracting officer will take necessary action to insure that his activity receives distribution or has access to all lists of approved sources of food (see AFR 160-48). These lists of approved sources are not to be used for the purpose of limiting consideration to a group of selected suppliers, but may be used only to suggest potential sources. Sources who wish to bid on food of animal origin requirements, but who have not been inspected, will be advised to apply in writing to the procurement activity concerned requesting a sanitary inspection.

3. Section 1001.402 is amended by revising the title, paragraph (a), subparagraphs (1) and (3) of paragraph (b), and paragraph (f). As amended, §1001.402 reads as follows:

§ 1001.402 Authority of contracting officers.

(a) The authority to enter into contracts applies only to contracting officers appointed under § 1001.405. The acts of a contracting officer must be within the scope of the written orders designating him a contracting officer. Unless otherwise specifically provided, the words "the contracting officer" also mean his duly designated successor. (Also see §1.201-3 of this title.)

(b) * * *

(1) Imprest fund purchases made according to § 3.607 of this title and § 1003.607 of this subchapter.

(3) Emergency purchases of medical supplies and equipment made according to paragraph 11, Chapter 16, Volume V, AFM 67-1 (USAF Supply Manual), followed by the issuance of a confirmatory purchase order by the base procurement officer or a cash purchase receipt by a cash purchasing officer.

(f) The responsibility of contracting office or a cash purchase receipt by a forth in Chapter 11, Volume VI, AFM 67-1.

4. Sections 1001.405, 1001.405-1, 1001.405-2, 1001.405-50, and 1001.405-51 are added; and §§ 1001.451 and 1001.452 are deleted as follows:

§ 1001.405 Selection, appointment, and termination of appointment of contracting officers.

Contracting officers and their representatives, as defined in § 1.201-3 of this title, will be those designated by the persons listed below, or by persons who are authorized in writing by the persons listed below to designate contracting officers within the meaning of that term as used throughout Chapter I of this title

and this subchapter: Secretary of the Air Force (as defined in § 1.201-15 of this title; Deputy Chief of Staff, Systems and Logistics; Director of Procurement Policy, Office of the Deputy Chief of Staff, Systems and Logistics; and heads of procuring activities (Commanders, AFLC and AFSC).

(a) *AFLC authority to designate contracting officers and their representatives.* Pursuant to § 1001.456, this authority has been redelegated by Director of Procurement and Production, HQ AFLC, to activities cited in § 1001.455 (b).

(b) *AFSC authority to designate contracting officers and their representatives.* This authority has been redelegated by the Deputy Chief of Staff, Procurement and Production, HQ AFSC.

§ 1001.405-1 Selection.

In addition to the requirements contained in § 1.405-1 of this title, contracting officer appointments will be limited to the following categories of personnel and subject to the requirements and limitations stated, except that the requirement pertaining to AFSCs in paragraph (a)(1) of this section may be waived by appointing authorities in AFLC and AFSC when the individual to be appointed has a level of procurement experience commensurate with the complexity of the procurement actions to be assigned the individual.

(a) *Considerations.* (1) Commissioned officers and NCOs (Grades E-6, E-7, E-8, and E-9) who have been awarded AFSC 6516, 6534, 65190, or 65170; or civilian personnel occupying a manning position listed under these AFSCs. Personnel must have successfully completed the OBR 6531 or AAR 65170 courses of instruction, previously held a contracting officer warrant, or had 2 or more years of procurement experience.

(2) Commissioned officers who have more than 1 year procurement experience with authority limited to blanket purchase agreements, delivery orders, purchase orders and modifications thereto.

(3) NCOs in grade E-5 who have completed the AAR 65170 course of instruction or equivalent OJT with authority limited to blanket purchase agreements, delivery orders, purchase orders and modifications thereto.

(b) [Not implemented]

§ 1001.405-2 Appointment.

(a)(1) The commander or deputy commander of a base, division, wing, etc., and, in the case of AFLC activities, the Director of Procurement and Production will review and sign the request for designation of a contracting officer. In AFSC the request will be reviewed and signed by the officer (or civilian) immediately subordinate to the designating authority. The request will include:

(i) A résumé of his qualifications signed by the applicant.

(ii) A statement by the person signing the request that the qualifications contained in the résumé were verified against the applicant's personnel file.

(iii) If the designee is already an employee of the requesting activity and his qualifications are known, a statement that the designee is qualified.

(iv) If the designee is not an employee of the requesting activity and his qualifications are not known, a summary of an interview of the designee by the chief or deputy chief of the procurement activity. The summary will include a statement that the designee is qualified. If the designee is located at a distance which makes it impractical and uneconomical to conduct an interview, this requirement will be waived. Justification for not having an interview will be included. However, the statement that the designee is qualified must still be made.

(2) Request for designation of a representative of a contracting officer will be handled the same as in subparagraph (1) of this paragraph, except that:

(i) Unless it is impractical, the contracting officer desiring a representative will initiate the request, sign the statements, and conduct the interview instead of the chief or deputy chief of the procurement activity.

(ii) If the contracting officer takes the action in subdivision (i) of this subparagraph, the chief or deputy chief of the procurement activity will review the request prior to transmittal.

(iii) The approval of the designee's commander will be obtained when the designee is not under the jurisdiction of the designating authority (see authority under § 1001.405 (a) and (b)).

(3) Requests for designation will be sent through channels to the appropriate designating authority (see authority under § 1001.405 (a) and (b)). Requests for designation of personnel as contracting officer, who do not meet the full criteria in § 1001.405-1, together with the following additional information, may be submitted by the appropriate designating authority to AFLC (MCPD), or AFSC (SCKPR) (for AFSC activities), for review and approval.

(i) Complete justification for the proposed appointment.

(ii) Action taken to preclude recurrence of a situation where other than qualified personnel are recommended for appointment as a contracting officer.

(iii) A list of persons in the same office who are qualified for appointment, their present duties, and whether they are now appointed contracting officer.

(4) Designations and terminations of representatives of contracting officers will be in letter form.

(b) [Not implemented]

§§ 1001.405-3—1001.405-49 [Not implemented]

§ 1001.405-50 Distribution of designation and termination of appointment instruments.

Each designating authority will promptly distribute copies of instruments of designation and termination as follows:

(a) *Designation of contracting officers.* (1) Original to the individual designated.

(2) One true copy to the individual designated (to be furnished by that individual to the accounting and finance officer if requested by the latter).

(3) In the case of military personnel, one true copy to the activity having custody of the military field personnel records for permanent retention in the individual's personnel file.

(b) *Termination of contracting officer.* Distribution as provided in paragraph (a) of this section, except paragraph (a) (2) of this section. The accounting and finance officer will be sent a copy of each termination letter so he can cancel out the DD Form 577, Signature Card, on file in his office.

(c) *Designation of representatives.* (1) Original to the individual designated.

(2) One true copy to the contracting officer whom the representative serves.

(d) *Termination of representatives.* Distribution as provided in paragraph (c) of this section.

§ 1001.405-51 Representatives of contracting officers.

(a) The appointment of representatives of contracting officers will not be made unless it is determined that the duties of the individual cannot be performed by appointment as a limited contracting officer or designation of a Government agency or position in the contractual document as authorized by paragraph (c) of this section.

(b) The designating authority (see authority under § 1001.405) may designate according to § 1001.405-2(a) (2), any officer, warrant officer, civilian, or noncommissioned officer to act as representative of a contracting officer or his duly designated successor. The written designation will contain specific instructions as to the extent to which the representatives may take action for the contracting officer but will not contain authority to sign contractual documents.

(c) A Government agency or position (by title but not an individual by name) may be designated in the contractual document to perform specific functions under the contract. Such functions may include inspection, approval of shop drawings, testing, approval of samples, scheduling and signing work orders or equipment orders, determining number of hours for a job, and other functions of a technical nature not involving a change to the scope, price, terms, or conditions of the basic contract or order. The responsibilities and limitations of the agency or position will be set forth in the contract or in a separate letter. If a letter is used a copy will be furnished the contractor. The contracting officer will monitor the actions of the designated agency or position to insure that they do not exceed assigned functions. The functions assigned will not violate policies (e.g., base procurement centralization policy prescribed in §§ 1001.402, 1001.201-55, and 1003.608-6 of this subchapter) which reserve certain actions or authorities to contracting officers or which require approval prior to placing the authority or procedure in effect.

(d) A person assigned to and performing his primary duty within a procurement office, and who is under the supervision of a contracting officer, does not require designation as a representative nor designation in a contractual document to perform his assigned duties. Such a person is considered to be an employee of the contracting officer, acting in his behalf and as such has the inherent authority to perform acts as assigned by the contracting officer. The contracting officer cannot authorize his employees to sign any contractual document or letter where the signature of a contracting officer is required.

§ 1001.451 Representatives of contracting officers. [Deleted]

§ 1001.452 Designation of contracting officers (See § 1001.454). [Deleted]

5. Section 1001.453 is amended by revising the introductory paragraph, paragraph (f), the introductory paragraph and subparagraphs (1) and (4) of paragraph (j), and paragraph (m) (3). As amended § 1001.453 reads as follows:

§ 1001.453 Delegations of authority.

Certain specific delegation of authority instructions with respect to procurement are referenced in subsequent paragraphs of this subpart. In addition to limitations and conditions applicable to individual delegations and included therewith, the provisions of the paragraphs set forth in this section apply to all delegations of procurement authority and are published in this section to eliminate their repetition.

(f) Procurement authorities vested in commanders, oversea commands are likewise vested in the Commander, Military Airlift Command, and the Commander-in-Chief, Strategic Air Command, with respect to areas outside the continental United States and not within the jurisdiction of a major command.

(j) Ratification authority: In the event that a person acts without the requisite authority, his action may, under certain circumstances, be later ratified.

(1) For purchases involving \$2,500 or less, made by persons to whom requisite authority has not been delegated, the individuals designated below are authorized to ratify such a transaction in the case of persons under the jurisdiction of:

(i) The major commands (other than AFLC and AFSC) by the commander of the respective major command with power of redelegation to the DCS/materiel or comparable office within the major command headquarters, and (ii) AFLC and AFSC by the commanders of the first echelon of command immediately subordinate to HQ AFLC and AFSC. In no event will such authority be redelegated to contracting officers at any level. Each such transaction will be submitted for review and possible ratification according to the following procedures:

(4) Contracting officers do not have the authority to ratify unauthorized acts (subparagraph (1) of this paragraph).

(m) * * *

(3) Contractual instruments obligating funds covering calls issued under terms of requirements contracts (§ 3.409-2 of this title), indefinite quantity contracts (§ 3.409-3 of this title), or call procurement arrangements (§ 1003.409-50 of this subchapter), except as provided in § 1001.405-1(a).

6. Section 1001.454 is deleted; §§ 1001.455 and 1001.456 are revised; and §§ 1001.457, 1001.458 and 1001.459 are deleted, as follows:

§ 1001.454 Authority to designate contracting officers and their representatives. [Deleted]

§ 1001.455 General procurement authority.

The delegation referenced in this section is a general one, and all other existing or future delegations, regulations, or directives issued by competent authority, to the extent to which they would, expressly or by reasonable implication, limit the scope of or impose conditions or restrictions upon the exercise of the general authorities cited in delegation instruments, will be controlling over it. This includes authority to enter into, execute and approve contracts.

(a) [No implementation]

(b) *AFLC authority.* This authority has been redelegated by Commander of AFLC to the Director, Deputy Director, and Assistant to the Director of Procurement and Production, HQ AFLC, and to all commanders of major commands (only base procurement for AFSC), air materiel areas, procurement regions, 2750 Air Base Wing, 2802 Inertial Guidance and Calibration Group, USAF Air Attaches, and USAF Missions.

(c) *AFSC authority.* This authority has been redelegated by the Commander, HQ AFSC, to the Deputy Chief of Staff, Procurement and Production, and the Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC, and further redelegated to commanders and vice commanders of AFSC divisions, centers, and the Office of Aerospace Research with power of redelegation.

§ 1001.456 Designation of heads of procuring activities.

Commanders of AFLC and AFSC are each designated as "a head of a procuring activity" within the Department of the Air Force. The Director of Procurement and Production, HQ AFLC, and the DCS/Procurement and Production, Hq AFSC, have been authorized to act for their respective commanders in exercising Chapter I of this title prescribed responsibilities vested only in the "head of a procuring activity." This authority is not applicable to Part 17, Subchapter A of this title, Extraordinary Contractual Actions to Facilitate the National Defense.

§ 1001.457 Authority to enter into, execute and approve contracts. [Deleted]

§ 1001.458 Manual approval of contracts for services of experts and consultants. [Deleted]

§ 1001.459 Architect-engineer contracts. [Deleted]

7. Section 1001.461 is amended by revising the note following paragraph (a) (4); § 1001.462 is deleted; a new § 1001.464 is added; and § 1001.465 is deleted as follows:

§ 1001.461 Contracts for public utility services extending beyond current fiscal year.

- (a) * * *
- (4) * * *

NOTE: Indefinite term utility service contracts as contemplated in Subpart KK, Part 1007 of this chapter (which are in effect until terminated) do not impose any obligation on the Government except as the service is actually used and therefore, do not come within the purview of this section. Such contracts will be approved pursuant to §§ 1001.455 and 1007.3706 of this chapter and will cite only 10 U.S.C. 2304(a) (10) as statutory authority.

§ 1001.462 Approval of certain PRs and MIPRs. [Deleted]

§ 1001.464 Delegation to Commander, Air Training Command.

Authority for procurement of services for primary pilot training has been delegated to the Commander, ATC, by Director of Procurement and Production, HQ AMC (redesignated AFLC).

§ 1001.465 Release of program data and procurement information. [Deleted]

8. Section 1001.801-2 is revised; § 1001.804-1 is added; and Subpart J is revised as follows:

§ 1001.801-2 Area trends in employment and unemployment.

"Area Trends in Employment and Unemployment," which establishes the boundaries of each labor market area and lists communities included in each area, is distributed by the Department of Labor directly to AF purchasing activities. Hq AFLC (MCP-5) and HQ AFSC (SCK-4) will periodically assure that distribution is adequate and that the contents of the publication are fully understood and correctly used by cognizant personnel.

§ 1001.804-1 General.

- (a) (1) [Not implemented.]
- (2) If the set-aside portion is 50 percent or less, unit price difference attributable to the division of a procurement into two portions does not constitute a price differential.

Subpart J—Publicizing Procurement Actions

- Sec.
- 1001.1002 Dissemination of information relating to invitations for bids and requests for proposals.
- 1001.1002-6 Paid advertisements in newspapers and trade journals.

- Sec.
- 1001.1003-9 Preparation and transmittal.
- 1001.1005-1 Synopsis of contract awards.
- 1001.1007-2 Application.
- 1001.1007-3 Conditions.

AUTHORITY: The provisions of this Subpart J issued under sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 8012, 2301-2314.

§ 1001.1002 Dissemination of information relating to invitations for bids and requests for proposals.

In addition to the requirements of §§ 1.1002 and 2.203 of this title:

(a) AFLC/AFSC central procurement activities will mail or otherwise provide one copy of each unclassified synopsisized (§ 1.1003 of this title) Invitation for Bids and Request for Proposals to each Small Business office of the following activities for use in furnishing information to potential bidders, to firms interested in subcontracting opportunities and for public display or other management uses.

(1) ASD (ASK-10), Wright-Patterson AFB, Ohio 45433.

(2) DCASR, Atlanta, 3100 Maple Drive NE, Atlanta, Ga. 30305.

(3) DCASD, Orlando, Orlando AFB, Orlando, Fla. 32813.

(4) DCASR, Boston, 666 Summer Street, Boston, Mass. 02210.

(5) DCASR, Chicago, O'Hare International Airport, Post Office Box 8758, Chicago, Ill. 60666.

(6) DCASR, Cleveland, 1367 East Sixth Street, Cleveland, Ohio 44114.

(7) DCASR, Dallas, 500 South Ervay Street, Dallas, Tex. 75201.

(8) DCASR, Detroit, 1580 East Grand Boulevard, Detroit, Mich. 48211.

(9) DCASR, Los Angeles, 11099 South La Cienega Boulevard, Los Angeles, Calif. 90045.

(10) DCASR, New York, 770 Broadway, New York, N.Y. 10003.

(11) DCASR, Philadelphia, 2800 South 20th Street, Philadelphia, Pa. 19101.

(12) DCASR, St. Louis, 1136 Washington Avenue, St. Louis, Mo. 63120.

(13) DCASR, San Francisco, 866 Malcolm Road, Burlingame, Calif. 94010.

(b) Central procurement activities other than AFLC and AFSC, and Base Procurement Activities (Air Force-wide) will distribute one copy of each unclassified synopsisized Invitation for Bids and Request for Proposals to the DCASR office listed in paragraph (a) of this section which is located in, or closest to, that trade area which the procurement activity conducts the majority of its business.

(c) Upon request, or if required by other directives, additional distribution may be made, on an individual or recurring basis, to any Small Business Administration Regional Office or any other Government office including AFSC divisions, AFLC AMAs, or a DCASD office.

§ 1001.1002-6 Paid advertisements in newspapers and trade journals.

- (a) through (b) [No implementation]
- (c) General. Paid advertisements in newspapers, in connection with the disposition of disposable property by sale, will be used according to paragraph 4,

Chapter II, Volume VI, AFM 67-1 (USAF Supply Manual).

(d) [No implementation]

(e) Authority and delegation. (1) Authority to approve the publication of paid advertisements for proposed procurements or surplus sales has been delegated by the Secretary to:

(i) AFLC.

(a) Commander, AFLC.

(b) Director and Deputy Director of Procurement and Production, HQ AFLC.

(c) Commander and director of procurement and production, AMAs.

(d) Commander, 2750th Air Base Wing.

(e) Commander, The Headquarters, The Military Aircraft and Storage Disposition Center.

(f) Commander, 2802d Inertial Guidance and Calibration Group.

(g) Commander, Air Procurement Region European and Air Procurement Region Far East.

(ii) AFSC.

(a) Commander, AFSC.

(b) Deputy Chief of Staff, Procurement and Production, Hq AFSC.

(c) Director and Deputy Director of Procurement, Hq AFSC.

(d) Commander and chief of procurement and production office of AFSC divisions.

(e) Commander and director of procurement office of AFSC centers.

(f) Commander and director of procurement office of AFSC ranges.

(iii) Major Command (other than AFLC and AFSC). Commander and vice commander, and while so acting, to the person acting for the time being in any of the foregoing capacities. The above authority will not be redelegated.

(2) Authority to authorize the publication of paid advertisements for purposes of recruiting civilian employees has been delegated by the Secretary to the Secretary of the Air Staff, HQ USAF; commanders of major commands; and each base commander of an activity maintaining a central civilian personnel office. The above authority will not be redelegated. Use of paid advertisements will be according to paragraph 7, section 3131, AFM 40-1 (Air Force Civilian Personnel Manual).

(f) (1) [Not implemented]

(2) Requests for authority to place advertisements for the purpose of recruiting civilian employees will be submitted to the official named in paragraph (e) (2) of this section for approval.

§ 1001.1003-9 Preparation and transmittal.

RCS: AF-XDC-N-1 is assigned to this report.

§ 1001.1005-1 Synopsis of contract awards.

RCS: AF-XDC-N-2 is assigned to this report.

§ 1001.1007-2 Application.

Responsibility for approval of public releases is assigned as follows:

(a) Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC.

(b) Commanders of AFSC divisions, centers or ranges, with authority for re-delegation no lower than the chief, procurement and production.

(c) Director and Deputy Director of Procurement and Production, HQ AFLC.

(d) Commanders of AFLC AMAs with authority for redelegation to the director of procurement and production. The responsibility is limited to estimates of supplies and services for which the AMA has been assigned procurement responsibility.

(e) Commanders of major commands other than AFSC/AFLC with authority for redelegation.

§ 1001.1007-3 Conditions.

(a) through (h) [No implementation]

(i) Responsibility for the determination of the need for, and the preparation of, public announcements is the same as the assignments in § 1001.1007-2.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

9. Section 1002.201 is revised to read as follows:

§ 1002.201 Preparation of invitation for bids.

(a) (1) through (16) [No implementation]

(17) *Special provisions*—(i) *DO ratings*. See § 1001.460.

(ii) *Classified information*. Classified information in invitations for bids will be handled according to AFR 205-4, Armed Forces Industrial Security Regulation, and regulation issued by each major command.

(iii) *Percentage of subcontracting*. When a Pre-Award Survey is contemplated as prescribed in § 1.905-4 of this title the IFB will contain the following provision except that this provision will not be inserted when the clause contained on § 7.603-15 of this title is used:

Bidder represents that the estimated percentage of subcontracting contemplated on this procurement is _____ percent (December 1954).

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractor's selling price. "Subcontracting" means only contracts for the production of or work upon an item, component, or assembly and does not include (a) any purchase of a standard commercial or catalog item, (b) any purchase of a basic raw material (c) any purchase of supplies or services for the general operation of the contractor's plant, or (d) any purchase from a parent, subsidiary, or affiliate of the contractor.

(18) *General provisions or conditions*—(i) *Special maintenance tools and test equipment*. Where a requirement for special maintenance tools and test equipment exists, a separate item in the schedule will be established similar to the following sample:

The contractor agrees to furnish special maintenance tools and test equipment for items _____ above, to be selected in accordance with _____ dated _____ incorporated herein by reference.

(ii) The following provision will be included in all Invitation for Bids calling for the purchase of milk or milk products:

STATE MINIMUM DISTRIBUTOR PRICE REGULATION NOT APPLICABLE (MARCH 1963)

This Procurement is financed by Appropriated Funds and is made under the authority of Chapter 137, Title 10, U.S.C., and the Armed Services Procurement Regulation. Pursuant to *Paul vs. United States*, decided by the Supreme Court of the United States on January 14, 1963, State minimum distributor price regulations with respect to milk or milk products are not applicable to this procurement.

PART 1003—PROCUREMENT BY NEGOTIATION

10. Subpart E is revised; the title of § 1003.607 and paragraph (a) of § 1003.607-4 are revised; and § 1003.608-4 is deleted as follows:

Subpart E—Solicitations of Proposals and Quotations

§ 1003.501 Preparation of request for proposals or request for quotations.

(a) [No implementation]
(b) (1) through (43) [No implementation]

(44) The provisions in § 1002.201(a) (18) (ii) of this subchapter in all Request for Proposals or Requests for Quotations calling for the purchase of milk or milk products.

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 8012, 2301-2314)

§ 1003.607 Imprest fund method.

§ 1003.607-4 Procedures.

(a) (1) COD orders may be placed on DD Form 1155, without obtaining prior verbal or written quotations, subject to the following conditions:

(i) The order is endorsed: "Payment to be made from Imprest Fund."

(ii) The order specifies that shipment can be made only if: (a) Item strictly conforms to the purchase description, (b) the total price of the item does not exceed the ceiling price stated in the order, and (c) delivery can be made COD within 30 days from date of order. A statement will be placed in the order instructing the contractor to withhold shipment if all the foregoing conditions cannot be met and requesting the contractor to advise of nonshipment and any counter-offer concerning substitute item, price, or delivery date.

(iii) For reporting purposes, only actual prices paid for the item will be reported. When the order is placed, the ceiling price will be entered by pencil in the AFPI Form 3E, Imprest Fund Register. When delivered, the ceiling price will be erased from the register and replaced by the actual price.

(2) [No implementation]

§ 1003.608-4 Use of DD Form 1155s with the DD Form 1155. [Deleted]

11. In § 1003.608-6 paragraph (a), the introductory text of (c), and (c) (4) are

revised. As amended § 1003.608-6 reads as follows:

§ 1003.608-6 Use of DD Form 1155 as a delivery order.

(a) DD Form 1155 will be used as a delivery order under basic ordering agreements (§ 3.410-2 of this title).

(c) The above type of delivery orders against indefinite delivery contracts will be issued monthly or prior to the beginning of each fiscal quarter, except for commissary stock fund requirements, which may be issued at the beginning of each fiscal year.

(4) On the last day of the month the requiring activity will prepare a consolidated receiving report (by line item of the contract) for all deliveries made during the monthly period. Obligations will be recorded and reported in the reporting month (as opposed to calendar month) in which they are incurred. One copy of each consolidated receiving report prepared will be furnished to complete the files in the base procurement office.

12. In § 1003.651-2, paragraph (d) and the last sentence of paragraph (i) are revised as follows:

§ 1003.651-2 General.

(d) Whenever a purchase is made against a credit card, the individual making the purchase will sign and enter the vehicle tag number on the delivery ticket, obtain a copy of the delivery ticket from the service station attendant and, immediately upon return from a trip, will turn in the copy of the delivery ticket to the officer responsible for the credit card.

(i) *** A duplicate copy of each delivery ticket will be forwarded to the transportation officer immediately after processing the invoice for payment. The transportation officer will extract from these duplicate copies information needed to report vehicle operation and maintenance costs.

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

13. Section 1004.214-4 is corrected; new §§ 1004.2100 and 1004.2101 are added; and § 1004.2102 is revised as follows:

F.R. Doc. 66-1529, appearing at pages 2681-2689 of the issue for Saturday, February 12, 1966, is corrected in the following respect:

In § 1004.214-4, paragraph (c) (1) "No implementation" is corrected to read as follows:

§ 1004.214-4 Transfer of title to equipment to nonprofit educational or research institutions.

(c) *Transfer of title*. (1) No implementation.

§ 1004.2100 Scope of subpart.

This subpart contains instructions for the preparation of and the procedure for handling commercial storage requirements and other related services for military and civilian personnel.

§ 1004.2101 Applicability of subpart.

This subpart applies to all AF procuring activities within the continental United States.

§ 1004.2102 Department of Defense commercial warehousing and related services for household goods of military and civilian personnel.

The procedure for processing commercial storage requirements for household goods of military and civilian personnel is set forth in AFR 67-61 (Commercial Warehousing and Related Services for Household Goods of Military Personnel).

(a) *Policy.* The execution and administration of service orders (DD Form 1164, Service Order for Household Goods) against basic agreements (DD Form 1162) will be performed in the base transportation office. Since this duty is fundamentally a procurement responsibility, the individual in the base transportation office performing these duties must be a duly appointed contracting officer according to § 1001.452 of this subchapter. In the appointment of base transportation personnel as AF contracting officers, care must be exercised to insure that such individuals' qualification and experience meets the minimum standards established by § 1001.452(a) (1), (3), (4), (5), (6), and (7) of this subchapter.

(b) *General.* To achieve maximum uniformity and desired efficiency in performing this function, the duties of the contracting officer located in the transportation activity and procedures to be used are as follows:

(1) Obtain the following, from the transportation officer, on each individual request for services:

(i) Completed DD Form 1099, Application for Non-Temporary Storage of Household Goods (Chapter 2, AFM 75-4 (Movement of Personnel and Personal Property)).

(ii) Completed DD Form 1299, Application for Shipment of Household Goods, and power of attorney or informal letter of authorization is required only when for some reason the DD Form 1099 cannot be accomplished.

(iii) Sufficient copies of individual travel orders necessary for required distribution.

(iv) A statement to the effect that commercial storage has been determined to be more economical than Government storage.

(2) Determine the order of preference for selecting the basic agreement to be used for each individual requirement. The cost of the service will be the sole determining factor. In the event of identical rates under two or more basic agreements, the requirements should be distributed according to AF policy concerning award of equal low bids.

(3) Obtain either oral or written offers, as appropriate, from commer-

cial storage firms, according to the basic agreement.

PART 1007—CONTRACT CLAUSES

14. Section 1007.105-51 is revised; § 1007.105-52 is deleted; new § 1007.4014 is added; § 1007.4033 is deleted; paragraph (d) of the clause in § 1007.4048(a) is revised; and § 1007.4058 is deleted as follows:

§ 1007.105-51 Correction of deficiencies.

The following clause is an example of a warranty clause which is authorized for insertion in fixed-price type supplies and services contracts for systems and equipment where performance specifications and/or design are of major importance.

CORRECTION OF DEFICIENCIES (AUGUST 1965)

(a) *Definitions.* As used in this clause: (1) The word "deficiency" shall mean: Any condition or characteristic in any supplies (which term shall include related services and technical data) furnished or to be furnished hereunder, which is not in compliance with the requirements of this contract.

(2) The word "corrections" shall mean: Any and all actions necessary to eliminate any and all deficiencies.

(b) *General.* (1) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(2) This clause shall apply only to those deficiencies discovered by either the Government or the Contractor within _____

(Insert a specific

period of time after delivery or after the occurrence of a specified event.)

(c) *Discovery, notice and recommendation for correction of deficiencies.* (1) If it is determined by the Contracting Officer (CO) that a deficiency exists in any of the supplies accepted by the Government under this contract, he shall notify the Contractor of the deficiency, in writing, within _____

(Insert specific

period of time)

of the deficiency. Upon timely notification of the existence of such deficiency, the Contractor shall promptly submit to the Contracting Officer its recommendation for corrective action. The information shall be in sufficient detail for the Contracting Officer to determine what corrective action, if any, should be undertaken.

(2) If the contractor shall become aware that a deficiency exists in any supplies, either tendered to the Government for acceptance but not yet accepted or not yet tendered to the Government for acceptance hereunder, or that a deficiency exists in any accepted supplies, the contractor shall promptly correct such deficiency, or if it elects to invoke the procedures set forth in paragraphs (d) and (e) hereof, it shall promptly communicate such information, in writing, to the Contracting Officer, together with its detailed recommendation for corrective action.

(d) *Notice to Contractor.* (1) The Contracting Officer, at his sole discretion, may direct the contractor to correct, within a reasonable time and at _____,

(Insert the location or locations where correction may be directed)

any and all deficiencies in such supplies and

the contractor shall take necessary action to bring the supplies into compliance with the requirements of this contract at no increase in the total contract price.

(2) The Contracting Officer may: (i) Choose not to direct any correction; or (ii) choose to direct only partial correction of an actual or potential deficiency; in such an event, he shall give written notice to the Contractor of the choice made.

(3) Written notice to the Contractor to correct, partially correct, or not to correct, as appropriate, an actual or potential deficiency must be issued by the Contracting Officer within _____

(Indicate a period of time)

after receipt of the contractor's recommendations for corrective action and adequate supporting information.

(e) *Adjustment for and correction of deficiencies.* (1) In the event of timely notice of a decision not to correct or only to partially correct, the Contractor shall promptly submit a technical and cost proposal to amend the contract to permit acceptance of the affected supplies to the revised requirements and an equitable reduction in total contract price shall be promptly negotiated by the parties and reflected in a supplemental agreement to this contract.

(2) The Contractor shall promptly comply with any timely written direction by the Contracting Officer to correct a deficiency.

(3) The Contractor shall prepare and furnish to the Government data and reports applicable to correction required under this provision inclusive of revising and updating all other affected data called for under this contract, at no increase in total contract price.

(f) *Limitation on contract modifications.*

(1) The Government shall not, in any event, be responsible for extensions or delays in the scheduled deliveries or period(s) of performance of this contract as a result of the Contractor's obligations to accomplish corrections of deficiencies, nor shall there be any adjustment of contract terms as a result of such correction of deficiencies.

(2) It is hereby specifically recognized and agreed by the parties hereto that these provisions shall not be construed as obligating the Government to increase the total contract price of this contract.

(g) *Transportation charges.* When return, correction, or replacement is required, the Contracting Officer shall return the supplies, and transportation charges to and from the Contractor, and responsibility for such supplies while in transit shall be borne by the Contractor. However, the Contractor's liability for such transportation charges shall not exceed an amount equal to the cost of transportation by the usual commercial method of shipment between the designated destination point under this contract and the Contractor's plant and return.

(h) *Failure to correct.* If the Contractor fails or refuses to (1) Present a detailed recommendation for corrective action in accordance with paragraph (c) above; (2) correct deficiencies in accordance with (e) (2) above; or (3) prepare and furnish data and reports in accordance with paragraph (e) (3) above, the Contracting Officer shall give the Contractor written notice specifying the failure or refusal and setting a period within which it must be cured. If the failure or refusal is not cured within the specified period after receipt of such notice from the Contracting Officer, the Contracting Officer may by contract or otherwise, as required:

(i) Obtain such detailed recommendations;

(ii) Correct or replace them with similar supplies or services, and/or;

(iii) Obtain data and reports applicable to the correction, and charge to the Contractor.

for the cost occasioned to the Government thereby. In addition, if the Contractor fails to furnish timely disposition instructions, the Contracting Officer may dispose of the nonconforming supplies for the Contractor's account in a reasonable manner, in which case the Government is entitled to reimbursement from the Contractor or from the proceeds for the reasonable expenses of the care and disposition of the nonconforming supplies, as well as for excess costs incurred or to be incurred.

(i) *Correction of deficient replacements and reperformances.* Any services reformed or supplies or parts thereof corrected or furnished in replacement pursuant to this clause shall also be subject to all the provisions of the clause to the same extent as supplies initially delivered.

(j) *Disagreements.* Failure to agree upon any determination to be made under these provisions shall be deemed to be a dispute within the meaning of the clause of this contract entitled "Disputes."

§ 1007.4033 Contractual contents. [Deleted]

§ 1007.4014 Certificate of conformance.

The following clause may be inserted in the contractual documents per § 14.204 sserted in base procurement documents of this title, except that it will not be inspecifying delivery to the same CONUS base where the base procurement activity is located. When the clause is inserted in base procurement documents, the Certificate of Conformance (COC) will be attached to or entered on the invoice. When the clause is incorporated into a DD Form 1155, either central or base procurement, the portion of the clause inclosed in brackets will be omitted. Omission of the portion in brackets is required because the DD Form 1155 does not include either of the clauses mentioned therein. When the clause is inserted in central procurement documents the COC will be attached to or entered on the DD Form 250 or DD Form 1155.

CERTIFICATE OF CONFORMANCE (JUNE 1966)

(a) Notwithstanding any clauses of the contract concerning inspection the Government will accept any of the supplies or services to be furnished hereunder upon receipt of a Certificate of Conformance by the Contractor attached to a (DD Form 1155 or DD Form 250 or invoice as applicable), reading substantially as follows:

"I hereby certify that I did, on the (date) of (month) 19 --, ship via (Name of Carrier) on (Bill of Lading No., Receipt, etc.), in accordance with shipping instructions issued by the Contracting Officer, the supplies called for by Contract Number (insert contract number), that such supplies were in the quantities and of the quality called for, and were in all respects in accord with the applicable specifications, or (complete the services called for by Contract Number (insert contract number), item (insert item number) and that such services were in the quantity and of the quality called for, and were in all respects in accord with the applicable specifications). This statement is furnished to support payment of the attached invoice."

(b) Notwithstanding any provisions of the certificate above referred to, and notwithstanding the provisions of paragraph (c) of the clause hereof, entitled, "Inspection" or "Inspection of Supplies and Correction of Defects" as the case may be, the liability of the Contractor with respect to supplies accepted by the Government under the provisions of paragraph (a) above will, after inspection by the Government or after the expiration of a reasonable time following delivery to the Government within which inspection may be made, whichever occurs first, be limited, except as to supplies rejected upon inspection, to liability for latent defects, fraud, or such gross mistakes as amount to fraud.

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

* * * * *

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL-STDs 129D, to the extent called out by MIL-L-9931, 130B to the extent called out by MIL-L-9931, 444 and 709; MIL-STD-1167, MIL-STD-1168 and MIL-L-9931; AF TO 11A-1-47; ICC Regulations T. C. George's Tariff No. 15; Freund's Tariff No. 11, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6C (including ATB No. 14 and CAB No. 18); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

§ 1007.4058 Current reimbursement. [Deleted]

PART 1010—BONDS AND INSURANCE

15. Part 1010 is deleted.

PART 1013—GOVERNMENT PROPERTY

16. In § 1013.102-3, subdivision (viii) of paragraph (a)(10) is revised, subdivision (ix) of paragraph (a)(10) is deleted, the last sentence of subparagraph (a)(15) is revised, the parenthetical references in paragraph (b) are deleted, the first sentence of paragraph (c) is revised, and subparagraph (2) is added. As amended § 1013.102-3 reads as follows:

§ 1013.102-3 Facilities.

(a) * * *

(10) * * *

(viii) General purpose production equipment: Neither general purpose production equipment nor funds to procure them will be provided to contractors by the Air Force except when determination is made that such action is clearly in the best interest of the Government. Such determination may be made if the contractor's proposal is supported by a "Make or Buy" evaluation for each general operation involved, together with supporting justification in the form of acceptable reasons why the contractor is unwilling or financially incapable of providing general purpose machinery and equipment, and is in other respects fully documented. Determination of exceptions will be by the chief of the industrial facilities organization of the cognizant AFSC division. All determinations of exceptions will be fully documented and reported according to AFR 78-16. Report submitted will contain the following information:

(a) Number of contracts on which exceptions to policy stated above were authorized.

(b) Number and dollar acquisition cost of new general purpose items procured as a result of such exceptions.

(c) Number and dollar acquisition cost of Department of Defense owned general purpose items provided as a result of such exceptions.

The information necessary to prepare and submit the required report will be furnished by the Commander, AFSC divisions to AFSC (SCKM), who will submit the report according to AFR 78-16.

(ix) [Deleted]

* * * * *

(15) Government bills of lading: Facilities acquired under facilities contracts will be shipped on Government bills of lading where the Government takes title at the point or origin of shipment. Such facilities, to which the Government has taken title, will not be shipped on commercial bills of lading collect, or otherwise for conversion, unless specifically authorized by the transportation officer-in-charge.

* * * * *

(b) Each procurement contract, facilities contract, lease or other agreement which provides Government-owned facilities, will contain clauses or provisions stating whether the facilities may be used on a charge or no-charge basis. A facilities contract, lease, or agreement under which facilities are held by a contractor will require the periodic payment of a use-charge unless such use-charge is not required according to terms of prime procurement contracts and subcontracts. Where facilities are used without charge, the contract file of the facilities contract, lease, or agreement under which facilities are provided will be documented, by the administering office, to indicate the procurement contracts, subcontracts, or other basis that authorize no-charge use of Government facilities.

(c) Project approval as required under § 13.302(c) of this title will be made as follows:

Project cost \$1,000,000 or more, Office of Secretary of Defense.
Over \$500,000 to \$1,000,000, Hq USAF (DCS (S&L)).
\$500,000 or less, Hq AFSC DCS (P&P); Commander/Vice Commander AFSC Division (ASD/BSO/SSD/ESD/RTD).
\$100,000 or less, Commander Aerospace Medical Division (AMD).

The approval authority for purchase of industrial facilities will not be redelegated below the levels indicated above. The exercise of this authority as well as any other action with regard to the expansion of industrial facilities will be subject to the following conditions and limitations:

* * * * *

(2) See § 13.307(a)(3) of this title relative to the location of nonseverable industrial facilities on land not owned by the Government.

* * * * *

17. Subpart C—Special Tooling is deleted.

18. Section 1013.401 is amended by inserting a date following the colon after the word "contract" in paragraph (a), correcting the word "expected" in the note in paragraph (a), and correcting section reference 13.407 in subparagraph (a) (1). As amended § 1013.401 reads as follows:

§ 1013.401 Award of procurement contracts.

(a) *Procurement contracts requiring the provision of additional facilities under separate facilities contracts.* When a procurement contract, supplement, or change is negotiated on the basis that additional facilities will be provided to the contractor under a separate facilities contract (either directly by the Government or by contractor acquisition at Government expense), the following clause will be inserted into the procurement contract: (February 1958)

NOTE: If the procurement contract does not already contain the clause set forth in § 1007.4052 of this chapter, "Use of Government Facilities on No-Charge Basis," insert the following in lieu of the last sentence of paragraph (a) of the clause above: "Such facilities shall be provided on a no-charge basis, and at the time that the facilities contract is executed this contract shall be amended to include the clause set forth in § 1007.4052 of this chapter, entitled: 'Use of Government Facilities on No-Charge Basis.'"

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

19. A new Subpart D is added as follows:

Subpart D—Records of Requests and Dispositions

§ 1017.403 Sample format for preliminary and final records.

The sample format in § 17.403 of this title has been established as AFPI Form 48, Record of Request for Adjustment, Public Law 85-804. AFPI Form 48 will be used by AF activities for the preparation and maintenance of prescribed records.

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 8012, 2301-2314)

PART 1018—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

20. Section 1018.108-1 is revised as follows:

§ 1018.108-1 Construction contracts.

Both the detailed estimate and the purchase request will be designated "For Official Use Only."

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

21. Part IX of § 1030.5 is deleted as follows:

§ 1030.5 Appendix E—Contract Financing.

Part IX—Assignment of Claims Arising Under Government Contracts [Deleted]

PART 1053—CONTRACTS; GENERAL

22. Sections 1053.405 through 1053.405-3 are deleted; § 1053.407-3 is revised; and §§ 1053.407-4 through 1053.407-9 are deleted as follows:

§ 1053.405 Certification of invoices by vendors. [Deleted]

§ 1053.405-1 General. [Deleted]

§ 1053.405-2 Exceptions. [Deleted]

§ 1053.405-3 Responsibility of vendors. [Deleted]

§ 1053.407-3 Dating signatures.

The term "purchase order" as used in paragraph 7c, AFR 170-8, applies to any unilateral signature contractual document, requiring only the signature of the contracting officer to effect a binding agreement upon issuance and delivery to the contractor. Such documents do not require a date beside the signature if the date of the document appears elsewhere. This includes all contractual forms listed in ASPR 20-101(b). The signature of any contractual document need not be dated if the document does not obligate funds.

§ 1053.407-4 Contracts with individuals. [Deleted]

§ 1053.407-5 Contracts with an individual trading as a firm. [Deleted]

§ 1053.407-6 Contracts with partnerships. [Deleted]

§ 1053.407-7 Contracts with corporations. [Deleted]

§ 1053.407-8 Contract with joint venturers. [Deleted]

§ 1053.407-9 Contracts for food of animal origin. [Deleted]

PART 1054—CONTRACT ADMINISTRATION

23. Section 1054.302 is revised, and § 1054.303 is amended by adding a new subparagraph (5) to paragraph (a) and revising the first sentence of paragraph (c) as follows:

§ 1054.302 Definition.

A Master Serial Number is a number assigned by the contract distribution office of the issuing activity, for keeping a record of CCNs in consecutive order as issued.

§ 1054.303 Use of CCNs.

(a) * * *

(5) Is necessary to prevent loss of savings which would accrue to the Government as a result of an approved cost reduction proposal submitted pursuant to the value engineering clause of the contract.

* * * * *

(c) CCNs will not be issued to effect changes in the following instances:

* * * * *

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 126-133; 10 U.S.C. 8012, 2301-2314) [AFPI Revisions No. 66, May 31, 1966; No. 67, June 29, 1966; No. 68, July 27, 1966; No. 69, Aug. 31, 1966. AF Procurement Circulars No. 25, Aug. 20, 1965; No. 12, May 27, 1966; No. 17, June 30, 1966; and No. 21, Aug. 17, 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief,
Special Activities Group, Office
of The Judge Advocate
General.

[F.R. Doc. 66-11109; Filed, Oct. 12, 1966; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Part 170 of Title 45 of the Code of Federal Regulations, dealing with regulations for the administration of the Higher Education Facilities Act of 1963, Public Law 88-204 (77 Stat. 364, 20 U.S.C. 711), as amended, is revised to read as set forth below.

Section 170.15 as published finally herein reflects comment received in connection with a proposed draft thereof published in the FEDERAL REGISTER on June 18, 1966 (31 F.R. 8544), pursuant to section 4 of the Administrative Procedures Act. Inasmuch as the formulation and submission of revised State plans for Title I of the Higher Education Facilities Act, pursuant to paragraph (c) of § 170.17 of these regulations, is dependent upon these sections becoming effective and inasmuch as their becoming effective immediately would in no wise adversely affect the States or institutions within the States who may wish to participate under Title I of the Act, it is deemed to be in the public interest that § 170.15, together with the other sections published herein be made, and it is hereby made, effective immediately.

Grants and loans made pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Subpart A—General Provisions

Sec.	
170.1	Definitions.
170.2	Requirement for compliance with labor standards and equal opportunity requirements in all construction contracts.
170.3	Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.
170.4	Requirement for economical methods of purchase of movable equipment.
170.5	Fiscal control and fund accounting procedures.
170.6	Retention of records.
170.7	Determination of costs eligible for Federal participation.

Subpart B—Grants for Construction of Academic Facilities

- Sec.
170.11 Institutional eligibility for grants under section 103 of the Act.
170.12 Institutional eligibility for grants under section 104 of the Act.
170.13 Conditions for grant approval.
170.14 Submission and processing of Title I applications.
170.15 Criteria for standards and methods to determine relative priorities of eligible projects.
170.16 Criteria for standards and methods to determine Federal shares of eligible projects.
170.17 State plans.
170.18 Adjustments in amount of Federal share.
170.19 Payment of grant funds on approved projects.

Subpart C—Grants for Construction of Graduate Academic Facilities

- 170.41 Eligibility for grants.
170.42 Submission of applications.
170.43 Advisory Committee.
170.44 Criteria for evaluating applications.
170.45 Special terms and conditions.

Subpart D—Loans for Construction of Academic Facilities

- 170.51 Eligibility for loans.
170.52 Submission of applications.
170.53 Special terms and conditions.
170.54 Determination of nonavailability of equally as favorable terms and conditions.
170.55 Form of evidence of indebtedness.
170.56 Security for loans.
170.57 Length and maturity of loans.
170.58 Bond counsel opinion.
170.59 Determination of priorities for loan approvals.
170.60 Loan agreement.
170.61 Loan closing.
170.62 Interim financing.
170.63 Construction fund.
170.64 Investment of idle construction funds.
170.65 Disposal of balance remaining in the construction fund.

AUTHORITY: The provisions of this Part 170 issued under secs. 101-111, 301-407; 77 Stat. 364-370, 372-379; 20 U.S.C. 711-721, 741-757, except as otherwise noted.

Subpart A—General Provisions

§ 170.1 Definitions.

(a) "Act" means Public Law 88-204, the Higher Education Facilities Act of 1963, as amended. Unless otherwise indicated, title references are to titles of the Act. All terms defined in the Act shall have the same meaning as given them in the Act. All references to sections are to sections of this part, unless otherwise indicated.

(b) "Academic facilities," as defined in the Act, are further defined and subdivided into the following categories:

(1) "Instructional and library facilities" means all rooms or areas used regularly for instruction of students, for faculty offices, or for library purposes, and service areas (such as storage closets, projection booths, balance rooms, dark rooms, locker and shower rooms, and private toilets) which adjoin and are used in conjunction with such rooms or areas. A room intended and equipped for any such purposes should be counted in the appropriate category regardless of the building (e.g., administration

building, library building, or classroom building) in which it is located.

(2) "Instruction-related facilities" means all rooms or areas (other than instructional and library facilities) which are used for purposes related to the instruction of students, research, or for the general administration of the educational or research programs of an institution of higher education, and service areas (such as storage rooms, private toilets, or control rooms) which adjoin and are used in conjunction with such rooms or areas.

(3) "Related supporting facilities" means all other areas and facilities which are necessary for the utilization, operation and maintenance of "instructional and library facilities" or "instruction-related facilities," as defined above. This term includes building service areas and circulation areas, and central maintenance and utility facilities which serve more than one building, to the degree that such central facilities are designed and used to serve academic facilities of the two aforementioned categories rather than other, nonacademic, facilities such as dormitories, chapels, or stadiums, or facilities which are excluded from the definition of eligible academic facilities because they are used by ineligible schools or departments.

(c) "Advisory Committee on Graduate Education" means that committee established by section 203 of the Act.

(d) "Assignable area" means square feet of area in facilities which are designed and available for assignment to specific functional purposes (such as instruction, research, and administration, and including noneligible purposes such as student sleeping rooms, apartments, or chapel rooms). Areas used for general circulation within the building, for public washrooms, for building maintenance and custodial services, or in central maintenance and utility facilities which exist only to support the operation and utilization of other structures on the campus and which are not available for assignment to other specific functional purposes, as illustrated above, shall be classified as nonassignable area.

(e) "Branch campus" means a campus of an institution of higher education which is located in a community different from that in which its parent institution is located. A campus shall not be considered to be located in a community different from that of its parent institution unless it is located beyond a reasonable commuting distance from the parent institution.

(f) "Capacity/enrollment ratio" means the ratio of (1) the square feet of assignable area of instructional and library facilities as defined in paragraph (b) (1) of this section to (2) the total student clock-hour enrollment, at a particular campus of an institution. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students (i.e., students enrolled for credit courses on the cam-

pus) are enrolled as of a particular date. Where formally established independent study programs exist, systematically determined equivalents of class or laboratory hours may be included under "student clock-hour enrollment."

(g) "Commissioner" means the U.S. Commissioner of Education or his designee.

(h) "Equipment" means manufactured items which have an extended useful life and are not consumed in use and which have an identity and function which are not lost through incorporation into a different or more complex unit or substance. For purposes of construction applications under the act, equipment is further subdivided into three categories: built-in building service systems, other built-in equipment, and initial movable equipment.

(1) "Built-in building service systems" means utilities and other machinery necessary for the effective functioning of a building or uniformly distributed through all portions of the building, such as heating and air conditioning systems and machinery, automatic fire-control systems, public address, time and communication systems.

(2) "Other built-in equipment" means all items other than "built-in building service systems," which are permanently fastened to the building or the grounds, such as: laboratory tables connected permanently to plumbing, and other built-in specialized laboratory equipment; built-in audiovisual systems in individual classrooms; chalkboards, bulletin boards, and display cabinets fixed to walls; built-in library stacks and counters; carpeting installed in lieu of other finished flooring; and draperies installed in lieu of other light control devices.

(3) "Initial movable equipment" means all items of initial equipment other than built-in equipment, which are necessary and appropriate for the functioning of a particular academic facility for its specific purpose, and will be used solely or primarily in the rooms or areas covered by an application under the Act (as distinguished from items which are appropriate for academic purposes but are not to be used principally within the rooms included in the project). The term does not include books, curricular or program materials, carpets or drapes, or any items of current operating expense such as fuel, supplies, component items such as vacuum tubes which have no function apart from other items in which they are to be incorporated, or manufactured items which are consumed in use or have a short useful life.

(i) "Full-time equivalent number of students" means:

(1) For purposes of determining State allotments, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable towards a bachelor's or higher degree plus one-third of the number of part-time students enrolled in such programs, plus 40 percent of the number of students enrolled in programs which are not chiefly transferable towards a

bachelor's or higher degree plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purposes of this computation shall be those contained in the most recent Office of Education survey containing data on opening fall enrollments in higher education.

(2) For purposes of reporting undergraduate enrollment trends and projections in connection with applications for financial assistance for individual institutions under Title I of the Act, the "full-time equivalent number of students" may be defined for each State by the State commission by specific State plan provision. In the absence of such a definition in the applicable State plan, "full-time equivalent number of students" for application purposes shall be the total number of full-time students plus one-third of the number of part-time students. For the purposes of this definition, full-time students are those carrying at least 75 percent of a normal student-hour load.

(j) "Institution of higher education," or "institution," means an educational institution in any State which meets the requirements set forth in section 401(f) of the Act. The term "educational institution" limits the scope of this definition to establishments at which teaching is conducted.

(k) "Project" means the facilities (all or a portion of one or more structures) which are eligible for grant or loan assistance under a particular title of the Act, and for which grant or loan assistance is requested in a specific grant or loan application. Only facilities located on the same campus and for which the basic construction contracts are to be awarded at approximately the same time may be included in the same project application.

(l) "State commission" means the State agency designated or established in each State pursuant to section 105(a) of the Act.

(m) "State plan" means the document submitted by a State commission and approved by the Commissioner, which sets forth the standards, methods, and administrative procedures whereby the State commission shall review projects proposed by applicants in the State for Federal assistance under Title I of the Act, and shall determine and recommend the relative priority of each such project and the Federal share of the costs eligible for Federal financial participation for each such project.

§ 170.2 Requirement for compliance with labor standards and equal employment opportunity requirements in all construction contracts.

The Commissioner shall not approve any application for a grant or loan under the Act except upon adequate assurance that:

(a) Construction contracts for the construction covered by the application will provide that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such grant

or loan will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and will receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87-581), unless a waiver is granted by the Commissioner pursuant to section 403(a) of the Act; and

(b) All applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the application, and all other requirements, imposed by or pursuant to that Executive order, will be complied with.

§ 170.3 Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.

(a) All contracting for new construction, and all orders for the acquisition and installation of built-in equipment not covered by general construction contracts, shall be on a fixed price basis. Contracts for new construction and for acquisition and installation of built-in equipment shall be awarded on the basis of competitive bidding obtained by public advertising. *Provided, however,* That for applications approved prior to the publication of these regulations, the competitive bidding requirement may be satisfied by obtaining three or more bids).

(b) Except where the Commissioner specifically approves alternative contracting procedures due to special problems or conditions, all contracting for rehabilitation, renovation, remodeling, conversion, or improvement of existing structures shall be undertaken in accordance with the provisions of paragraph (a) of this section.

(c) The concurrence of the Commissioner (including concurrence in any provision for prequalification of bidders) shall be obtained before advertising for bids and before awarding any contract for construction or for acquisition and installation of built-in equipment for which grant or loan assistance under the Act is requested.

§ 170.4 Requirement for economical methods of purchase of movable equipment.

All movable initial equipment, the cost of which is to be charged to a project covered by a grant or loan application under the Act, shall be procured in an economical manner consistent with sound business practice, in accordance with such instructions as the Commissioner may from time to time prescribe.

§ 170.5 Fiscal control and fund accounting procedures.

(a) *State commissions.* Each State plan shall contain specific information regarding fiscal control and fund accounting procedures, as required by the Commissioner to insure proper disbursement of and accounting for Federal funds which may be paid to the State

commission for expenses for the proper and efficient administration of the State plan.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* Applicants and, where applicable, their building agencies, shall maintain adequate and separate accounting and fiscal records and accounts of all funds provided from any source to pay the cost of construction (including necessary site acquisition and equipment) covered by the grant or loan application, and audit or inspection of such records by authorized representatives of the Federal Government shall be permitted and facilitated by applicants at any reasonable time.

§ 170.6 Retention of records.

(a) *State commissions.* (1) Accounts and documents supporting expenditures for expenses of State commissions shall be maintained until the State commission is notified of completion of Federal audits for the Federal fiscal year concerned.

(2) Where the State commission purchases equipment items costing \$50 or more per unit, for use in the administration of the State plan, inventories and other records supporting accountability for such items shall be maintained until the State commission is notified of the completion of the review and audit by the Department of Health, Education, and Welfare covering the disposition of such equipment.

(3) State commissions shall establish a complete case file on each Title I application received; inform applicants of official actions and determinations, by letter or similar type of correspondence, and shall retain records regarding each case for at least 2 years after final action with respect to the application is taken by the State commission. In addition, each State commission shall maintain a full record of all hearings on appeals pursuant to section 105(a)(5) of the Act, and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered as of each specified closing date and shall retain such records for at least 3 years.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* All accounting records relating to approved projects, including bank deposit slips, cancelled checks and other supporting documents, purchase orders and contract awards (or microfilm copies thereof), shall be retained intact by the applicant and, where applicable, by the applicant's building agency, for audit or inspection by authorized representatives of the Federal Government for a period of 3 years after completion of the project or until the applicant is notified of completion of the Government's audit, whichever is later.

§ 170.7 Determination of costs eligible for Federal participation.

Determination of costs eligible for Federal participation will be based for each individual project, whether application is made under Title I, II, or III of the Act, upon: (1) The date on which a

given cost item was incurred or contracted for; (2) whether the cost is an allowable "development cost," as defined in section 401(c) of the Act, and has been incurred in accordance with the requirements set forth in these regulations; (3) the portion of the proposed facility which is eligible under the type of assistance for which the application is submitted; and (4) the amount of any financial assistance under any other Federal program which the applicant has obtained or is assured of obtaining for the project.

(a) In connection with a Title I grant for an institution other than a public community college or a public technical institute, awarded prior to July 1, 1966, for structures, or portions thereof, which are not especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library—any cost which was incurred before, or under a contract entered into before, November 8, 1965, shall be excluded from the eligible development cost.

(b) For a project for which an application was filed for the first time (under any title of the Act) on or after April 1, 1965, and prior to July 1, 1966, the following shall be excluded from the eligible development cost:

(1) Any cost for movable equipment incurred before the date of receipt by either the Office of Education or a State commission of an application covering the project; and

(2) Any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which did not, when let, meet the requirements set forth in sections 170.2 and 170.3.

(c) For a project for which an application is filed for the first time (under any title of the Act) on or after July 1, 1966, the following shall be excluded from the eligible development cost:

(1) Any cost for movable equipment incurred before the date of receipt by either the Office of Education or a State commission of an application covering the project; and

(2) Any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which was entered into before the date of concurrence by the Commissioner in the award of such contract. While such concurrence normally will be given only after a grant or loan for a project has been approved, circumstances occasionally may warrant the beginning of construction in advance of grant or loan approval in order to meet scheduled needs for expansion of enrollment capacity. In any such case, where an application for a project has been filed and the applicant can justify the necessity of beginning construction in advance of the award of the grant or approval of the loan, the Commissioner may, after an appropriate review of the bidding documents, authorize bidding and concur in the award of the contract. However, such concurrence shall in no way provide any advantage for the project in

priority determinations by a State commission under Title I and shall in no way commit the Commissioner subsequently to approve a grant or loan under any Title for any such application.

Subpart B—Grants for Construction of Academic Facilities

§ 170.11 Institutional eligibility for grants under section 103 of the Act.

To qualify for a grant from funds allotted pursuant to section 103 of the Act, an institution or a branch campus of an institution shall meet the requirements specified in sections 401(f) and 401(g) of the Act.

(a) An institution which is not accredited by a nationally recognized accrediting agency or association listed pursuant to section 401(f) of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than two years prior to the date of filing of the application for a grant) that the institution meets requirements set forth in subsection 401 (f) (5) of the Act.

(b) An institution or a branch campus of an institution shall be determined to be organized and administered principally to provide a 2-year program as specified in section 401(g) of the Act, if:

(1) More than 50 percent of the full-time equivalent student enrollment at the institution or branch campus is in 2-year programs of the types specified in section 401(g) of the Act; and

(2) The application for a grant pursuant to section 103 of the Act contains a statement that the institution or branch campus is organized and administered principally to provide such programs, and such statement is supported by information available to or obtained by the State commission.

§ 170.12 Institutional eligibility for grants under section 104 of the Act.

To qualify for a grant from funds allotted pursuant to section 104 of the Act, an institution shall meet requirements specified in section 401(f) of the Act. An institution which is not accredited by a nationally recognized accrediting agency or association listed pursuant to section 401(f) of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than 2 years prior to the date of filing of the application for a grant) that the institution meets requirements set forth in subsection 401(f) (5) of the Act.

§ 170.13 Conditions for grant approval.

(a) An application for a grant under Title I of the Act shall be approved only if: (1) The Commissioner is satisfied, on the basis of information submitted with the application, that (i) the facilities included in the Title I project are intended for use predominantly in undergraduate instruction and/or extension and continuing education programs; and that (ii) the requirements of section 106 of the Act will be met; and (2) the application meets all requirements of section 108(b) of the Act; and (3) the application contains or is supported by:

(i) Satisfactory assurances that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant; and (ii) satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of the application.

(b) In determining whether a project, either alone or together with other construction to be undertaken within a reasonable time, will result in an urgently needed substantial expansion or creation of student enrollment capacity or capacity to carry out on-campus extension and continuing education programs, consideration will be given to statewide and institutional planning data, projected undergraduate enrollment increases and increases in on-campus extension and continuing education programs, any serious deficiencies in the quality of existing undergraduate instruction programs because of inadequacies in existing academic facilities, and the contribution of the project in providing for new or increased enrollments or remedying existing deficiencies.

§ 170.14 Submission and processing of Title I applications.

(a) *Closing dates for filing of applications.* Closing dates by which applications may be filed with and accepted by the State commission shall be established in the State plan. For each category of applications (i.e., applications for public community colleges and public technical institutes; and applications for institutions of higher education other than public community colleges and public technical institutes) the State plan shall provide at least two closing dates for any Federal fiscal year, and all such closing dates shall be between July 31 and February 15. Each State plan may provide for apportionment of the State allotments under section 103 and section 104 of the Act, so that specified portions of either or both allotments become available for grants as of specified closing dates, but such apportionment shall not be required, and in the absence of such a provision in the State plan, the total of each allotment shall be available as of the first applicable closing date in each Federal fiscal year.

(b) *Submission of project applications.* Applications for grants under Title I of the Act shall be submitted on forms supplied by the Commissioner, and shall contain such assurances as are required pursuant to the Act and the regulations in this part. Applications shall be submitted directly to the appropriate State commission, together with any supplemental information which may be required by the State commission. The State commission shall accept all applications for grants under Title I for institutions of higher education in the State, provided such applications are

submitted on forms provided by the Commissioner, and shall officially record the date of receipt of each application by the State commission.

(c) *Verification of application data and institutional and project eligibility.* Before determining the relative priority or Federal share for any application for grant assistance under Title I of the Act, the State commission shall satisfy itself that the data contained in the application appear to be valid, and that the institution and the project appear to meet basic eligibility requirements set forth in the Act and the regulations governing the administration of the Act. In any case where in the opinion of the State commission a question may be raised as to the eligibility of an institution or of a project, the State commission shall promptly forward a copy of the application to the Office of Education for a clarification of such eligibility. In any such case, the State commission shall continue to process and rank such application as if it were eligible, but shall delay final action on all applications under the same category considered as of the same closing date until receipt of notification by the Office of Education of the disposition of the eligibility question.

(d) *Determination of relative priorities and Federal shares.* All eligible applications received by each specified closing date shall be considered by the State commission together with others of the same category (i.e., applications for public community colleges and public technical institutes for funds allotted under section 103 of the Act; and applications for all other institutions of higher education for funds allotted under section 104 of the Act) and assigned relative priorities and recommended Federal shares in accordance with the provisions of the State plan.

(e) *Procedures where funds are insufficient to provide full Federal shares for all eligible projects.* (1) In any case where the funds available in a State allotment for projects considered as of a particular closing date are insufficient to cover all eligible applications, the State commission shall nevertheless determine the full Federal share, calculated according to the State plan, for all projects in their order of relative priority, until the remaining available funds are insufficient to provide the full Federal share as calculated for the next project in order of priority.

(2) If the State plan provides for apportionment of the State allotment among closing dates, the State plan may provide also that sufficient funds will be made available immediately, from such funds as were apportioned to later closing dates in the same fiscal year, so that the full Federal share as initially calculated will be available for the first project for which only a part of the Federal share would otherwise have been available. In any case where the State allotment is apportioned among closing dates and no such provision is included in the State plan, all projects for which the full Federal share, as calculated, cannot be provided for by the available funds shall be

carried over to any subsequent closing dates in the same fiscal year.

(3) If the State allotment is not apportioned among closing dates, or in the case of the last closing date in the fiscal year, the amount of the remaining funds shall be offered as a partial Federal share for the first project in order of relative priority for which less than the full Federal share as calculated is available. The offer and acceptance of such a lesser Federal share shall in no way be deemed to diminish the scope of the project. An applicant which agrees to accept such a partial Federal share shall in all cases have the option to submit a supplemental application as provided in paragraph (1) of this section. If the applicant offered such a partial Federal share declines to accept it, the remaining funds and the application for which the partial Federal share was declined shall be carried over to the next closing date, if any, in the same fiscal year.

(f) *Recommendation by State commissions.* Promptly upon completing its consideration of applications as of each closing date, and no later than March 31 of each Federal fiscal year, each State commission will forward to the Commissioner: (1) A current project report, on forms supplied by the Commissioner, for the pertinent category of applications, listing each application received or carried over from the previous closing date, each application returned to the applicant and the reason for return of such application, each application considered as of the closing date, and the priority and Federal share determined according to the State plan for each project considered; (2) the application form and exhibits in the number of copies requested by the Commissioner, for each project assigned a priority high enough to qualify for a Federal grant within the amount of funds available in the allotment for the State; and (3) copies of correspondence documenting the offering and either acceptance or rejection of partial Federal shares pursuant to paragraph (e) of this section.

(g) *Notification to applicants.* The State commission shall promptly notify each applicant of the results of all determinations regarding its application as of each closing date, and any applicant shall, upon request in accordance with such orderly procedures as are established by the State commission, be furnished access to the records of official State commission proceedings on the basis of which relative priorities and Federal shares of all applications were determined.

(h) *Disposition of applications which are not recommended for grants.* Applications which are not recommended for a grant within the fiscal year in which they are filed, shall be retained by the State commission until notified that there are no longer any funds available in the State allotments for the fiscal year. New applications shall be filed each fiscal year for any project which does not receive a recommendation for a grant and which the applicant desires to have reconsidered in a subsequent year. In addition, whenever any application is car-

ried over from one closing date to the next within a fiscal year, and the fall term opened between such closing dates, those portions of the application containing data as of the most recent opening fall term shall be revised to show the most recent data on enrollments and available instructional and library facilities. Any applications which are still on file with State commissions after the completion of approvals for fiscal year 1966 shall be refiled on new application forms to be supplied by the Commissioner, if the applicant desires to have such applications considered by the State commission during fiscal year 1967.

(i) *Grant award.* For a Title I project application which meets all eligibility requirements the Commissioner will approve the application and reserve Federal funds from the appropriate State allotment and will prepare and send to the applicant a grant award, which sets forth the pertinent terms and conditions of the grant.

(j) *Amendment of project applications.* Any time prior to a closing date for which an application is to be considered, the applicant may make changes in the application by written notification to the State commission. After any such closing date, no changes in applications shall be permitted, except corrections or submission of additional data as requested by the State commission.

(k) *Project changes.* After a project has been forwarded to the Commissioner by the State commission, no substantial changes in the nature or scope of the project shall be approved by the Commissioner without first verifying that such changes would not have affected the State commission's original recommendation of the project for a grant.

(l) *Supplemental applications.* Any time after an application has been forwarded to the Commissioner by the State commission with a recommendation for a Federal grant, an applicant desiring to apply: (1) For an increase in the amount of the Federal share on the basis of an increase in development cost; and/or (2) for the balance of the original eligible grant amount when a partial Federal share was recommended pursuant to paragraph (e) of this section, shall submit a supplemental application on forms supplied by the Commissioner together with any additional information which may be required by the State commission. Supplemental applications shall be considered for the assignment of relative priority together with all other applications eligible for consideration as of the next applicable closing date. Supplemental applications which are assigned sufficiently high priorities to be recommended for additional grant funds shall, unless otherwise provided in the applicable State plan, be recommended for the balance of the Federal share for which the project would have qualified pursuant to Federal share criteria in effect for the closing date for which the project originally was recommended, or for the balance of the Federal share calculated according to State plan provisions in effect as of the current closing date, whichever is the lesser. In no

event shall a supplemental application be considered by a State commission or approved by the Commissioner after final settlement has been made on the completed project.

§ 170.15 Criteria for standards and methods to determine relative priorities of eligible projects.

(a) The State plan shall set forth separately the standards and methods for determining the relative priorities of eligible projects for the construction of academic facilities (1) for public community colleges and public technical institutes and (2) for institutions of higher education other than public community colleges and public technical institutes. The standards and methods set forth for each of the two categories of eligible projects shall provide separately for new institutions or new branch campuses and for established institutions or campuses. Unless otherwise defined in the State plan, a new institution or branch campus (as distinguished from an established institution or branch campus) shall be one which was not in operation and admitting students as of the fourth fall term preceding the date of application for assistance under Title I.

(b) The standards for determining relative priorities for established institutions or branch campuses shall include each of the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for established institutions or branch campuses:

(1) One or more standards dealing with the planned for and reasonably expected numerical and/or percentage increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed, between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth term thereafter (at least 20 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(2) One or more standards dealing with the amount and/or percentage by which the construction of the project for which a Title I grant is requested will increase the square feet of assignable area in instructional and library facilities at the campus at which the facilities are to be constructed (at least 10 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(3) One or more standards designed to favor projects for institutions or branch campuses which are most effectively utilizing their existing academic facilities (at least 10 percent of total weight).

(c) The standards for determining relative priorities for new institutions or branch campuses shall include each of the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for new institutions or branch campuses:

(1) A standard dealing with the planned for and reasonably expected numerical increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed, between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth fall term thereafter (at least 30 percent of total weight, with priority advantage given to higher numerical increases).

(2) A standard dealing with the amount by which the construction of the project for which a Title I grant is requested will increase the square feet of assignable area in instructional and library facilities at the campus at which the facilities are to be constructed (at least 10 percent of total weight, with priority advantage given to higher numerical increases).

(d) The State plan may include additional standards for determining relative priorities which are not inconsistent with the standards set forth in paragraphs (b) and (c) of this section and which will carry out the purposes of the Act.

(e) The methods for application of the standards for determining relative priorities shall provide for the assignment of point scores for each standard applied, such that the potential total score for each project will be the same whether the project is for a new institution or branch campus or for an established institution or branch campus. The assignment of points for each standard may be by any one of the following methods or by similar objective methods, a different one of which may be used in connection with each standard:

(1) Applications may be ranked according to relative performance for the standard, and assigned a point score for relative rank (e.g., 10 points for placement in the highest 10 percent, 9 points for placement in the second highest 10 percent, 8 points for placement in the third highest 10 percent, etc.).

(2) Applications may be compared to a scoring table for the standard, and assigned points accordingly (e.g., for numerical increase in full-time equivalent undergraduate enrollment, a scoring table might provide for 10 points for an increase of 1,000 or more, 8 points for an increase of 800-999, 6 points for an increase of 600-799, etc.).

(3) Applications may be compared to a fixed requirement for the standard, and assigned points if they meet the requirement or denied points if they do not. This type of scoring should be used where comparison against the standard involves a "yes"—"no" decision (e.g., Is the proposed project located in a geographic area of the State in which an unfilled need for creation or expansion of undergraduate enrollment capacity has been documented in a statewide study? If "yes," award 5 points, if "no," award 0 points).

(f) The methods for application of the standards shall provide for determination of relative priorities on the basis of

the total of the points earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores.

(g) The standards and methods for determining relative priorities must be developed on the basis of information which is to be submitted on the application form prescribed by the Commissioner, or required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in published reports or publications readily available to the State commission and to all institutions within the State. Whenever supplemental forms or definitions or data in published reports or publications are to be used in connection with optional State plan standards, the State plan shall include a section setting forth such definitions and supplementary data sources and an appendix illustrating the supplemental State forms.

(h) In no event shall an institution's readiness to admit out-of-State students be considered as a priority factor adverse to such institution and in no event may the nature of the control or sponsorship of the institution, or the fact that construction of the project has commenced, or that part of the cost of a project has been incurred before or under a contract entered into prior to the date of the application, be considered as a priority factor either in favor of, or adverse to, an institution.

§ 170.16 Criteria for standards and methods to determine Federal shares of eligible projects.

(a) Unless the Federal share is specified in the State plan as a uniform percentage of the costs eligible for Federal financial participation, the State plan shall prescribe the standards and methods in accordance with which the State commission shall determine the Federal share of such costs, but in no event may the Federal share of a project exceed the percentage of the eligible project development cost specified by the Act.

(b) Standards and methods for determining the Federal share pursuant to paragraph (a) of this section: (1) Must be objective and simple to apply; (2) may involve the use only of data which are to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in reports or publications readily available to the State commission and the institutions of higher education in the State; (3) must be such as will enable an applicant to calculate in advance (on the assumption that sufficient funds will be available to cover all applications) the minimum Federal share of the estimated eligible project development cost which the State commission will certify to the Commissioner if it recommends the project for a Federal grant; and (4) must be consistent with criteria published by the Commissioner with re-

spect to the determination of relative priorities among projects and be promotive of the purposes of the Act.

§ 170.17 State plans.

(a) The Commissioner shall approve a State plan only after he has received satisfactory assurance and explanation regarding the basis on which the State commission submitting the plan meets the requirements of section 105(a) of the Act. A new or revised State plan submitted in accordance with section 105 of the Act shall be submitted on forms or in a format supplied by the Commissioner and shall contain all provisions required by the Commissioner pursuant to section 105 of the Act and other sections of the regulations in this part, together with such additional organizational and administrative information as the Commissioner may request.

(b) All proposed amendments to the State plan shall be submitted to the Commissioner for his approval in such form and in accordance with such instructions as are established for that purpose. Such amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval by the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal shares or any amendment providing for an additional closing date or for the change in an existing closing date become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendments as a part of the State plan: *Provided, however,* That amendments which are required by amendments of the Act or of these regulations or are designed to implement promptly amendments of the Act or of these regulations may be made effective immediately upon their approval by the Commissioner.

(c) State plan amendments conforming to the provisions in these regulations regarding closing dates and determination of priorities shall be submitted and approved prior to State commission actions on any Title I applications for closing dates later than December 31, 1966.

§ 170.18 Adjustments in amount of Federal share.

For all Title I grants approved after July 1, 1966, the following procedures shall apply:

(a) In any case where the costs eligible for Federal participation, as determined by the final audit, exceed those provided for in the grant agreement for the project, the Federal share entitlement of the applicant shall be limited to that provided by the grant award.

(b) In any case where the costs eligible for Federal participation, as determined by the final audit, are less than those provided for in the grant award, the Commissioner shall redetermine the amount of the Federal share which

would have been recommended for the project, based on the lesser eligible cost, under State plan provisions in effect at the time the project was recommended for a grant, if sufficient funds had been available in the State allotment at that time to provide the maximum Federal share provided for by the plan. If such redetermined Federal share entitlement is less than the maximum amount authorized by the grant award the grant shall be reduced accordingly, and any overpayment of Federal funds shall immediately be due to the Government of the United States. If such redetermined Federal share is equal to or greater than the maximum amount of the Federal share authorized by the grant award, the final settlement shall be based on the Federal share amount authorized by the grant award.

(c) The Commissioner may from time to time, after award of the grant and prior to final settlement, adjust the grant amount to take into account any reductions of eligible project development cost which occur or are identified subsequent to the award of the grant.

§ 170.19 Payment of grant funds on approved projects.

The commissioner shall provide for payment of grant funds for approved projects pursuant to such methods as he determines will best make the funds available as needed and eliminate unnecessary expense to the Federal Government.

Subpart C—Grants for Construction of Graduate Academic Facilities

§ 170.41 Eligibility for grants.

Grants for construction of academic facilities from funds appropriated under Title II of the Act may be made only to assist institutions of higher education and cooperative graduate center boards in the construction of such academic facilities, including facilities essential to their operation, as will be dedicated to the provision of graduate education.

§ 170.42 Submission of applications.

Applications covered by this subpart may be submitted by institutions of higher education or by cooperative graduate center boards as defined in section 401 (i) of the Act. Such applications shall be submitted at such time and in such manner as may be prescribed by the Commissioner and will be processed by the staff of the Office of Education in the order of their receipt. Upon the completion of such processing as is appropriate, each application will be submitted to the advisory committee at its next meeting.

§ 170.43 Advisory Committee.

The advisory committee on graduate education established pursuant to section 203 of the Act shall review all applications submitted in the light of the criteria set forth in § 170.44 and shall make recommendations to the Commissioner for the approval or disapproval, in whole or in part, of each such application.

§ 170.44 Criteria for evaluating applications.

In determining whether, to what extent and in what order to approve applications consideration shall be given, but not limited to, the following factors which are not necessarily listed in the order of their importance:

(a) The extent to which the program or programs to be assisted by the proposed construction will contribute toward the establishment or development of a graduate school or cooperative graduate center of excellence, or the extent to which such program or programs will contribute toward the improvement of an existing graduate school or cooperative graduate center.

(b) The extent to which the proposed construction will increase the capacity of the institution to supply highly qualified personnel critically needed by the community, industry, government, research, and teaching.

(c) The extent to which the proposed construction will assist in attaining a wider distribution throughout the United States of graduate schools and cooperative graduate centers.

(d) The capability of the applicant to give full financial support to its programs generally, and specifically to the program or programs of graduate education to be assisted by the proposed construction.

(e) The extent to which the program or programs to be assisted by the proposed construction are likely to draw to the institution both graduate students and faculty of a high level of competence.

(f) The adequacy of applicant's existing academic facilities with respect to the present demands made on them and the demands that can reasonably be expected to be made on them in the foreseeable future, with particular reference to the adequacy of those facilities, if any, available for the conduct of the program or programs to be assisted by the proposed construction.

(g) The extent to which the proposed construction would contribute significantly to the increase in both or either the quantity or quality of graduate education in a relatively wide geographical area.

§ 170.45 Special terms and conditions.

Before approving a Title II grant the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of application.

(b) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant.

Subpart D—Loans for Construction of Academic Facilities

§ 170.51 Eligibility for loans.

Loans may be made only for construction of academic facilities for institutions of higher education or for cooperative graduate centers.

§ 170.52 Submission of applications.

Each institution, cooperative graduate center board or higher education building agency desiring a loan for the construction of academic facilities shall submit an application for such assistance, in the manner and containing the information specified by the Commissioner.

§ 170.53 Special terms and conditions.

Before approving a loan the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of application.

(b) Satisfactory evidence of the ability of the applicant to comply with the appropriate terms and conditions for repayment of the loan.

(c) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan, and to pledge or mortgage any assets or revenues to be given as security for the proposed loan.

(d) Satisfactory assurances that the project for which the loan is requested is related to a plan for development of the institution, branch campus or cooperative graduate center for which it will be constructed, and is associated with either a planned increase in student enrollment or a planned improvement in the instructional programs offered by the institution, branch campus or cooperative graduate center.

(e) Satisfactory assurance that the applicant will not mortgage to others the facility to be constructed with the assistance of the loan during the life of the loan.

§ 170.54 Determination of nonavailability of equally as favorable terms and conditions.

No loan will be made unless the Commissioner finds that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part. For the purpose of making such determination, the applicant shall be required to comply with such procedures as the Commissioner may establish, including, where deemed necessary, public advertising for bids from other sources.

§ 170.55 Forms of evidence of indebtedness.

The evidences of indebtedness shall be in such form as may be prescribed by the Commissioner.

§ 170.56 Security for loans.

All loans shall be secured in a manner which the Commissioner finds sufficient to reasonably assure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facilities and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Commissioner.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust funds acceptable to the Commissioner.

(d) A pledge of a specified portion of annual general or special revenues of the institution, acceptable to the Commissioner.

(e) Full faith and credit (tax supported) obligations of a State or local public body.

(f) Such other types of security as the Commissioner may find acceptable in specific instances.

§ 170.57 Length and maturity of loans.

(a) The maximum repayment period for loans under Title III of the Act shall be 30 years, except where the Commissioner finds that a longer repayment period is required in order for the loan to be feasible.

(b) Substantially level total annual installments of principal and interest, sufficient to amortize the loan from the third year through the final year of the life of the loan, will be required unless otherwise authorized by the Commissioner.

(c) Loans maturing in less than 30 years, or loans which do not mature serially, may be considered by the Commissioner in order to fit the loan into an applicant's total financial plan.

(d) In no case shall a loan repayment period exceed the estimated useful life of the facilities to be constructed with the assistance of the loan.

§ 170.58 Bond counsel opinion.

At appropriate stages in the loan application and development procedure, a legal memorandum or opinion of bond counsel will be required with respect to the legality of the proposed bond or note issue, the legal authority to offer the issue and secure it by the proposed collateral, and the legality of the issue upon delivery. "Bond Counsel" means either a law firm or individual lawyer, thoroughly experienced in the financing of construction projects by the issuance of bonds, and whose approving opinions have previously been accepted by purchasers of bonds offered at public sales. In addition, where the borrower is a public institution or agency, the proposed bond counsel shall be a recognized bond counsel in the municipal field. The legal memorandum or opinion to be pro-

vided by such an acceptable bond counsel in each case generally shall be as follows:

(a) A memorandum by bond counsel, submitted with the loan application, stating that there is or will be authority to finance, construct, maintain the project, and to issue the proposed obligations and to pledge or mortgage the assets and/or revenues offered to secure the loan, citing the basis for such authority.

(b) A preliminary approving opinion of bond counsel, submitted at the time the applicant proposes to advertise for construction bids for the project, to the effect that when the bonds or notes described in the loan agreement are sold and delivered they will comply with the applicable provisions of the loan agreement and will be valid and binding obligations of the issuer and will be payable in accordance with their terms.

(c) The final approving opinion of bond counsel, delivered at the same time as the delivery of the bonds or notes, stating that the bonds or notes (1) are those described in the loan agreement and the authorizing proceedings, (2) have been duly authorized, sold, and delivered to the Commissioner, and (3) constitute the valid and binding obligations of the issuer payable in accordance with their terms.

§ 170.59 Determination of priorities for loan approvals.

Loan applications shall be processed in such order and according to such standards and methods as the Commissioner may determine. Such standards and methods shall be developed as may be necessary and appropriate to encourage distribution of the available loan funds in accordance with actual needs and may include establishment of closing dates for consideration of applications and for determination of priorities.

§ 170.60 Loan agreement.

For project applications which meet all requirements of the Act and of the regulations governing the administration of the Act, and upon approval by the Commissioner together with a reservation of Federal funds, a loan offer will be prepared by the Commissioner and sent to the applicant. The loan offer will set forth the pertinent terms and conditions for the loan, and will be conditioned upon the fulfillment of these terms and conditions. The accepted loan offer will constitute the Loan Agreement between the Commissioner and the applicant for the partial financing of the construction of the approved project.

§ 170.61 Loan closing.

Loan closing shall be accomplished at such time as may be determined by the Commissioner.

§ 170.62 Interim financing.

If necessary, the applicant shall arrange for interim financing, subject to the approval of the Commissioner, to cover the cost of construction pending the loan closing. Where the Commissioner finds that an applicant is unable to secure necessary interim financing on

reasonable terms, he may provide for advances against the approved loan.

§ 170.63 Construction fund.

The proceeds of the sale of the bonds or notes, any interim advances against the approved loans, and all other moneys to be used in paying for the construction of which the project is a part, shall be deposited into a separate bank account to be maintained in a bank of the applicant's choice and to be known as the Construction Fund. All expenditures for the construction shall be made from this fund. Accounting for this fund shall be in accordance with generally accepted accounting principles. When necessary and appropriate, the Commissioner may approve other arrangements for the deposit of construction funds and the construction fund accounting, provided such arrangements provide adequate accountability for the total construction receipts and expenditures.

§ 170.64 Investment of idle construction funds.

Where the moneys on deposit in the construction fund exceed the estimated disbursements for the project for the next 90 days, the borrower shall, if permitted by State or local law, direct the depository bank to invest such excess funds in direct obligations of the U.S. Government, or obligations the principal of and interest on which are guaranteed by the U.S. Government, which shall mature not later than eighteen (18) months from the date of such investment.

§ 170.65 Disposal of balance remaining in the construction fund.

The balance of moneys remaining in the construction fund at the completion of construction shall be disposed of in accordance with the provisions of the loan agreement.

Dated: August 23, 1966.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: October 4, 1966.

WILBUR J. COHEN,
Acting Secretary of Health,
Education, and Welfare.

[F.R. Doc. 66-11177; Filed, Oct. 12, 1966;
8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13961; FCC 66-903]

PART 1—PRACTICE AND PROCEDURE

Report and Order; Television Program Form

In the matter of amendment of Section IV; Statement of Program Service of Broadcast Application Forms 301, 303, 314, and 315.

1. The Commission has before it for consideration the fourth notice of fur-

ther proposed rule making released April 24, 1964, in the above-captioned matter, proposing a new television program reporting form for use in place of the present section IV as part of broadcast applications for renewal, assignment and transfer of control, and new stations and major changes in facilities (FCC 64-385), together with more than 60 comments filed in response thereto¹ and the testimony of 19 witnesses consuming some 454 pages of testimony.

2. We have also adopted today a report and order in Docket 14187 amending our rules so as to require television stations to log the information they will need to complete section IV with which we are here concerned.

3. These proceedings were instituted by the Commission on February 21, 1961, with issuance of a notice of proposed rule making looking toward adoption of a new program reporting form for television and radio broadcast applicants.

4. After extensive comments and informal conferences with industry representatives and other interested parties, on July 7, 1961, the Commission issued a notice of further proposed rule making proposing separate forms for television and for radio. By a second notice of further proposed rule making released December 20, 1963 we invited comments on another section IV for television.² Before the date set in the second notice for oral and written presentations concerning the new form, objections to the proposal were raised informally, chiefly by broadcasters, the NAB and members of the Communications Bar.

5. Subsequently, an ad hoc committee was formed consisting of members of the Communications Bar, broadcasters, a representative of the NAB and Commission staff members to recommend clarification and simplification of the form to the extent practicable. The Commission found that the committee's proposals represented in a number of respects an improvement over the proposal contained in the second notice.

6. On April 24, 1964, the Commission released its fourth notice of further proposed rule making incorporating many of the committee's recommendations. Therein it was proposed to have two forms: One for renewal and the other for all other applications. On June 1, 1964, an en banc oral proceeding was held by the Commission to provide opportunity for direct presentation of views and comments. Nineteen witnesses appeared, including representatives of

broadcast stations, religious organizations, and other interested parties.³

7. A number of comments included extensive constitutional, legal and philosophical arguments concerning the role of this Commission and its duty, or lack of authority, in the field of programming. That these matters are serious and basic is evident. The Commission's views in the matter, however, have been set forth in some detail in its "Report and Statement of Policy Re: Commission En Banc Program Inquiry" (FCC 60-970, 25 F.R. 7291, 20 RR 1902, released July 29, 1960). Many of the arguments presented have been disposed of in that report and other Commission pronouncements in this area. Suffice it to say here that the Commission finds the form adopted herein to be in accordance with its statutory duties and authority and warranted in the public interest.

8. The Commission, throughout this proceeding, has made every effort to accede to reasonable suggestions. It has been our intention to seek only information we deem necessary in fulfilling our statutory function and do it with the least expense, inconvenience and burden to licensees and applicants. The form adopted herein represents a substantial reduction in the information called for in the fourth notice. Some of the questions to which major objections were directed have been deleted or revised. Programming and commercial information need only be supplied for one composite week, as compared with 3 composite weeks proposed in the fourth notice.

9. We do not propose to prolong this report by discussing the positions taken and the suggestions made by the numerous parties who have participated in this proceeding. All have been considered and many of the objections contained in the comments and presented at the en banc oral proceeding and the informal meetings were found to have some merit and we have adopted many of the suggestions presented. We shall, however, discuss briefly some matters which we believe are essential to a thorough understanding of the form adopted herein.

³ The parties appearing at the en banc oral proceeding were as follows:
National Association of Broadcasters,
National Council of Churches of Christ,
Television, Radio & Film Commission of the Methodist Church,
United Churches of Christ,
American Federation of Musicians, AFL-CIO,
Texas Association of Broadcasters,
Station KWTU (Oklahoma City, Okla.),
Frank U. Fletcher, Esq., for various licensees,
Storer Broadcasting Co.,
Harry M. Plotkin, Esq., behalf of Station Representatives Association,
Thomas W. Wilson, Esq., behalf of FCBA,
Harold E. Yourkman, Columbus, Ohio, on behalf of various Columbus residents,
Joseph M. Kittner, Esq., behalf of American Broadcasting Co.,
W. Theodore Pearson, Esq., on behalf of Community Broadcasting Co. (WTOL-TV), Toledo, Ohio, et al.,
Paul Dobin, Esq.,
Ben C. Fisher, Esq., behalf of Bi-States Co. (KHOL-TV), Kearney-Holdridge, Nebr., et al.,
William J. Potts, Esq., behalf of Meredith Broadcasting Co.

¹ The total number of individuals who have expressed views in this matter, since its inception in 1961, far exceeds this number.

² On Jan. 28, 1964, a third notice was issued herein proposing a new radio program form and subsequently, on June 2, 1964, a fifth notice was issued proposing another version of the radio form. On Aug. 12, 1965, the Commission released a report and order (FCC 65-686) adopting a revised program form (sec. IV-A) for AM and FM applicants.

10. At the outset, we note that as a matter of procedural convenience and administrative judgment, we have abandoned the contemplated adoption of two forms, one for renewal and another for all other applications. Study revealed that two separate forms would result in needless duplication. One form will be used for all television station applicants, with the instructions indicating which questions should be answered by each of the various types of applicants.

11. Applicants are also instructed that replies which relate to proposed future programming and commercial operation constitute representations on which the Commission relies. Such representations are not, of course, exact detailed statements of proposed day-to-day operations, and literal adherence to them in that respect would neither be possible nor necessarily desirable. Because the proposals as to programming and commercial matter are representations relied upon by the Commission in determining whether grant of an application is in the public interest, licensees are given the responsibility for advising the Commission whenever substantial changes occur. It is not possible to define what would constitute a substantial change so that it may be applied in every case. This is a judgment to be made by the licensee in the exercise of sound discretion. It does not require that every departure from programming and commercial proposals is to be reported to the Commission. Obvious examples of program format alterations which would be reported are changing from a diversified format to emphasis on feature films or sports; or from English-language programs to a foreign language format. Examples of the type of changes in commercial practices which should be reported are a station deciding as a matter of policy to increase the maximum percentage of commercial matter which it proposes to allow, or if the station determines that it is exceeding these proposed maximums approximately 10 percent of the time. If the type of change raises serious public interest questions, the licensee will be so advised and an inquiry may be made in order to ascertain complete details. However, silence on the part of the Commission is not to be construed as indicating that the Commission has passed on the matter. The station's performance in the public interest will be evaluated in any event at the time of next renewal.

12. To avoid any confusion resulting from the adoption of one form for all television applicants, it should be understood that applicants for major changes need not file this section IV unless a substantial change in programming is proposed. Where an applicant for major change indicates that no substantial change in programming is proposed, the Commission at the time such application is reached for processing will determine whether the filing of program information is necessary and will request it in appropriate cases. To assist us in making the necessary public interest finding in assignments and transfer proceedings, we are requiring certain information from assignors and transferors as well as

from assignees and transferees. It should be noted, however, that assignors and transferors need not answer any portion of section IV if the information required of such applicants has been filed with the Commission within 18 months prior to the filing of the application and it is referenced and identified.

13. The Commission recognizes that there is wide disagreement over the details that should be required of an applicant in reporting on ascertainment of community needs and interests. There is general agreement, however, that an awareness of and a response to such needs is essential. Realistically, a question seeking such information can be phrased only in somewhat general terms. We believe that the question in the form (Question No. 1), reasonably interpreted, can be readily answered, provided good faith efforts have been made to ascertain needs; and that the question imposes no great burden.⁴ While the ultimate decision with regard to the presentation of programs is that of the licensee, the Commission expects broadcast permittees and licensees to make a positive, diligent and continuing effort to provide a program schedule designed to serve the needs and interests of the public in areas served by the station. The efforts must include consultation with the general listening public, and with leaders in community life and professional and eleemosynary organizations. Report and Statement of Policy Re: Commission En Banc Programming Inquiry (FCC 60-970, 25 F.R. 7291, 20 RR 1902, released July 29, 1960). The Commission's experience with the radio form has shown that some applicants are not providing full answers to the questions on ascertainment of community needs (Question No. 1). The Commission cautions applicants to study this question and to supply a complete and responsive answer to each part thereof. The question is designed to elicit full information as to:

(a) The steps that an applicant has taken to become informed of the real needs and interests of the area served and to provide programming which constitutes a diligent effort to provide for such needs and interests;

(b) Any suggestions that may have been made as to how the station could help meet the needs and interests of the community from the viewpoint of those consulted;

(c) The applicant's evaluation of the relative importance of all such suggestions and the consideration given them in formulating the station's over-all program structure; and

(d) The programming that applicant proposes, either generally or specifically, to meet the needs and interests of the community as he has evaluated them.

14. A question-by-question comparison between the form proposed in the fourth notice and the one adopted herein is not practicable. Some of the differences

have already been touched upon (paragraph 9) and two others are particularly worthy of mention. The requirement to supply information as to the extent of interruptions of program continuity by commercial and other matter has been deleted, and the proposed program source category of exchange has also been deleted.

15. Questions 3-A and 12 of the new form (relating to past and future programming, respectively) ask for the amount of time devoted to news, public affairs, and all other programs exclusive of entertainment and sports, and the percentage of total time on the air represented by each category. It has been suggested that, to make computation easier, the gross amount of time (including commercial material) should be used. However, on further analysis we are persuaded that the opposite is true, and that the amount of time should be computed excluding such material. This is necessary if a true picture of station operation is to be presented. We note, for example, that many newscasts contain a large amount of commercial material, and for a station to show the gross figure including such material would be for it to overstate the extent of its news coverage. Therefore Questions 3-A and 12 provide for computation only of time devoted to the subject of the program, excluding commercial matter. Further, to alleviate some apparent confusion,⁵ the base to be used in computing the percentage of total time on the air called for in these questions, is the gross amount of time that the station was on the air during the composite week. Thus commercial matter is not excluded from the figure used as a base in computing the percentage.

16. Questions 5 and 13 (relating to past and future programming, respectively) ask for the amount of program time by source. It should be noted that commercial matter is not to be excluded from programs in computing the time devoted to the source categories.

17. In defining programs by type, the form divides programs basically into eight categories ("A" through "H"), not greatly different from those formerly used except that—in response to numerous requests—a category of "instructional" programs has been adopted, including programs of an instructional nature, whether or not they are presented by or in cooperation with an educational institution (the requirement of the former "Educational" category). In addition, three subcategories of programs are listed ("I" through "K") which fall within the first eight categories but which we believe should be further identified separately. These are "Editorials," "Political" programs (which are subcategories of the "Public Affairs" category) and "Educational Institution" programs (which could be a subcategory of any of the first eight categories "A" through "H", exclusive of "Sports"). The "Educational Institution" program

⁴ Records to support needs and interests representations shall be kept available for inspection by the Commission for 3 years. (Note to Question 1.)

⁵ Based on questions that have been asked by radio applicants in connection with the same question in the AM and FM form (sec. IV-A, Questions 3-A and 14).

category is generally similar to the former "Educational" program classification. We wish to reemphasize as we have in the past, that these program classifications have never been intended as a rigid mold or fixed formula for station operation. The ascertainment of the broadcast matter to be provided by a particular applicant for the audience he is licensed to serve remains the responsibility of the licensee. The Commission recognizes that the form does not contain questions which require information as to all program definition categories. Nevertheless we have decided to require all programs to be classified, as it will facilitate examination of composite week logs by providing a record which can be readily analyzed.

18. It should also be noted that a "Local" program (Instruction, General Information and Definitions, paragraph 10-a), is limited to those programs which the station originates, produces or for the production of which the station is primarily responsible and employing live talent for more than 50 percent of the time. It would only pertain where the station is actively involved in producing or originating the program; i.e., its studio or other facilities are used. Thus the definition would not include programs in which the station's sole relationship; i.e., one of financial support. Further, if two or more stations jointly participate in the production of a program, all of them may classify it as local. The one exception is that all non-network news programs are to be classified as local. It may be of assistance in understanding this category if it is thought of in terms of station participation rather than program content.

19. There is included in the form an optional question (3-B) which permits an applicant to supply certain programming information for a representative period during the year preceding the filing of the application. The Commission recognizes that applicants may not have complete information for network programs carried during such a period of time, and it is not expected that the networks will supply it to affiliates. Accordingly, if a response is made to this question, it should clearly note the network programs for which the applicant is unable to supply the required information.

20. Question 26-A of the form adopted herein requires an applicant to state his policy on broadcasting certain programs even if sponsorship is not available or appropriate. It should be made clear that this question is intended to determine whether an applicant has retained flexibility to accommodate public needs, and does not indicate any modification of the Commission's position pertaining to sustaining versus commercially sponsored programs. This position was fully expressed in the July 29, 1960, report and statement of policy as follows:

Our own observations and the testimony in this inquiry have persuaded us that there is no public interest basis for distinguishing between sustaining and commercially sponsored programs in evaluating station performance. However, this does not relieve the

station from responsibility for retaining the flexibility to accommodate public needs.

Sponsorship of public affairs, and other similar programs, may very well encourage broadcasters to greater efforts in these vital areas. This is borne out by statements made in this proceeding in which it was pointed out that under modern conditions sponsorship fosters rather than diminishes the availability of important public affairs and "cultural" broadcast programming. There is some convincing evidence, for instance, that at the network level there is a direct relation between commercial sponsorship and "clearance" of public affairs and other "cultural" programs. Agency executives have testified that there is unused advertising support for public affairs-type programming. The networks and some stations have scheduled these types of programs during "prime time."

21. We have decided in Docket 14187 to make the effective date of the new logging requirements December 1, 1966, to give licensees time to prepare new forms and train staff in their use. It is recognized that a transition period will necessarily exist between adoption of the new section IV-B and its actual use. The problem is caused quite simply by the requirement of additional information in the new section IV-B not heretofore required, and for which there was previously no logging requirement. We have decided to make section IV-B effective as to any application filed on or after December 1, 1966, for a new television station and/or assignees and transferees. The section IV-B adopted herein will be used by assignors and transferors beginning December 1, 1967. Applicants for renewal of license whose applications are due to be filed on or after January 1, 1967, but prior to November 1, 1967, shall be required to answer Parts I, III, V, VI, and VII of section IV-B and questions 1(a), 2(a), 3(a), 4(a), 5(a) and (b), and 10 of section IV. All applicants for renewal of television licenses which are due to be filed on or after November 1, 1967, shall use the revised form in its entirety.

22. Authority for adoption of the changes herein is contained in section (4) (i) and 303 and 307(d) of the Communications Act of 1934, as amended.

23. In view of the foregoing; *It is ordered*, That section IV of FCC Forms 301, 303, 314, and 315 is revised for television applications as set forth in the appendix hereto.*

24. *It is further ordered*, That the above revised form shall be used for applications for new television facilities (or major changes in television facilities when required) filed on or after December 1, 1966.

25. *It is further ordered*, That the above revised form shall be used for applications for assignment and transfer filed on or after December 1, 1966, by assignees and transferees and/or those filed on or after December 1, 1967, by assignors and transferors.

26. *It is further ordered*, That applications for renewal of television licenses which expire on or after November 1, 1967, shall use the above revised form in its entirety.

* Appendix filed as part of original document.

27. *It is further ordered*, That applications for renewal of television licenses which are due to be filed on or after January 1, 1967, but prior to November 1, 1967, shall use Parts I, III, V, VI, and VII of the above revised Form and Questions 1(a), 2(a), 3(a), 4(a), 5(a), and (b), and 10 of the present form.

28. *It is further ordered*, That this proceeding is terminated.

Adopted: October 7, 1966.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11173; Filed, Oct. 12, 1966;
8:51 a.m.]

[Docket No. 16106; FCC 66-891]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

PART 99—DISASTER COMMUNICATIONS SERVICE

Miscellaneous Amendments

In the matter of amendment of Parts 2, 91, and 99 of the Commission's rules insofar as they relate to the Industrial Radiolocation Service, RM-139.

1. On July 16, 1965, the Commission released a notice of proposed rule making (FCC 65-625, 30 F.R. 9109) proposing to establish the Industrial Radiolocation Service on a regular basis. The service, which provides for the use of radio to determine speed, direction, position and distance for purposes other than radio-navigation and primarily in connection with geographical, geophysical and geological activities, has been on a developmental basis since 1951. The Commission proposed to amend the rules so as to clarify the eligibility provisions of the service; to incorporate appropriate frequency availability and other changes occasioned by the Geneva Radio Regulations (1959) and the adoption of certain Commission orders; and to amend the Disaster Communications Service Rules in regard to control of interference in the 1750-1800 kc/s band, which is shared between the Industrial Radiolocation Service and the Disaster Communications Service. The notice invited interested parties to file comments on or before November 15, 1965, and reply comments on or before December 15, 1965. An errata was released on August 4, 1965 (30 F.R. 9885). By virtue of our order in this document, the Commission's objectives in the rule making proceeding are accomplished.

* Concurring statement of Chairman Hyde and Commissioners Cox and Loevinger filed as part of original document; Commissioner Johnson absent.

2. Comments were received from the following parties:

Board of Water Supply and the Department of Public Works, city and county of Honolulu.
Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee).
Hastings-Raydist, Inc. (Hastings).
Lorac Service Corp. (LSC).
Offshore Navigation, Inc., and Offshore Raydist, Inc. (Offshore).
Washington State Highway Commission, Department of Highways.

Reply comments were filed by Hastings and Offshore Raydist, Inc.

3. In general, everyone who participated in the proceedings voiced approval of our proposal. Certain modifications were, however, suggested by a number of parties.

4. LSC suggested that our proposed frequency separation of 5 kc/s between stations of different systems in the 1750-1800 kc/s band be reduced to 3 kc/s and be between stations of different licensees. Between stations of the same licensee, however, LSC would maintain the proposed 5 kc/s spacing in order to provide licensees with assignment flexibility. In reply comments, both Hastings and Offshore-Raydist, Inc., addressed themselves to the LSC "3 kc/s" frequency separation proposal and generally endorsed it. Hastings, however, qualified its endorsement by noting that a 3 kc/s separation is acceptable only if adjacent systems employ continuous unmodulated carrier or carrier modulated with tones of 1500 kc/s or less. Both Hastings and Offshore-Raydist, Inc., agree that if a reduction to 3 kc/s is ordered by the Commission, licensees should be afforded a reasonable period of time within which to conform to the new spacing arrangement; a 12-month period was suggested.

5. We had specified in our proposal in the text of § 91.604(b) (9) that 3 kc/s would be the maximum bandwidth authorized for stations operating in the 1605-1800 kc/s band. Based upon its experience, LSC indicated that a maximum bandwidth of 1.5 kc/s, or half that proposed, is within the present state of the art and adequate for radiolocation service. In reply comments, Offshore Raydist, Inc., concurred with LSC in the suggestion that bandwidths should be reduced from the proposed 3 kc/s but believed that halving the proposed 3 kc/s is beyond the present state of the art. As an alternative or compromise, Offshore Raydist, Inc., suggested a maximum bandwidth of 2 kc/s.

6. Sections 91.604(b) (9) and (14) (the latter is now § 91.606) have been changed to specify a maximum bandwidth of 2 kc/s and frequency separation of 3 kc/s, respectively, with the latter figure to become effective on October 1, 1967. The geographical separation and frequency separation in § 91.606 is now applied to stations of different licensees rather than different radiolocation systems. This should provide additional flexibility in the selection of frequencies to be used in systems of the same licensee. These modifications were suggested by LSC and Offshore Raydist, Inc. They

should serve to make clear that the separation provision applied to stations of different licensees and will provide flexibility in systems authorized to the same licensee as pointed out by LSC. Increased utilization of the available frequency spectrum will be possible. While the 2.0 kc/s bandwidth is not as restrictive as proposed by LSC, the figure does represent a material reduction in bandwidth and appears to be satisfactory to Offshore Raydist, Inc.

7. Central Committee commented that licensees in the Petroleum Radio Service have had access to the frequencies 1614, 1628, 1652, 1676, and 1700 kc/s for a number of years. As the Industrial Radiolocation Service will share frequencies in the 1605-1715 kc/s band with other radio services, including the Petroleum Radio Service, Central Committee has suggested that a footnote be added to the rule governing the assignment of frequencies in the 1605-1715 kc/s band pointing out the "extensive use" being made of frequencies in the band by petroleum users and the necessity for close coordination between petroleum and radiolocation users in some areas. In reply comments Offshore-Raydist, Inc., expressed no objection to the footnote suggestion made by Central Committee.

8. We believe that the status of stations sharing frequencies in the 1605-1715 kc/s band is made clear by the notes appended to the frequency tables in the various radio services having access to frequencies within this band. We are, however, adding suitable language to point out the nature of assignments within this band, as well as the bands 1715-1750 kc/s, 1750-1800 kc/s, and 3250-3400 kc/s. This is appropriate inasmuch as all frequencies below 25 Mc/s are available on a case-by-case basis and individual frequencies are not, in every case, available for assignment or assignment without restricted conditions of operations. This has been reflected in section 91.604(b) (16) relating to frequencies available for assignment in the Industrial Radiolocation Service.

9. It also should be pointed out that frequency requirements are increasing by services to which the 225-400 Mc/s band is allocated on a primary basis. Discussions with appropriate Government agencies has indicated that it may become necessary to delete the availability of frequencies in that band for Shoran operations by 1971. In the interim, adjustments of operations now centered on the frequencies 230, 250, and 310 Mc/s may be required to insure compatibility of Shoran operations with regular services. Accordingly, applicants for new or expanded Shoran systems should consider these prospects when contemplating the filing with the Commission of applications for frequency authorizations in the 225-400 Mc/s band. This subject may be the matter of further rule making.

10. In regard to station identification LSC requested that permanent land stations operating in the Industrial Radiolocation Service in the frequency band 1605-1800 kc/s not be required to trans-

mit call signs during regular periods of operation. LSC pointed out that the requirement for identification has been waived by the Commission under developmental operation. The company stated that no problem has been encountered in the identification of stations because of the unique nature of the transmissions. If identification did prove to be necessary, LSC stated that arrangements can be made for transmission of call signs upon prior request for specified periods. Offshore recommended that Industrial Radiolocation stations be exempted from requirement for transmitting call signs. Offshore specified that transmission of call signs would have to be by automatic devices using Morse code since most stations operate in a remote unmanned condition. The one manned station in a network does not have sufficient bandwidth to transmit voice identification. Transmission of call signs could also cause interruption of service with possible loss of lane count unless confined to times at which the station was being turned on or turned off.

11. The Commission proposed that stations in the Industrial Radiolocation Service be subject to the identification requirements of section 91.152 which requires a station to identify if it is capable of being identified by transmission of its assigned call sign. The comments received about station identification and consideration of the need for stations to identify in certain bands of frequencies has indicated the need for a more specific rule in regard to station identification in the Industrial Radiolocation Service. As a practical problem the Commission has experienced great difficulty in identifying stations in radiolocation systems operating on frequencies in the 1605 to 2 Mc/s band. A serious situation developed when the stations caused harmful interference to priority operations of stations in another country. Since it has been found that the emissions are not sufficiently characteristic to permit suitable identification by that means, and it is most important that the Commission be able to identify the stations with a reasonable expenditure of time and effort when stations operating on frequencies that may cause interference to priority operations in this and other countries, § 91.152 has been revised so as to require stations in the Industrial Radiolocation Service to identify by means of radiotelegraphy at the beginning and end of each operation on frequencies below 3400 kc/s. A period of about 1 year has been allowed for stations to make the necessary arrangements to accomplish the required identification. The identification is considered the minimum that will serve Commission purposes and should not cause interruption of service with possible loss of lane count or other possible problems or inconveniences that would be present if periodic identification was required. Industrial Radiolocation Service stations operating on frequencies above 3400 kc/s are not required to transmit identifying signals.

12. Section 91.604(b) (6) has been revised to reflect footnote US 97 to the Table of Frequency Allocations, § 2.106, Part 2 of the Commission's rules as recommended by Offshore Navigation, Inc., and Offshore Raydist, Inc. The footnote was included in an amendment to Part 2 accomplished in Docket No. 15696 (30 F.R. 7105), and affected the availability of frequencies in the 1605-1715 kc/s band for aeronautical radionavigation purposes and concurrently for other services operating in the band. The amendment was inadvertently not taken into account in our notice of proposed rule making.

13. The Washington State Highway Commission, Department of Highways, suggested that § 91.601(a) be clarified by including "agencies of State or local government" if it is the intent of the Commission to authorize such applicants. The department anticipated problems with § 91.602 (b) and (c) in regard to expenditure of funds by an agency of State or local government for the performance of work for the material benefit of others.

14. It was not intended that State or local governments be eligible under § 91.601 for stations in the Industrial Radiolocation Service since the radiolocation requirements of such groups may be satisfied under Part 89 of the Commission's rules. The section has been adopted as proposed. Outstanding developmental station licenses issued to any State or local governments in the Industrial Radiolocation Service will remain valid until their expiration. Rather than requesting a license in the Industrial Radiolocation Service on a regular basis, applicants are requested to apply for licensing of their radiolocation operations under Part 89 of the rules.

15. LSC requested modification of proposed § 91.604(b) (13) so as to delete the proviso that "use of frequencies in this band is necessary for the proper functioning of the particular radiolocation system." The proviso applied to the 3230-3400 kc/s frequency band. While LSC supported the limited availability of the frequency band as expressed in the section, the company believed that the proviso was too restrictive and contrary to the policy set forth in paragraph 6 of the Commission's notice of proposed rule making which rejected the sponsorship of a single system in favor of competition between different systems. In reply comments Hastings-Raydist, Inc., favored adoption of § 91.604(b) (13) as proposed by the Commission. The company pointed out that it has been necessary to amend § 2.106 of Part 2 of the rules to include a US footnote and that the domestic use of frequencies in the 3230-3400 kc/s band should be limited to those instances where there is a "genuine and pressing requirement for the particular frequencies."

16. The US footnote (now US 105) and § 91.604(b) (13) have been adopted as proposed since they make clear the specific conditions under which the fre-

quencies have been made available for use.

17. A frequency tolerance for radar stations in the Industrial Radiolocation Service using pulse modulation has been added to footnote 2 to the table in § 91.102(a). The tolerance is presently applicable in the maritime mobile and aviation services and no problem is anticipated in regard to equipment meeting the tolerance in the Industrial Radiolocation Service. Application of the tolerance will provide a uniform engineering standard for pulse radar equipment in the Industrial Radiolocation Service.

18. LSC, Central Committee, Hastings, and Offshore specifically supported the Commission's proposal to retain the Industrial Radiolocation Service in its non-common carrier status. Central Committee indicated that the petroleum industry, as one of the principal customers of Radiolocation Service licensees, has never believed that communications service for-hire was being rendered. The Committee stated that the service received is engineering in nature and the use of communications facilities is incidental to this principal function. In response to the Commission's request that licensees and other interested persons include in their comments descriptions of the services being rendered by stations in the Industrial Radiolocation Service, and the distribution of charges for the service provided, relative to the use of the station, LSC, Hastings, and Offshore commented in some detail. LSC indicated that private contract arrangements have been used over a period of 14 years without discrimination. The company described how a complete radiolocation service provides a great deal more than the radio transmission facility and that the arrangement has been acceptable to users and licensees alike. Raydist described some of the uses for radiolocation, such as geophysical exploration, hydrographic operations, military operations, oceanographic operations, performance testing and as a proving ground for new systems. Raydist indicated that a variety of functions is performed in addition to furnishing basic radiolocation service; and that payment for service includes many services which are distinct from the actual operation of the radio equipment. Offshore stated that a complete engineering service is provided and that use of radio signals is a means to an end. No separate charge is made for use of the radiolocation stations.

19. The Commission has held that the clear legislative intent of Congress in the enactment of the Communications Act of 1934 was that the common carrier regulatory provisions thereof should not apply to persons who are not common carriers in the ordinary sense of the term; that the fundamental concept of a communications common carrier is that such a carrier makes a public offering to provide, for hire, facilities by wire or radio whereby all members of the public who choose to employ such facilities may communicate or transmit in-

telligence of their own design and choosing between points on the system of that carrier and between such points and points on the systems of other carriers connecting with it; and that a carrier provides the means or ways of communication for the transmission of such intelligence as the customer may choose to have transmitted so that the choice of the specific intelligence to be transmitted is the sole responsibility or prerogative of the customer and not the carrier. *Frontier Broadcasting Co. et al. v. J. E. Collier et al.*, 24 F.C.C. 251 (1958). The aforementioned fundamental concept of a communications common carrier applies even though the public offering is limited to a special classification of service which restricts the customer's choice to intelligence permissible within such class of service offering. *Western Union Telegraph Co.*, 5 R.R. 1213 (1950); *Charles Edward Stuart*, Docket No. 6553, File No. T5-Ph 526. See also CATV and TV Repeater Services, 26 F.C.C. 403; 428.

20. On the basis of the facts presented to the Commission in the comments herein, it appears clear that the radio facilities licensed in the radiolocation service are not used and cannot properly be used to transmit any intelligence of the design and choice of the subscriber to the service and that the specific intelligence transmitted is and must be the sole responsibility and prerogative of the licensee and not the subscriber. We conclude, therefore, that the rendition of radiolocation service is not a communications common carrier service within the meaning of Title II of the Communications Act.

21. Editorial and other changes have been made to clarify and simplify the rules.

22. Amendment of the rules to make frequencies available in the 3230 to 3400 kc/s band for radiolocation systems or techniques requiring harmonically related pairs of frequencies in order to function properly satisfies the remaining item to be considered in the Hastings-Raydist petition for rule making (RM-139) dated September 22, 1959. The proceeding in RM-139 is hereby concluded.

23. Therefore, pursuant to authority contained in sections 4(i) and 303 (c), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered*; That effective November 15, 1966, Parts 2, 91, and 99 of the Commission's rules are amended in the manner set forth below. *It is further ordered*, That the proceedings in Docket No. 16106 are hereby terminated.

(Sec. 4, 48 Stat. 1068, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

¹ Commissioner Cox abstaining from voting.

Parts 2, 91, and 99 are amended as follows:

§ 2.106 [Amended]

1. In § 2.106 *Table of Frequency Allocations*, a new footnote designator, US105, is added in column 7 for the frequency bands 3230-3240 and 3240-3400 kc/s; and a new footnote is added to the Table to read as follows:

US105 On the express condition that harmful interference is not caused to stations operating in accordance with the Table of Frequency Allocations, frequencies in the bands 3230-3240 and 3240-3400 kc/s may be assigned to radiolocation systems which are also assigned frequencies in the 1605-1800 kc/s band, provided the use of frequencies in the bands 3230-3240 and 3240-3400 kc/s is necessary for the proper functioning of the particular radiolocation system.

2. In § 91.102(a), the table is amended to read as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power				
	Fixed and base stations		Mobile stations		
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less	
Mc/s	Percent	Percent	Percent	Percent	
Below 25 ¹ -----	0.005	0.01	0.01	0.02	
25 to 50-----	.002	.002	.002	.005	
50 to 1000-----	.0005	.0005	.0005	.005	
Above 1000-----	(2)	(2)	(2)	(2)	

¹ Industrial Radiolocation Service stations operating in the frequency bands 70-90 kc/s and 110-130 kc/s will be required to maintain the carrier frequency of each authorized transmitter within 0.01 percent of the assigned frequency. Industrial Radiolocation Service stations operating in frequency bands above 130 kc/s must comply with the tolerance requirements indicated in the column for fixed and base stations in this table.

² For microwave fixed equipment, see § 91.111. Radar stations in the Industrial Radiolocation Service using pulse modulation shall meet the following frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc/s to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other equipment, tolerances will be specified in the station authorization.

3. In § 91.109, paragraph (b) is amended to read:

§ 91.109 Acceptability of transmitters for licensing.

(b) Except for transmitters used at developmental stations and transmitters authorized in the Industrial Radiolocation Service (see § 91.603), each transmitter utilized by a station authorized for operation under this part must be of a type which is included on the Commission's current "Radio Equipment List, Part C" and designated for use under this part or be of a type which has been type accepted by the Commission for use under this part.

4. Section 91.152 is amended by adding paragraphs (f) and (g) to read:

§ 91.152 Station identification.

(f) In lieu of the requirement of paragraph (a) of this section, and effective October 1, 1967, stations in the Industrial

Radiolocation Service operating on frequencies below 3400 kc/s shall identify on each carrier frequency by transmission of the assigned call sign at the beginning and end of each period of operation. Such identification shall be by the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention, Geneva, 1959 using A1 or A2 emission. For the latter emission either the modulating audio frequency or modulated emission may be keyed.

(g) Notwithstanding the requirements of paragraph (a) of this section, stations in the Industrial Radiolocation Service operating on frequencies above 3400 kc/s are not required to identify except upon specific instruction from the Commission.

5. In Part 91, Subpart M (§§ 91.601-91.611) is amended to read as follows:

Subpart M—Industrial Radiolocation Service

- Sec.
91.601 Eligibility.
91.602 Availability and use of service.
91.603 Station limitations and exemptions.
91.604 Frequencies available.
91.605 Unlisted frequencies.
91.606 Policy governing assignment of frequencies in the band 1750-1800 kc/s.

AUTHORITY: The provisions of this Subpart M issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

Subpart M—Industrial Radiolocation Service

§ 91.601 Eligibility.

Any of the following persons who have a substantial need, in connection with their various activities, to determine direction, distance, or position by means of radiolocation devices, for purposes other than navigation, are eligible to hold authorizations to operate radio stations in the Industrial Radiolocation Service:

(a) Any person engaged in a commercial, industrial scientific, or educational activity.

(b) A corporation or association organized for the purpose of furnishing a radiolocation service.

(c) A subsidiary corporation proposing to furnish a nonprofit radiocommunications service to its parent corporation or to another subsidiary of the same parent.

§ 91.602 Availability and use of service.

(a) The initial application from a person claiming eligibility in the Industrial Radiolocation Service must be accompanied by a statement in sufficient detail to indicate clearly his eligibility.

(b) Each initial application for a station in this service shall be accompanied by:

(1) A functional description of the manner in which the system will operate, including the interrelationship and function of each unit in the system;

(2) A map of the area which it is proposed to serve, showing the location of each station.

(c) Stations licensed in the Industrial Radiolocation Service may, in the discretion of the Commission, be required to

provide service upon reasonable request therefor, and without discrimination.

§ 91.603 Station limitations and exemptions.

(a) Nontype accepted equipment will be authorized to be operated in this service, pending the establishment of engineering standards. All nontype accepted equipment must, however, meet the frequency tolerance specifications enumerated in Subpart C of this part.

(b) Stations licensed in this service may transmit only those signals necessary to the rendition of the radiolocation service involved.

§ 91.604 Frequencies available.

(a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to land and mobile stations in the Industrial Radiolocation Service, and the specific limitations, which are enumerated in paragraph (b) of this section:

INDUSTRIAL RADIOLOCATION SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitation(s)
70-90----- kc/s	Radiolocation land or mobile.	1.
110-130----- do-----	do-----	1.
1605-1715----- do-----	do-----	6, 9, 16.
1715-1750----- do-----	do-----	9, 16.
1750-1800----- do-----	do-----	9, 14, 16.
3230-3400----- do-----	do-----	13, 16.
Mc/s		
230----- do-----	do-----	2.
250----- do-----	do-----	2.
310----- do-----	do-----	2.
2450-2500----- do-----	do-----	3.
2900-3100----- do-----	do-----	4, 5.
3100-3246----- do-----	do-----	10.
3266-3300----- do-----	do-----	10.
5350-5460----- do-----	do-----	4, 7.
5460-5470----- do-----	do-----	4, 8.
5470-5600----- do-----	do-----	4, 5.
5600-5650----- do-----	do-----	1, 4.
9000-9200----- do-----	do-----	4, 7.
9200-9300----- do-----	do-----	10.
9300-9500----- do-----	do-----	4, 8, 15.
10000-10500----- do-----	do-----	1, 11.
10500-10550----- do-----	do-----	12.

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section.

(1) This band is allocated to the radiolocation service on a secondary basis to those services having primary status as shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter.

(2) Radiolocation land and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of this frequency for the radiolocation activities of the petroleum industry only, at locations within 150 miles of the respective shorelines of Alaska, California, Oregon, Washington (including the area in and about Puget Sound), and the Gulf of Mexico provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

(3) This band is allocated to the radiolocation service on a secondary basis. Radiolocation stations operating within this band shall not cause harmful interference to the fixed or mobile services. Further, they must accept any harmful interference that may be experienced from such services or from the industrial, scientific and medical equipment operating in accordance with Part 18 of this chapter, Rules and Regulations relating to Industrial, Scientific, and Medical Equipment.

(4) Speed measuring devices will not be authorized in this band.

(5) The non-Government radiolocation service in this band is secondary to the maritime radionavigation service and to the Government radiolocation service.

(6) The non-Government radiolocation service in this band shall not cause harmful interference to stations in the aeronautical radionavigation service operating on 1638 or 1708 kc/s.

(7) The non-Government radiolocation service in this band is secondary to the aeronautical radionavigation service and to the Government radiolocation service.

(8) The non-Government radiolocation service in this band is secondary to the radionavigation service and to the Government radiolocation service.

(9) Station assignments on frequencies in this band will be made subject to the conditions that the maximum plate power input to the final radio frequency stage shall not exceed 500 watts and the maximum authorized bandwidth shall not exceed 2 kc/s.

(10) Stations authorized to operate on frequencies in this band prior to April 16, 1958, whose authorizations have been renewed and are currently valid may continue to operate. Such authorizations will be subject, upon proper application therefor, to renewal and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they are granted. All such authorizations will be subject to the condition that harmful interference shall not be caused to the Government radiolocation service.

(11) The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna. Pulsed emissions are prohibited.

(12) This band is restricted to radiolocation systems using type AO emission with a power not to exceed 40 watts into the antenna.

(13) Frequencies in this band may be assigned to radiolocation stations which are also assigned frequencies in the 1605-1800 kc/s band, provided the use of frequencies in this band is necessary for the proper functioning of the particular radiolocation system, and on the express condition that harmful interference is not caused to stations operating in accordance with the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter.

(14) Frequencies from within this band are available on a shared basis with stations in the Disaster Communications

Service (see Part 99 of this chapter). Stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between local sunset and local sunrise, or at any time during an actual or imminent disaster in any area. Local sunrise and sunset times shall be derived by interpolation from the tables of the 1946 American Nautical Almanac, in accordance with a standardized procedure described therein.

(15) Radiolocation installations will be coordinated with the meteorological aids service, and, insofar as practicable, will be adjusted to meet the needs of the meteorological aids service.

(16) Because of the operation of stations having priority on the same or adjacent frequencies in this or in other countries, frequency assignments may either be unavailable or may be subject to certain technical or operational limitations. Therefore, applications for frequency assignments in this band shall include information concerning the transmitter output power; the type and directional characteristics of the antenna and the minimum hours of operation (GMT).

§ 91.605 Unlisted frequencies.

Radiolocation stations in this service may be authorized, on request, to use frequencies allocated exclusively to Federal Government stations, in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary or required for coordination with Government activities.

§ 91.606 Policy governing assignment of frequencies in the band 1750-1800 kc/s.

(a) Each frequency assignment in the band 1750-1800 kc/s will be made on an exclusive basis within the daytime primary service area of the station to which assigned. The daytime primary service area of a station operating in this band is defined as the area within which the signal intensities are adequate for radiolocation purposes during the hours from sunrise to sunset from all stations in the radiolocation system of which the station in question is a part, that is, the primary service area of the station coincides with the primary service area of the system.

(b) The normal minimum geographical separation between stations of different licensees shall be not less than 360 miles when the stations are operated on the same frequency or on different frequencies separated by less than 5 kc/s until October 1, 1967, and 3 kc/s on and after that date. Any person desiring geographical separation of less than 360 miles under these circumstances will be required to show that the desired separation will result in a protection ratio of at least 20 decibels throughout the daytime primary service area of other stations.

(c) Where the number of applicants requesting authority to serve an area exceeds the number of frequencies available for assignment; or where it appears to the Commission that fewer applicants

or licensees than the number before it should be given authority to serve a particular area; or where it appears that an applicant, either directly or indirectly, seeks to use more than 25 kc/s of the available spectrum space in this band, the applications may be designated for hearing.

4. Section 99.29 is amended to read as follows:

§ 99.29 Limitations on use of frequencies.

(a) Frequencies in the band 1750-1800 kc/s are available to stations in this service on a shared basis with stations in the Industrial Radiolocation Service; *Provided, however, That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between local sunrise and local sunset; And, provided further, That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between local sunset and local sunrise, or at any time during an actual or imminent disaster in any area. Local sunrise and sunset times shall be derived by interpolation from the tables of the 1946 American Nautical Almanac, in accordance with a standardized procedure described therein.*

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service, the operation of a disaster station for the purpose of drills or tests shall not be permitted if the licensee of such station has reason to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service.

[F.R. Doc. 66-11114; Filed, Oct. 12, 1966; 8:45 a.m.]

[Docket No. 16762; FCC 66-897]

PART 73—RADIO BROADCAST SERVICES

First Report and Order

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Reedsburg, Wis.; Portland, Ind.; Brazil, Ind.; Winner, S. Dak.; Ardmore, Okla.; Hutchinson and St. Cloud, Minn.; Gonzales, Tex.; Cullman, Ala.; De Land, Winter Park, Live Oak, and Ocala, Fla.; Rockford, Ill.; Adrian and Jackson, Mich.; and Corinth, Miss.), RM-969, RM-984, RM-967, RM-971, RM-974, RM-977, RM-978, RM-983, RM-988, RM-987, RM-989, RM-990.

1. The Commission has before it for consideration its notice of proposed rule making issued on July 14, 1966 (FCC 66-637), and printed in the FEDERAL REGISTER on July 20, 1966 (31 F.R. 9808), proposing a number of changes in the

FM Table of Assignments. A number of comments were filed in response to the proposals set forth in the notice and all duly filed documents were considered in making the following determinations. The proposals were unopposed except as otherwise specified. This decision disposes of all the subject petitions except RM-989.

2. *RM-969, Reedsburg, Wis.* (Sauk Broadcasting Corp.); *RM-984, Portland, Ind.* (The Graphic Printing Co., Inc.). In these two cases, interested parties have sought the assignment of a first Class A channel in a community, without requiring any other changes in the Table. Reedsburg has a population of 4,371 and Portland has a population of 6,999 persons. The former has a Class IV AM station and the latter a daytime-only AM station. We are of the view that these communities are large enough to warrant the assignment of a first FM channel to each of them. In the case of Portland, the FM assignment will provide the first nighttime radio service of a local nature. We are accordingly assigning Channel 265A to Portland, Ind., and Channel 285A to Reedsburg, Wis.

3. *RM-967, Brazil, Ind.* In response to a petition filed on May 23, 1966, by Community Broadcasting Corp., licensee of Station WWCM(AM), Brazil, Ind., the Commission invited comments on a proposal to add Channel 249A to that community as follows:

City	Channel No.	
	Present	Proposed
Brazil, Ind.-----	232A	232A, 249A

Brazil has a population of 8,853 and Clay County, in which it is located and is the county seat, has a population of 24,207. Its only radio station is WWCM, a daytime-only operation, licensed to petitioner. The sole FM channel (232A) assigned to Brazil is in operation at Greencastle under the "25 mile rule". Greencastle is located in the next county. Community urges that there is a definite need for an FM station in Brazil due to its importance to the county, the economic importance of the community, and the lack of any early morning and nighttime local radio service. Petitioner submits that the city of Brazil is known as the "Clay Products Center of the World" and that it contains a number of other industries as well.

4. Normally, a community the size of Brazil would warrant only one FM assignment. However, since the only available assignment is in use in another community situated in a different county (Greencastle, Ind.) the subject request is in effect a request for a first local FM assignment. In addition, since Brazil does not have a fulltime AM station, the proposed FM assignment would provide the first local nighttime radio service in the community. For these reasons we believe that the petitioner's request would serve the public interest and should be adopted. We are therefore adding Channel 249A to Brazil, Ind.

5. *RM-971, Winner, S. Dak.* Midwest Radio Corporation, licensee of Station KWYR(AM), Winner, S. Dak., in a petition filed May 26, 1966, requests that Channel 229 be substituted for Channel 228A at Winner, S. Dak., as follows:

City	Channel No.	
	Present	Proposed
Winner, S. Dak.-----	228A	229

Winner, with a population of 3,705 persons, is the county seat and largest community in Tripp County, which has a population of 8,762. Its only AM station, licensed to petitioner, is a daytime-only operation. Midwest submits that there are no other AM or FM stations in Tripp County or the nearby six counties and that the coverage of KWYR is very extensive due to the high soil conductivity in central South Dakota. Petitioner states that it is anxious to provide full-time rural service to the county and surrounding area and that this cannot be done with the assigned Class A channel. Winner is located in a very large rural area and is over 160 miles from the nearest large population center (Sioux Falls). Midwest adds that the nearest stations in operation are at Pierre (about 70 miles north) and Mitchell (about 90 miles northeast).

6. While Winner is the type of community which normally is assigned a Class A channel, it is in a sparsely settled rural area and located far from any metropolitan areas or population centers. It thus merits a departure of our policy of making Class A assignments to the smaller communities and Class B or C assignments to the metropolitan areas and large cities. We therefore find the proposal to be in the public interest and are assigning Channel 229 to Winner in lieu of Channel 228A.

7. *RM-974, Ardmore, Okla.* On June 3, 1966, Albert Riesen, Jr., Betty Maurine Riesen Dillard, Jean Lowenstein Riesen Hughes, an individual, and Jean Lowenstein Riesen Hughes and T. Fred Collins, Co-Trustees of John N. Riesen, doing business as KVSO Broadcasting Co., licensee of Station KVSO(AM), Ardmore, Okla., filed a petition requesting the addition of Channel 239 to Ardmore, Okla., as follows:

City	Channel No.	
	Present	Proposed
Ardmore, Okla.-----	221A	221A, 239

Ardmore has a population of 20,184 and its county (Carter) has a population of 39,044. It has a Class IV AM station (KVSO) and no application has been filed for the sole FM assignment, Channel 221A.

8. Petitioner submits that Ardmore is centrally located in south central Oklahoma and serves as the hub and distribution center for much of the area com-

prising eight counties with a total population of 100,000 persons. KVSO states that it has been serving the area with its AM station and is anxious to do the same with FM but that only a Class C assignment would make this possible. It urges that the proposed assignment would conform to all the rules and practices of the Commission, that in Oklahoma a total of four Class C assignments have been made in three communities smaller than Ardmore, and that it would serve the public interest since KVSO would take the needed steps to bring a service geared to the needs and desires of the people in the effective service radius of the proposed station.

9. We are of the view that Ardmore, being a substantial sized community and of importance to the general area and well removed from population centers, merits the assignment of a Class C channel and a second FM assignment, in spite of the resulting mixture of a Class A and C channel. We are thus adopting the proposal advanced by petitioner in this case.

10. *RM-977, Hutchinson, Minn.* In a petition filed on June 6, 1966, and supplemented on June 8, 1966, by North American Broadcasting Co., licensee of Station KDUZ(AM), Hutchinson, Minn., requests the assignment of Channel 296A to Hutchinson, Minn., by substituting Channel 269A for 296A at St. Cloud, Minn., as follows:

City	Channel No.	
	Present	Proposed
Hutchinson, Minn.----- St. Cloud, Minn.-----	284, 296A	296A 269A, 284

Hutchinson, located about 55 miles west of Minneapolis, has a population of 6,207. It is the largest community in McLeod County, which has a population of 24,401. The only radio station in the area is KDUZ, which operates daytime only. Petitioner urges that Hutchinson needs an FM assignment since it has no local nighttime service, is the largest community in the county, and is located in an important business, manufacturing, and farm products area. Finally, petitioner submits that the proposal would conform to all the separation requirements. In the case of Channel 269A, it is alleged that sites are available about 2 miles northwest of the city of St. Cloud, from which the required spacings can be met.

11. We are of the view that Hutchinson is large and important enough to warrant the assignment of a first Class A assignment. This would provide the community and the surrounding area with a first nighttime radio service without any adverse effect on any other station or assignment. The only change required to make this assignment possible is the substitution of Channel 269A for 296A at St. Cloud, where a site about 2 miles northwest of the city must be used to meet the required minimum spacings. We believe that the public interest would be served by the proposal and the

site limitation for Channel 269A at St. Cloud not to be a severe one. Accordingly, we are assigning Channel 296A to Hutchinson and substituting Channel 269A for 296A at St. Cloud.

12. *RM-978, Gonzales, Tex.* A petition filed by Waterman Broadcasting Corp. of Texas, licensee of Station KTSA (AM), San Antonio, Tex., on June 8, 1966, requests that Channel 292A be substituted for Channel 272A in Gonzales, Tex. Petitioner points out that since Channel 272A is assigned to Gonzales at somewhat less than required 65 miles to the assignments of Channel 270 and 274 at San Antonio, this places a burden on applicants for potential uses of these assignments to find locations to the west of the city of San Antonio. It therefore urges that Channel 292A, which can be assigned to Gonzales in full conformance with the spacing rules and without limiting the applicants for stations in San Antonio, be substituted for Channel 272A.

13. We are of the view that the proposed amendment will serve the public interest since it would provide for more effective use of available frequencies without adversely affecting any other assignments or stations. In view of this we are substituting Channel 292A for 272A at Gonzales, Tex.

14. *RM-983, Cullman, Ala.* Kenneth E. Lawrence, in a petition filed June 10, 1966, requests the addition of Channel 221A to Cullman, Ala., as follows:

City	Channel No.	
	Present	Proposed
Cullman, Ala.-----	266	221A, 266

Cullman, a community of 10,883 persons, is the county seat and largest community in Cullman County, which has a population of 45,572 persons. It has two unlimited time AM stations and an FM station operating on Class C Channel 266. Petitioner states that he will file an application for the additional Class A assignment in the event it is adopted and that he plans an independent, good music, stereo station. He urges that Cullman is large and important enough from a business standpoint to merit a second FM station. A number of business, political, and religious leaders in the community filed supports of the Lawrence proposal citing the need for another local station in the community.

15. We are of the view that Cullman merits the assignment of a second FM channel to provide diversification of programming and another competitive outlet. While we have attempted to avoid mixing Class A and C channels in the same community we believe that it is warranted under the circumstances here presented. We are therefore adding Channel 221A to Cullman.

16. *RM-988, DeLand, Fla.* In a petition filed on June 16, 1966, Shom Broadcasters, Inc., licensee of Station WOOO (AM), DeLand, Fla., requests the assignment of Channel 290 to DeLand by deleting it from Winter Park, Fla., and

making other necessary changes as follows:

City (all in Florida)	Channel No.	
	Present	Proposed
De Land-----		290
Winter Park-----	276A, 290	276A
Live Oak-----	291	251
Ocala-----	229, 252A	229, 272A

DeLand has a population of 10,775 and is located about 20 miles southwest of Daytona Beach, both of which are located in Volusia County, which has a population of 125,319. There are no FM assignments in DeLand but two AM stations operate in the community, one daytime-only licensed to petitioner, and a Class IV station. Daytona Beach (population 37,395) has two Class C stations in operation. Winter Park has a population of 17,162 and is located about 5 miles north of Orlando and is in its SSMA and Urbanized Area. It has a station in operation on Channel 276A and an unlimited time AM station. Orlando has four Class C stations.

17. Petitioner points out that Channel 290 was assigned to Winter Park in Docket No. 16006 (30 F.R. 13644) in response to a petition from Contemporary Broadcasting Co., Inc., licensee of Station WABR (AM), Winter Park, Fla., but that no application has been filed for its use in spite of the more than 6 months which have elapsed. Petitioner points out in this connection that Contemporary Broadcasting Co., the party which sought Channel 290 in Winter Park has filed an application for the assignment of its license for WABR and stated that the officers desire to retire partly from business. It urges that DeLand is more deserving of its first FM assignment than Winter Park its second since DeLand is a substantial community without any FM assignments and is not near a large population center while Winter Park already has an FM station and is located within an urbanized area and standard metropolitan statistical area, the central city of which has four Class C stations and five AM stations (four full-time), that DeLand is an area of considerable growth in spite of its small geographical area; and that the new assignment would better serve the objective of section 307 (b) of the Act.

18. Norfolk Broadcasting Corp., licensee of Station WABR (AM), Winter Park, Fla. (previously licensed to Contemporary Broadcasting Co.) opposes the deletion of Channel 290 from Winter Park. It submits that it is presently preparing an application for this assignment and urges that this growing community needs more than one FM outlet.¹ In reply to this opposition, petitioner urges that the allocation of frequencies to particular communities takes precedence over the private interest of any applicant. It states that in the past the Commission has made changes in assignments even after a hearing has been

¹ It is noted that such an application was tendered for filing on Sept. 21, 1966.

completed on applications for a particular assignment and has done the same after the end of a existing license period. The contention is made that Channel 290 should be deleted from Winter Park and assigned to De Land in spite of the Norfolk statement that it plans to file for the channel because of the greater need in De Land, the removal of the mixture of classes of stations in Winter Park, and the expressed reluctance of the Commission in making the assignment previously.

19. We have carefully considered all the comments in this proceeding and the situation of the competing communities of De Land and Winter Park for Channel 290 and on balance conclude that De Land merits the assignment of a first channel before Winter Park obtains its second. While Winter Park is larger than De Land (17,162 as against 10,775) it is located in the Orlando Standard Statistical Metropolitan Area and urbanized area about 5 miles from the city of Orlando, while De Land is about 20 miles from the nearest large city (Daytona). Thus, the local broadcast needs of Winter Park can more readily be met as a result of the four Class C FM stations in Orlando. In addition, Winter Park does have one FM assignment already, which, together with its unlimited time AM station gives it two local radio services as against one for De Land. While it is true, as Norfolk points out, that in a previous decision the Commission found that the community of Winter Park merited another FM assignment, this determination was made in the absence of a competing request and also on a finding that Channel 290 could be used in a very small area and hence did not preclude other needed assignments. Petitioner in this case has discovered a method which permits the channel to be moved by means of a few changes in other cities and without any adverse effect on other stations and assignments. We are of the view, therefore, that the public interest would be served by the requested changes and the assignment of Channel 290 to De Land rather than to Winter Park.

20. *RM-987, Rockford, Ill.* In a petition filed on June 13, 1966, the First Church of the Open Bible, Rockford, Ill., requests the addition of Channel 285A to Rockford as follows:

City	Channel No.	
	Present	Proposed
Rockford, Ill.-----	245	248, 285A

Rockford has a population of 126,706 and its SSMA has a population of 209,765 persons. Channel 248 is presently in operation, as are three AM stations, two of which are daytime-only operations. Petitioner submits that Channel 285A is the only assignment which can be added to Rockford and that it can be made to Rockford in conformance with the spacing rules provided a site is selected in an angular area whose apex is on the east side of the city. The Mayor of Rockford filed a supporting statement sub-

mitting that Rockford is the second largest city in Illinois and merits a second FM channel.

21. Loves Park Broadcasting Co., licensee of Station WLUV-FM, Loves Park, Ill., opposes the addition of Channel 285A to Rockford as a second FM assignment. Loves Park urges that two FM services (Channel 248 at Rockford and 244A at Loves Park, which is in the Rockford Urbanized Area) are enough at "this time"; that since commercial channels are scarce, the aims of the Church could more easily be accommodated in the noncommercial educational band; that the Church proposes a site outside of Rockford; and that Channel 285A could be reserved for future use in such communities as Oregon and Mount Morris, Ill. Finally, Loves Park argues that additional nighttime radio service could be more practically achieved by one or more AM nighttime services. In a reply to Loves Park, petitioner submits that a commercial channel is needed since it cannot qualify for a noncommercial educational assignment and also proposes some commercial programming, and that the advisability of increase in nighttime hours of AM stations is not relevant to this proceeding. It urges that the proposed location of its studio outside of Rockford is not a bar to the subject rule making concerning the assignment of Channel 285A to Rockford. Finally, petitioner requests that the proposed channel not be reserved for some other city but that it be assigned to Rockford at this time since it can provide a needed additional service without taking it from any other community.

22. In setting up the FM Table of Assignments, the criteria used for a city the size of Rockford was four to six assignments. Since the area is also a metropolitan area an attempt was made to assign Class B channels to such markets. However, due to the large number of existing stations in other communities in the general area (particularly Chicago and Milwaukee) it was not possible at that time to add any FM assignments to the one Class B then in operation. It is obvious from this that Rockford merits a second FM assignment (it has only one AM nighttime operation) even though this is only a Class A assignment and results in a mixture of classes of channels. Loves Park contends that the needs of the petitioner can be met in the noncommercial educational band. Since this band is available to educational institutions and organizations it is not clear that the petitioner would be eligible for such an assignment. But more important, a proceeding such as this one involves the assignment of channels to communities and not to petitioners or other interested parties. The issue here is whether Channel 285A should be assigned to Rockford and made available to all interested parties. As to the reservation of the channel for such communities as Oregon and Mount Morris, these communities are quite small (less than 4,000

persons) and in any event we deem it more important to assign a second channel to the large metropolitan area of Rockford than to reserve indefinitely the channel for future use in such small communities. With respect to the contention that additional service can be achieved by additional nighttime AM service, no showing has been made as to the feasibility of additional AM stations in the Rockford area. Even had such a showing been made, our view is that the area merits the second FM assignment for its present and future needs. We are therefore assigning Channel 285A to Rockford.

23. *RM-990, Corinth, Miss.* The Corinth Broadcasting Co., Inc., filed comments and reply comments on May 20, 1966, and June 13, 1966, respectively in Docket No. 16601, RM-934, in which it proposed the assignment of Channel 237A to Corinth, Miss. Since this counterproposal was not directly related to the proposal made in that proceeding, it is being considered herein as a new proposal. Corinth, a community of 11,453 persons, is the county seat and largest community in Alcorn County, which has a population of 25,282. A construction permit has been recently granted for Channel 232A, the sole FM assignment in Corinth. Corinth also has two AM stations, one a Class IV and the other a daytime-only station. Petitioner submits that Channel 237A can be assigned to the community of Corinth and that sites are available in a 5-square-mile area from which the required minimum spacings can be met and the required signal placed over the entire community. It urges further that this assignment will not preclude any other related channel in any community of over 1,000 population. Finally, Corinth states that the nighttime coverage of its AM station, WCMA, is severely limited due to interference and that the only way in which it can serve the rural population at night is by means of the FM assignment sought.

24. In view of the size of Corinth, the availability of Channel 237A at a site about 5 miles out of the community, the fact that the proposed assignment will not preclude future assignments in other areas, and the expressed demand for a second FM assignment, we are of the view that the proposal would serve the public interest and should be adopted. We are therefore adding Channel 237A to Corinth.

25. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

26. In accordance with the determinations made above: *It is ordered*, That effective November 18, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Alabama:	
Cullman	221A, 266
Florida:	
DeLand	290
Live Oak	251
Ocala	229, 272A
Winter Park	276A
Illinois:	
Rockford	248, 285A
Indiana:	
Brazil	232A, 249A
Portland	265A
Minnesota:	
Hutchinson	296A
St. Cloud	269A, 284
Mississippi:	
Corinth	232A, 237A
Oklahoma:	
Ardmore	221A, 239
South Dakota:	
Winner	229
Texas:	
Gonzales	292A
Wisconsin:	
Reedsburg	285A

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11113; Filed, Oct. 12, 1966;
8:45 a.m.]

[Docket No. 14187; FCC 66-904]

PART 73—RADIO BROADCAST SERVICES

Program Log

In the matter of amendment of § 3.663 (a) (now § 73.670), the program logging rules for television broadcast stations.

1. The Commission has before it for consideration the notice of proposed rule making released July 7, 1961, in the above-captioned matter as it relates to amendment of § 3.663 (a) (now § 73.670), the program logging rules for television broadcast stations.

2. In a companion rule making proceeding (Docket No. 13961) the Commission has considered amendment to section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315. The purpose of the instant proceeding is to insure that the information required by such forms is contained in the television station's program log. We have today adopted a program form for use with renewal and other television applications. The rules adopted herein are designed to provide the information which licensees will need in order to fill out this form.¹ Since this proposal was initiated the program form

² Commissioner Cox dissenting to the assignment of Ardmore, Okla.

¹ On Aug. 12, 1965, the Commission released a report and order (FCC 65-687) in this proceeding revising the program logging rules for AM and FM broadcast licensees.

(sec. IV—Statement of Program Service), to which the rules adopted here were proposed to relate, has undergone extensive revision.

3. Many comments have been filed in this proceeding since its inception in 1961. Informal conferences were held by the Commission staff with representatives of the Federal Communications Bar Association and the National Association of Broadcasters before this proceeding was inaugurated. On October 6, 1961, the Commission en banc held an informal meeting with the National Association of Broadcasters, which presented some 15 broadcasters who spoke on various aspects of the proposed program form and logging requirements.

4. All of the views which were expressed in the many informal meetings and the views and objections contained in the comments have been considered in reaching our conclusions herein. We have given particular attention to minimizing the burden and possible expense associated with any logging requirement by seeking only such information as we deem necessary to fulfill our statutory function.

5. As will be noted, the definitions used are in conformance with those in the Statement of Program Service (sec. IV-B) adopted in the report and order in Docket 13961.

6. We have required that the time each program begins and ends be noted and that each program be classified as to type and source and identified by the name or title. The separate logging of program segments, where appropriate, is permissible.

7. For commercial matter it is permissible to show the total duration of such matter in each hourly segment. No distinction need be made between commercial continuity and commercial announcements. Since this is a somewhat new procedure in the logging of commercials, licensees should clearly understand that it is permissible to enter one figure in the log in each hourly segment, showing the total duration of commercial matter in that hour, and there is no requirement to state the duration of each individual commercial or to log its beginning or ending time. It is also required that the name of the sponsor or the person who paid for the announcement be logged. The Statement of Program Service (sec. IV-B) requires commercial information computed on a clock-hour basis. Thus, licensees are cautioned to insure that the log can be accurately divided into hourly segments for reporting purposes.

8. In connection with the logging of commercial continuity a special problem is raised by certain sponsored programs wherein it is difficult to measure the exact length of what would be considered as commercial matter, e.g., some sponsored religious and political programs. For such programs we will not require licensees to compute the amount of commercial matter, but merely to log and announce the program as sponsored. This exception does not, of course, apply to any program advertising commercial

products or services. Nor is the exception applicable to any commercial announcements.

9. Duration of commercial matter shall be a reasonable approximation of the time actually consumed. It is not necessary, for example, to correct an entry of a 20-second commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled amount. But reasonable precision is required and the licensee should realize that this requires adequate supervision of on-the-air personnel to make sure that time devoted to commercials does not deviate from time prelogged more than is necessary to accommodate different rates of speech.

10. A question has been raised as to whether the identification of prizes and mentions of donors' names are to be considered within our definition of commercial announcements and logged as such. The Commission does not believe that the question can be answered categorically and requires that such announcements be judged in light of § 317 of the Communications Act of 1934, as amended and § 73.654 of the Commission's rules. If the announcement is one which is required thereunder it would constitute a commercial and must be considered accordingly.

11. Prelogging is permitted, but any deviation from the pre-prepared log must be noted by a proper entry if it relates to matter which is required to be logged.

12. A station affiliated with a network which will supply to the station the required logging information for the composite week shall record in its log the time when it joins the network, the name of each network program broadcast, the time it leaves the network and any non-network matter broadcast required to be logged. It is required that the information supplied by the network be attached to the pertinent program logs to which it relates.

13. The Commission realizes that it will take some time for stations to become familiar with the provisions of the new rules and to draw up new logging forms. The Commission feels that it has provided adequate time for such purposes. It is highly desirable that licensees begin logging under the new rules at the earliest practicable date because a long transition period will still be required before all applications for renewal will reflect a full range of information kept in accordance with the new logging requirements.

14. The present report and order and rule amendments relate only to the matters to be entered in the log. (§ 73.670)

15. Authority for the adoption of the amendments herein is contained in sections 4(i) and (j) 303, and 307(d) of the Communications Act of 1934, as amended.

16. In view of the foregoing: *It is ordered*, That § 73.670 of the Commission's rules is amended as set forth below, to be effective December 1, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

NOTE: Rules changes herein will be covered by T.S. III(64)—14.

Adopted: October 7, 1966.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.670 is amended to read as follows:

§ 73.670 Program log.

(a) The following entries shall be made in the program log:

(1) *For each program.* (i) An entry identifying the program by name or title.

(ii) An entry of the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the licensee wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending time of each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit referred to was broadcast within the longer program.

(iii) An entry classifying each program as to type, using the definitions set forth in Note 1 at the end of this section.

(iv) An entry classifying each program as to source, using the definitions set forth in Note 2 at the end of this section. (For network programs, also give name or initials of network, e.g., ABC, CBS, NBC.)

(v) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidate.

(2) *For commercial matter.* (i) An entry identifying (a) the sponsor(s) of the program; (b) the person(s) who paid for the announcement, or (c) the person(s) who furnished materials or services referred to in § 73.654(d). If the title of a sponsored program includes the name of the sponsor, e.g., XYZ News, a separate entry for the sponsor is not required. See Note 3 at the end of this section for definition of commercial matter.

(ii) An entry showing the total duration of commercial matter in each hourly time segment (beginning on the hour). See Note 5 at the end of this section for statement as to computation of commercial time.

(iii) An entry showing that the appropriate announcement(s) (sponsorship, furnishing material or services, etc.) have been made as required by section 317 of the Communications Act and § 73.654. A check mark (✓) will suffice

² Chairman Hyde and Commissioners Cox and Loewinger concurring; Commissioner Johnson absent.

but shall be made in such a way as to indicate the matter to which it relates.

(3) *For public service announcements.* (i) An entry showing that a public service announcement (PSA) has been broadcast together with the name of the organization or interest on whose behalf it is made. See Note 4 at the end of this section for definition of a public service announcement.

(4) *For other announcements.* (i) An entry of the time that each required station identification announcement is made (call letters and licensed location; see § 73.652).

(ii) An entry for each announcement presenting a political candidate, showing the name and political affiliation of such candidate.

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 1.580 (pregrant) and 1.594 (designation for hearing) of this chapter, showing the time it was broadcast.

(iv) An entry showing that a mechanical reproduction announcement has been made in accordance with the provisions of § 73.653.

(b) Program log entries may be made either at the time of or prior to broadcast. A station broadcasting the programs of a national network which will supply it with all information as to such programs, commercial matter and other announcements for the composite week need not log such data but shall record in its log the time when it joins the network, the name of each network program broadcast, the time it leaves the network, and any nonnetwork matter broadcast required to be logged. The information supplied by the network shall be retained with the program logs and attached to log pages to which it relates.

(c) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording or the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape, or other means employed.

(d) Program logs shall be changed or corrected only in the manner prescribed

in § 73.669(c) and only in accordance with the following:

(1) *Manually kept log.* Where, in any program log, or preprinted program log, or program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction no matter by whom made, shall be initialed by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was broadcast. If correction or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the station program director or manager, or an officer of the licensee.

NOTE 1. *Program type definitions.* The definitions of the first eight types of programs (a) through (h) are intended not to overlap each other and will normally include all the various programs broadcast. Definitions (i) through (k) are subcategories and the programs classified thereunder will also be classified under one of the appropriate first eight types. There may also be further duplication within types (i) through (k); (e.g., a program presenting a candidate for public office, prepared by an educational institution, would be classified as Public Affairs (PA), Political (POL), and Educational Institution (ED)).

(a) *Agricultural programs (A)* include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) *Entertainment programs (E)* include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) *News programs (N)* include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news.

(d) *Public affairs programs (PA)* include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) *Religious programs (R)* include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) *Instructional programs (I)* include programs (other than those classified under Agricultural, News, Public Affairs, Religious or Sports) involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) *Sports programs (S)* include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instructions, etc.).

(h) *Other programs (O)* include all programs not falling within definitions (a) through (g).

(i) *Editorials (EDIT)* include programs presented for the purpose of stating opinions of the licensee.

(j) *Political programs (POL)* include those which present candidates for public office or

which give expressions (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) *Educational Institution programs (ED)* include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

NOTE 2. *Program source definitions.* (a) *A local program (L)* is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50 percent of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring syndicated or feature films or other nonlocally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program, a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local).

(b) *A network program (NET)* is any program furnished to the station by a network (national, regional, or special). Delayed broadcasts of programs originated by networks are classified as network.

(c) *A recorded program (REC)* is any program not defined in (a), (b), (c) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

NOTE 3. *Definition of commercial matter (CM)* includes commercial continuity (network and nonnetwork) and commercial announcements (network and nonnetwork) as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish between the two types of commercial matter when logging.)

(a) *Commercial continuity* is the advertising message of a program sponsor.

(b) *A commercial announcement* is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are (i) "bonus spots"; (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program. (E.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "LISTEN TOMORROW FOR THE—[NAME OF PROGRAM]—BROUGHT TO YOU BY—[SPONSOR'S NAME].")

(2) Other announcements including but not limited to the following are not commercial announcements:

(i) Promotional announcements, except as heretofore defined in paragraph (b) of this Note.

(ii) Station identification announcements for which no charge is made.

(iii) Mechanical reproduction announcements.

(iv) Public service announcements.

(v) Announcements made pursuant to § 73.654(d) that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues.

(vi) Announcements made pursuant to the local notice requirements of §§ 1.580 (pregnant) and 1.594 (designation for hearing) of this chapter.

NOTE 4. Definition of a public service announcement. A public service announcement is an announcement for which no charge is made and which promotes programs, activities, or services of Federal, State or local Governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

NOTE 5. Computation of commercial time. Duration of commercial matter shall be as close an approximation to the time consumed as possible. The amount of commercial time scheduled will usually be sufficient. It is not necessary, for example, to correct an entry of a 1-minute commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled time. However, it is incumbent upon the licensee to ensure that the entry represents as close an approximation of the time actually consumed as possible.

[F.R. Doc. 66-11174; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations, upland game, for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of upland game species and unprotected birds and mammals consisting of foxes, groundhogs, and crows on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as open to hunting during the dates of date of publication 1966, through March 1, 1967, in Illinois; date of publication 1966, through March 1, 1967, in Iowa; date of publication 1966, through March 1, 1967, in Minnesota; and 12 noon October 8, 1966, through March 1, 1967, in Wisconsin except as listed under special conditions. Restricted hunting is also permitted on the areas designated by signs as closed to hunting. The open areas comprising 153,000 acres, and the closed areas comprising 41,000 acres are delineated on maps available at the

refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Hunting on designated open areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the first waterfowl hunting season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Hunting on designated closed areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) Hunting of upland game species and unprotected birds and mammals shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1967.

DONALD V. GRAY,
Refuge Manager.

OCTOBER 4, 1966.

[F.R. Doc. 66-11140; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as open to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as closed to hunting. The open areas comprising 153,000 acres, and the closed areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Deer hunting shall be subject to the following special conditions:

(1) All deer hunting shall be within the outside dates of the applicable State seasons as follows:

ILLINOIS

Bow and arrow seasons from date of publication 1966 through November 15, 1966; and November 2, 1966, through December 5, 1966; and December 13, 1966 through December 31, 1966. Shotgun season November 18 through November 20, 1966; and December 9, 1966 through December 11, 1966.

IOWA

Bow and arrow season October 15, 1966, through November 13, 1966; and November 26, 1966, through December 16, 1966. Shotgun season November 19 through November 22, 1966.

MINNESOTA

Bow and arrow season from date of publication 1966, through October 31, 1966; and December 3, 1966, through December 18, 1966. Shotgun and bow and arrow season November 12, 13, and 14, 1966.

WISCONSIN

Bow and arrow season for either sex from date of publication 1966, through November 15, 1966; and December 3, 1966, through December 31, 1966. Gun and bow and arrow season of varying length in various areas, all designated by the current State regulations during the outside dates of November 19, 1966, through November 27, 1966.

(2) Gun hunting on designated open areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the first waterfowl hunting season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) Bow hunting is permitted on designated open areas concurrent with applicable fall State seasons, but not later than the next succeeding March 1.

(4) Bow and gun hunting on designated closed areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(5) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1967.

DONALD V. GRAY,
Refuge Manager.

OCTOBER 4, 1966.

[F.R. Doc. 66-11139; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 32—HUNTING

**Chatauqua National Wildlife Refuge,
Ill.; Correction**

In F.R. Doc. 66-10609, appearing on page 12722 of the issue for Thursday, September 29, 1966, under Chatauqua National Wildlife Refuge, Ill., the first sentence of the first paragraph should read as follows: "Public hunting of geese on the Chatauqua National Wildlife Refuge, Ill., is permitted from Oc-

tober 22 through December 5, 1966, unless closed sooner by Federal action; and the hunting of ducks and coots is permitted from October 22 through December 5, 1966, but only on the area designated by signs as open to hunting."

Under Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, the second sentence of the first paragraph should read as follows: "Hunting of geese is per-

mitted from October 1 through December 9, 1966, in Iowa and Minnesota; October 8 through December 16, 1966, unless closed sooner by Federal action, in Wisconsin; October 22 through December 5, 1966, unless closed sooner by Federal action, in Illinois."

R. W. BURWELL,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

[F.R. Doc. 66-11138; Filed, Oct. 12, 1966;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

TIME FOR MAILING CERTAIN NOTICES TO SHAREHOLDERS BY REGULATED INVESTMENT COMPANIES

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under sections 852-855 of the Code, relating to the time for mailing certain notices to Shareholders by Regulated Investment Companies, was published in the *FEDERAL REGISTER* for July 27, 1966.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, November 10, 1966, at 10 a.m., e.s.t., Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC: LR:T, Washington, D.C. 20224 by November 8, 1966, Telephone (Washington, D.C.—area code 202) 964-3935.

By: Lester R. Uretz,
Chief Counsel.

JAMES F. DRING,
Director, Legislation and
Regulations Division.

[F.R. Doc. 66-11154; Filed, Oct. 12, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Basic and Other Water Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of March 1, 1907 (34 Stat. 1024), August 11, 1914 (38 Stat. 583) and August 31, 1954 (68 Stat. 1026), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oreg., by section 200 of the Commissioner's Order 551, notice is hereby given of intention to modify § 221.32 *Basic and other water charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho, beginning with calendar year 1967 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a), subparagraph (1) Fort Hall Project: Basic rate from \$4.25 to \$5.00 per acre and under subparagraph (3) Minor Units, Fort Hall Reservation: Basic rate from \$1.50 to \$2.50 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dale M. Baldwin, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oreg. 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the *FEDERAL REGISTER*.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 66-11156; Filed, Oct. 12, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and
Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas on an Acreage-Poundage Basis for 1967-68 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and supplemented (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary under section 317 is preparing to determine and announce on an acreage-poundage basis, with respect to Flue-cured (Types 11, 12, 13 and 14) tobacco for the 1967-68 marketing year, (a) the amount of the national marketing quota, (b) the national average yield goal, (c) the national acreage allotment, (d) the reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and for establishing allotments for new farms, (e) the national acreage factor, and (f) the national yield factor. Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for Flue-cured tobacco for the 1965-66, 1966-67, and 1967-68 marketing years on May 4, 1965 (30 F.R. 9299).

Subsection 317(a) of the Act contains, for the purposes of section 317, the following definitions:

1. "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or

downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

2. "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

3. "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

4. "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in section 317(e) with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under section 317(f), and including any adjustment for errors or inequities from the reserve. In determining farm acreage allotments for Flue-cured tobacco for 1965, the 1965 farm allotment determined under section 313 shall be adjusted in lieu of the acreage allotment for the immediately preceding year.

5. "Community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years, 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield. Community average yields for other kinds of tobacco shall be determined in like manner, except that the 5 years, 1960 to 1964, inclusive, may be used instead of the period 1959 to 1963, as determined by the Secretary.

6. "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year except that if that average exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the 3 highest years and 50 per centum of the national average yield goal but not less than 120 per centum of the community average yield, and if the average of the 3 highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than 500 acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period the average of the yields for the years in which tobacco was produced shall be used instead of the 3-year average. If no Flue-cured tobacco was produced on the farm in the 5-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

7. "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) of subsection 317(a) for the farm prior to adjustments for overmarketings, undermarketing, or reductions required under section 317(f) and dividing the sum of the products by the national acreage allotment.

8. "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by section 317, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing

year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years.

Section 317(d) of the Act requires the Secretary to determine and announce the national marketing quota, national acreage allotment, and national average yield goal for the 1967-68 marketing year for Flue-cured tobacco on or before December 1, 1966.

Section 317(e) provides that (1) no farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding 5 years, (2) for each marketing year for which acreage-poundage quotas are in effect under section 317 the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years, (3) the part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil, and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator, and (4) the farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield.

Section 317(f) provides that only the provisions of the last two sentences of section 313(g) of the Act shall apply with respect to acreage-poundage programs established under section 317. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to section 317 and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such section 313(g) pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall also be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in section 317. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by any agency, as provided in section 378 of the Act, increases or decreases in such acreage allotments and farm yields as provided in section 317 shall be made on account of marketings below or in excess of the

farm marketing quota for the farm acquired by the agency. Acreage allotments and farm marketing quotas determined under section 317 may (except in case of Burley tobacco, or other kinds of tobacco not subject to section 316) be leased under the terms and conditions contained in section 316 of the Act.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of Flue-cured tobacco for any marketing year as the carry-over at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The subjects and issues involved in the proposed determinations with respect to Flue-cured tobacco for the 1967-68 marketing year are:

1. The amount of the national marketing quota on an acreage-poundage basis.
2. The amount of the national average yield goal.
3. The amount of the national acreage allotment.
4. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.
5. The national acreage factor.
6. The national yield factor.

Community average yields, as published in the FEDERAL REGISTER (30 F.R. 6207, 9875, 14487) which were effective for the 1965-66 and 1966-67 marketing years, will be used for purposes of the 1967-68 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 30 days

from the date of filing of this notice with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
*Administrator, Agricultural Sta-
bilization and Conservation
Service.*

[F.R. Doc. 66-11166; Filed, Oct. 12, 1966;
8:50 a.m.]

**Consumer and Marketing Service
[7 CFR Part 989]**

**RAISINS PRODUCED FROM GRAPES
GROWN IN CALIFORNIA**

**Volume Regulation for 1966-67
Crop Year**

Notice is hereby given of a proposal to provide free tonnage of 142,000 tons and to designate the percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1966-67 crop year beginning September 1, 1966, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively. The designation of percentages would be in accordance with the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on the recommendation of the Raisin Administrative Committee and other information.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 17, 1966. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

To achieve a free tonnage objective of 142,000 tons (estimated to equal trade demand) of standard natural (sun-dried) Thompson Seedless raisins for the 1966-67 crop year, and to protect against possible underestimation of the production (presently estimated at 237,000 tons), it is proposed to designate the percentages of such raisins which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, as follows: Free tonnage percentage, 50 percent; reserve tonnage percentage, 15 percent; surplus tonnage percentage, 35 percent. It is further proposed that on or about February 1, 1967, on the basis of relevant information then available concerning the 1966 production of such Thompson Seedless raisins, appropriate modifications in the percentages will be made to retain in the reserve tonnage a sufficient amount to meet any deficit in free ton-

nage and to add the remainder of the reserve tonnage to the surplus tonnage.

The total production of other varietal types of raisins, estimated to be 21,000 tons, is not expected to be in excess of the quantity that can be marketed in all outlets at reasonable prices during the 1966-67 crop year, and the quantity needed for desirable carryout. Therefore, volume regulation for these raisin types is not proposed.

Dated: October 10, 1966.

FLOYD F. HEDLUND,
*Director,
Fruit and Vegetable Division.*

[F.R. Doc. 66-11170; Filed, Oct. 12, 1966;
8:50 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Parts 31, 33]

[Docket No. 16909; FCC 66-902]

TELEPHONE COMPANIES

**Uniform System of Accounts; Notice
of Proposed Rule Making**

In the matter of Amendment of Parts 31 and 33 of the Commission's rules relating to accounting for revenues from teletypewriter exchange service (TWX); also related amendment of Annual Report Form M.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes in this rule making proceeding to amend Part 31, Uniform System of Accounts for Class A and Class B telephone companies, and Part 33, Uniform System of Accounts for Class C telephone companies, of the Commission's rules to provide that all revenues from teletypewriter exchange service (TWX), except those from local message charges, shall be classified as revenues from toll service. At the same time it is proposed to amend Annual Report Form M for telephone companies to obtain additional data with respect to TWX revenues.

3. Under the present provisions of Part 31, account 500, "Subscribers' station revenues," includes, in addition to other items, local service revenues from auxiliary equipment furnished in connection with subscribers' service and account 510, "Message tolls," includes, in addition to other items, revenues from fixed monthly service charges on interexchange teletypewriter service furnished on a message charge basis. In accounting for revenues from TWX service under the foregoing provisions, the general practice in the telephone industry has been to include in account 510 only the TWX toll message revenues and the fixed monthly interexchange charges for basic TWX service. All other revenues relating to TWX, including any separately tariffed equipment charges, have been included in account 500. No exception to such accounting has been taken by the Commission.

4. The accounting that has been sanctioned under the existing rules has resulted in a substantial amount of TWX revenues from facilities furnished for use in both toll and local service being reported as local service revenues even though a very high proportion of all TWX messages are toll messages. The Bell System included TWX revenues of \$13,850,000 in account 500 in 1965. However, only about \$500,000 of this amount was from local messages, the balance of \$13,350,000 being from charges for facilities used in both local and toll TWX service. The Bell System companies included \$57,300,000 of TWX revenues in account 510 in 1965, all of which are properly classified as toll revenues.

5. On August 12, 1966, the American Telephone & Telegraph Co. (A.T. & T.) filed revised TWX rates to become effective September 1, 1966. It is understood that under the revised TWX tariffs which went into effect on September 1, 1966, a much greater proportion of the total TWX revenues will be classified as local service revenues under the existing accounting. We think the accounting and reporting should more accurately reflect the usage of the TWX facilities. On August 15, 1966, the Commission issued an order waiving the provisions of Parts 31 and 33 of the rules to permit, pending this rule making proceeding, all revenues from TWX service except those from messages wholly within a teletypewriter local calling area to be credited to accounts 510, "Message tolls," and 3030, "Toll service revenues," of Parts 31 and 33, respectively.

6. In view of the foregoing, it appears that TWX facilities furnished for use in both toll and local service are used so predominantly for toll service that the accounting currently provided should be amended to recognize that fact. Further, since only a very small proportion of TWX message revenues are from local service, it does not appear that any useful purpose would be served by requiring the carriers to apportion TWX revenues from charges for monthly service, equipment, installations, moves, changes, and directory listings between local and toll service. The proposed amendments accordingly provide that all TWX revenues, except local message charges, should be credited to account 510 as toll service revenues. This proposed accounting will more accurately reflect the nature of the service than has resulted under the present accounting. However, under the revised tariff a substantial proportion of revenues will be derived from charges for monthly service, equipment, installations, etc. Therefore, it is believed that data should be available which show toll message revenues separately from other TWX toll revenues. Accordingly, it is proposed to amend Schedule 34, Operating Revenues, of Annual Report Form M to obtain the amount of revenues included in account 510, "Message tolls," for teletypewriter messages separate from other teletypewriter revenues proposed to be included therein.

7. As hereinbefore indicated, the present provisions of the text of account 500 provide for including revenues from furnishing auxiliary equipment in that account. We believe that this provision, as it relates to telephone service, should not be changed but that a note should be added to this account to exclude therefrom revenues from charges for monthly service, equipment, installations, moves, changes, and directory listings relating to teletypewriter exchange service.

8. It is also believed that Part 33, Uniform System of Accounts for Class C telephone companies, of the rules should be amended in order to clearly indicate in that Part that accounting similar to that proposed herein for Class A and Class B telephone companies should be followed by Class C companies with respect to TWX revenues.

9. In view of the foregoing, it is proposed to amend Parts 31 and 33 of the rules and annual Report Form M as set forth below.

10. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective January 1, 1968, with the option that any company may make the changes effective January 1, 1967. The annual report changes are proposed to be effective for the reporting year 1968.

11. This notice of proposed rule making is issued under authority of sections 4(i), 219, and 220 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before November 15, 1966, and reply comments on or before November 30, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of section 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

I. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. Section 31.500 is amended by adding Note C reading as follows:

§ 31.500 Subscribers' station revenues.

NOTE C: Revenues applicable to teletypewriter exchange service other than revenues from local messages (i.e., messages originating and terminating within a teletypewriter local calling area) shall be included in account 510, "Message tolls."

2. In § 31.510, paragraph (b) is amended and new paragraph (c) is added to read as follows:

§ 31.510 Message tolls.

(b) This account shall also include revenues from guarantees at toll stations; from toll terminals, other local loops, and related facilities and equipment furnished in connection with message toll services; and from messenger service in notifying persons of toll calls.

(c) This account shall also include all revenues from teletypewriter exchange service except charges for local messages; i.e., messages originating and terminating within a teletypewriter local calling area. Among the teletypewriter exchange service revenues to be included in this account are toll message charges and charges for monthly service, equipment, installations, moves, changes, and directory listings.

II. Part 33—Uniform System of Accounts for Class C Telephone Companies, is amended as follows:

1. In § 33.3010, item 10 is redesignated item 11 and new item 10 is inserted reading as follows:

§ 33.3010 Local service revenues.

10. Revenues from teletypewriter exchange service for messages originating and terminating within a teletypewriter local calling area.

2. In § 33.3030, item 6 is amended to read as follows:

§ 33.3030 Toll service revenues.

6. Other revenues from toll line operations, including revenues from toll terminals, other local loops, and related facilities and equipment furnished in connection with toll services, and revenues from all charges relating to teletypewriter exchange service except charges for messages within a teletypewriter local calling area.

III. Annual Report Form M for telephone companies is amended as follows: Schedule 34, Operating Revenues (Account 300), is amended by revising line 17 to read "Teletypewriter messages" and by inserting a new line 18 reading "Other teletypewriter."

[F.R. Doc. 66-11116; Filed, Oct. 12, 1966; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 16601; FCC 66-898]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Memorandum Opinion and Order and Further Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Mount Sterling, Ky., Litchfield, Minn., Oconto, Wis., Dodgeville, Wis., Clare, Mich., Tioga, N.Dak., Prentiss, Miss., Crossett, Ark., Bristow, Okla., Boone, Iowa, Oxford and Clarks-

dale, Miss., Warsaw, Va., Kingsport, Tenn., Norton, Va., Neon, Ky., and Ames, Iowa), Docket No. 16601, RM-921, RM-922, RM-923, RM-925, RM-931, RM-932, RM-935, RM-938, RM-929, RM-933, RM-934, RM-939, RM-1024.

1. The first report and order (FCC 66-707) issued in this proceeding on July 28, 1966, disposed of all the petitions for rule making to change the FM Table of Assignments, except for RM-933, filed by Boone Biblical College on March 4, 1966. This party, the licensee of Station KFGQ-FM, Channel 257A, Boone, Iowa, requested the assignment of a first Class C channel to Boone by the following changes:

City	Channel No.	
	Present	Proposed
Boone, Iowa-----	252A, 257A	255, 296A

This proposal would permit the substitution of a Class C channel for the Class A (257A) presently occupied by Boone Biblical College, at a site about 5 miles south of Boone. The notice of proposed rule making herein set forth this proposal.

2. Two oppositions to the subject proposal were filed. Lee Broadcasting Co., applicant for a new FM station on Channel 256 at Mankato, Minn., opposes the assignment of Channel 255 to Boone on the grounds that it would not permit the use of the KEYC-TV tower located 24 miles southwest of Mankato, for the proposed FM station. Palmer Broadcasting Co., licensee of Station WHO-TV, Channel 13, Des Moines, Iowa, opposes the assignment of Channel 296A to Boone on the grounds that it would cause second harmonic interference to the reception of WHO-TV in the Boone area (Palmer has opposed other Iowa assignments for the same reason).

3. In a petition filed on August 17, 1966, RM-1024, Ames Broadcasting Co. (Ames), licensee of Station KASI(AM), Ames, Iowa, and formerly applicant for Channel 281 in Ames, requests the Commission to institute rule making to provide a second FM assignment to that community by one of two alternative methods. The first would assign Channel 273 to Ames by deleting this assignment from Des Moines and the second would assign Channel 252A to Ames by deleting that assignment from Boone. The latter proposal is in conflict with the Boone proposal for Channel 255 since the communities are closer than the required 65 miles for assignments three channels removed. Thus, if consideration is to be given to the Ames' second alternative proposal, it must be in this proceeding.

4. We are of the view that the first alternative proposal advanced by Ames must be denied. Ames has a population of 27,003 persons. It has been assigned one Class C FM channel (281), for which there are two competing applications, that of Ames Broadcasting Co., BPH-5118, and that of Lunde Corp., BPH-5016.

The city also has one daytime-only AM station (KASI) in addition to the non-commercial stations licensed to Iowa State University (WOI-AM and FM). Des Moines has a population of 208,982 and its Standard Statistical Metropolitan Area has a population of 266,315. It has been assigned five FM channels, four of which are in operation. The proposal would delete the last remaining assignment and would reduce the number of such assignments to four. In setting up the FM table we attempted to assign from four to six FM assignments to a city the size of Des Moines. We do not believe that the reduction from five to four assignments in Des Moines in order to place a second one in the much smaller community of Ames is warranted. Accordingly, we are denying this alternative request of Ames.

5. With respect to the second alternative Ames request, the assignment of Channel 252A, we have already noted the conflict with the Channel 255 proposal for Boone.¹ We note however, that Channel 296A could be assigned to Ames (instead of to Boone) to serve the stated purposes of the Ames proposal, that is, the assignment of a second FM channel in order that the community have two competing commercial FM services.

6. As to the proposal for Channel 255 in Boone and the opposition thereto by Lee Broadcasting, it may be possible to locate a site about 18 miles south of Boone from which all the required spacings could be met, including that to the proposed Mankato station, and from which the required signal strength could be placed over Boone with reasonable facilities.

7. Comments are therefore invited on the following proposed changes in the FM table:

City	Channel No.	
	Present	Proposed
Ames, Iowa.....	281	281, 296A
Boone, Iowa.....	252A, 257A	255

The Boone proposal would result in a loss of a Class A assignment in view of the fact that Channel 255 requires the deletion of both Channels 252A and 257A. (Channel 296A could be assigned to the general area in any event.) Comments are therefore invited on the matter of allocation efficiency in the proposal. Since the resulting assignments in Ames would be a Class A and Class C mixture, comments are invited on this aspect of the proposal as well. Also comments are invited on the feasibility of utilizing Channel 255 at Boone with a site located about 18 miles south of the community. In view of the fact that KFGO-

¹ Boone Biblical College in an opposition filed on Oct. 3, 1966, points out that Channel 252A cannot be assigned to Ames if Channel 255 is assigned to Boone.

FM operates on Channel 257A and the proposal herein would substitute Channel 255 therefor, appropriate action will be necessary with respect to its outstanding license in the event the proposal is adopted.

8. In view of the foregoing: *It is ordered*, That the petition of Ames Broadcasting Co., insofar as it requests the assignment of Channel 273 or 252A to Ames, Iowa, is denied.

9. Authority for the adoption of the amendments proposed herein is contained in sections 4(d), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 7, 1966, and reply comments on or before November 22, 1966. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11115; Filed, Oct. 12, 1966;
8:45 a.m.]

[47 CFR Part 73]

[Docket No. 16672; FCC 66-899]

UHF TELEVISION BROADCAST CHANNEL AT ORLANDO, FLA.

Memorandum Opinion and Order

In the matter of amendment of § 73.606(b) of the Commission rules and regulations to add a UHF television broadcast channel at Orlando, Fla., Docket No. 16672, RM-928.

1. On June 3, 1966, the Commission issued a notice of rule making proposing to add Channel 48 to Orlando, Fla. (FCC 66-492). Orlando is currently assigned Channels 6, 9, *24, and 35. Channel 24 is reserved for educational use and Channels 6 and 9 are in operation. The proceeding was initiated at the request of Gordon Sherman, an applicant for a commercial television broadcast station on Channel 35. His application had been designated for hearing with that of Omicron Television Corp. (Dockets Nos. 16536 and 16537).

2. In support of his request, Gordon Sherman pointed out that the addition of another UHF channel to Orlando

would make it possible for one of the applicants for Channel 35 to amend its application to the new channel, eliminate the necessity for a comparative hearing and thus bring UHF television service to the area more expeditiously. Omicron Television Corp. opposed the request and stated that it had no intention of amending its application and that the petition for rule making should not serve as a basis for a delay in the hearing.

3. The Commission determined that Channel 48 was available for assignment at Orlando and that it was the most efficient assignment in terms of the impact on remaining available assignments. Therefore, in view of the possibility that one of the applicants for Channel 35 would amend its application to specify the new frequency and eliminate the necessity for a hearing, the Commission instituted this proceeding.

4. On July 6, 1966, Gordon Sherman filed "Comments" in which he advised the Commission that the two applicants for Channel 35 had reached an agreement concerning said applications, which agreement was filed with the Commission on July 6, 1966.¹ On July 11, 1966, Omicron Television Corp. filed its comments on the rule making and cited the agreement between it and Sherman, which looked toward the dismissal of Sherman's application and the grant of Omicron's. Omicron, therefore, argued that no public need exists for the addition of another channel to the Orlando area and that, since Orlando has two VHF stations on the air, it will be difficult enough for a single UHF station to become operative and competitive, without the addition of further competition from another UHF station in Orlando.

5. In our fifth Report and memorandum opinion and order in Docket No. 14229 (FCC 66-137), we stated in paragraph 14 that we would insist that requests for additional assignments be accompanied by an adequate showing that petitioner is prepared to proceed promptly with the construction and operation of the requested facility and that additional assignments will be made only where we can determine that there is an actual public need.

6. In view of the dismissal of Gordon Sherman's application, there is no public need at this time for an additional channel in Orlando, Fla.: *And it is ordered*, This 5th day of October 1966, that the petition for rule making filed by Gordon Sherman is denied, and that this proceeding is terminated.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11117; Filed, Oct. 12, 1966;
8:45 a.m.]

¹ This agreement was approved by the Review Board on Sept. 13, 1966 (FCC 66R-353).

¹ Commissioner Cox dissenting.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

ASSISTANT DIRECTOR ET AL.

Delegation of Authority To Act as Director Under Specified Conditions

1. Under the authority conferred upon me by Treasury Department Order No. 129 (Revision 2) dated April 22, 1955, the following officials of the Bureau of Engraving and Printing in the order of succession enumerated are hereby authorized to act as Director of the Bureau of Engraving and Printing in the absence or disability of or in the event of a vacancy in the Office of the Director of the Bureau of Engraving and Printing:

- (1) Deputy Director.
- (2) Assistant Director.
- (3) Director of Industrial Services.

2. In the event of an enemy attack upon any point within the continental limits of the United States the officials named in paragraph 1 and, in addition, the following officials of the Internal Revenue Service, both in the order of succession enumerated, are authorized to exercise so much of the authority of the Secretary of the Treasury and of the Director of the Bureau of Engraving and Printing as is necessary to insure continuous performance of all essential functions of the Bureau of Engraving and Printing:

- (1) Assistant Regional Commissioner (Administration), Internal Revenue Service, Swift Building, Cincinnati, Ohio 45202.
- (2) Assistant Regional Commissioner (Administration), Internal Revenue Service, Federal Office Building, Atlanta, Ga. 30303.

3. The purpose of the authorization contained in paragraph 2 is to provide a temporary expedient to meet emergency conditions. The respective officials will be notified when they are to cease to exercise the authority therein delegated.

[SEAL] H. B. HOLTZWIL, Jr.
Director,
Bureau of Engraving and Printing.

OCTOBER 7, 1966.

F.R. Doc. 66-11150; Filed, Oct. 12, 1966;
8:48 a.m.]

POST OFFICE DEPARTMENT

BOARD OF ZIP CODE EXTENSION APPEALS

Notice of Establishment of Board and Rules of Procedure Therefor

The following is the text of Headquarters Circular No. 66-29 signed by the

Postmaster General on October 11, 1966, relative to the above subject:

SECTION 1. *Purpose.* To establish and to prescribe the function and rules of procedure for the Board of ZIP Code Extension Appeals pursuant to the regulations set out in the notes following sections 126.329 and 134.427 Postal Manual (Notes following §§ 16.3 and 24.4, Title 39 CFR; 31 F.R. 9540).

SEC. 2. *Membership.* The Board of ZIP Code Extension Appeals consists of three members; i.e., representatives of (a) the Bureau of Operations; (b) the Bureau of Finance and Administration and (c) the Office of the General Counsel. These representatives and their alternates will be designated by the Assistant Postmasters General, Bureau of Operations, Bureau of Finance and Administration and the General Counsel respectively.

SEC. 3. *Office.* The Office of the Board of ZIP Code Extension Appeals shall be in the Office of the Assistant Postmaster General, Bureau of Operations in the Post Office Department Building, Washington, D.C. 20260. A suitable docket of ZIP Code Extension Appeal cases shall be maintained in that office.

SEC. 4. *Jurisdiction.* The Board is the duly authorized representative of the Postmaster General to hear appeals from decisions of Regional Directors denying in whole or in part requests made by mailers for extensions of time within which to meet the mandatory ZIP Code of mail requirements contained in sections 126.32 and 134.43, Postal Manual (§§ 16.3(b) and 24.4(c), Title 39 CFR). The Board is authorized to exercise the full authority of the Postmaster General in deciding these appeals and has full authority to grant and deny the requests for extensions in whole or in part.

SEC. 5. *Appeals.* An appeal must be made by the mailer by a notice in writing within 15 days from the date he receives the written decision of the Regional Director denying his request in whole or in part. The notice shall be addressed to the Assistant Postmaster General, Bureau of Operations, and shall contain the reasons why the mailer believes the decision of the Regional Director to be erroneous. The notice must be signed by the mailer or his attorney.

SEC. 6. *Regional Director.* Within 10 days after advice that the appeal has been received by the Department, the Regional Director shall transmit to the Board a copy of his decision; any documents or other material submitted by the mailer in support of his request for an extension and the Regional Director's comments on the matters contained in the Notice of Appeal. The Regional Director shall send a copy of his comments on the Notice of Appeal to the mailer by certified mail. Within such 10 day's

period, the Regional Director may reconsider his decision. If he reconsiders, he shall notify the mailer or his attorney and send a copy of the decision on reconsideration to the Board. The period within which the mailer may take an appeal from the reconsidered decision shall begin to run from the day the reconsidered decision is received by the mailer. The rendering of such a reconsidered decision shall cause the original appeal to be considered as withdrawn.

SEC. 7. *Mailer.* Within 7 days after receiving a copy of the Regional Director's comments on his appeal, the mailer may reply thereto and may request a hearing or oral argument before the Board. Such request shall fully explain why the mailer believes that such a hearing or oral argument is necessary to the proper disposition of the appeal.

SEC. 8. *Practice.* The mailer may appeal in person; through any official of the corporation (if the mailer is a corporation), or by any attorney eligible to practice before the Post Office Department in accord with Part 202 of Title 39, Code of Federal Regulations.

SEC. 9. *Settlement.* The appeal may be settled at any time (a) by the mailer's filing written notice withdrawing his appeal, or (b) the written stipulation by the mailer and the Regional Director settling the entire dispute.

SEC. 10. *Consideration of the appeal.* The appeal shall be decided by the Board on the record. No hearing or oral argument shall be afforded: *Provided*, That if the mailer has requested a hearing or oral argument be afforded, the Board may, in its discretion, hold the hearing or afford oral argument. At any such hearing, either party may produce oral or documentary evidence. If such hearing is held, the Board may, in its discretion, permit the mailer and the Regional Director to submit written statements 10 days thereafter.

SEC. 11. *Decisions.* Decisions of the board shall be by a majority of the members. The decision shall be sent to the mailer by registered or certified mail and a copy shall be furnished to the Regional Director and shall be available to the public for inspection in the Post Office Department library.

SEC. 12. *Reconsideration.* A request for reconsideration by the Board may be made by the mailer within 10 days of the date the decision is received. Reconsideration may be granted if, in the judgment of the Board, sufficient reason appears.

SEC. 13. *Extensions of time.* Extensions of time within which the mailer or the Regional Director is required to take any action mentioned in these rules will only be granted for the most cogent of reasons.

SEC. 14. *Requirements pending final decision.* The Regional Director's De-

cision will remain in effect during the pendency of the appeal, unless the Board otherwise directs.

(5 U.S.C. 301, 39 U.S.C. 501, 4451-4453)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 11, 1966.

[F.R. Doc. 66-11219; Filed, Oct. 12, 1966;
8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination Thereof

OCTOBER 5, 1966.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 30, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the construction, operation and maintenance of the planned facilities of the Auburn-Folsom South Unit of the Central Valley project, California.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their view in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources.

He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

- T. 12 N., R. 9 E.,
Sec. 1, lot 10.
T. 13 N., R. 9 E.,
Sec. 11, lot 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and unpatented portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$ (NW $\frac{1}{4}$ SE $\frac{1}{4}$ exclusive of lot 4 as shown on approved township plat of survey dated October 23, 1878);
Sec. 34, S $\frac{1}{2}$ lot 19, NE $\frac{1}{4}$ lot 19, and lot 20;
Sec. 36, lots 2 and 3.
T. 14 N., R. 9 E.,
Sec. 1, W $\frac{1}{2}$ lot 5, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and unpatented land in the W $\frac{1}{2}$ SW $\frac{1}{4}$ embraced in the Gitaway and Blue Rock quartz mining claims;
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, S $\frac{1}{2}$;
Sec. 25, lots 3, 4, 5, and 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, excluding any portion in unsegregated M.S. 5816;
Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 13 N., R. 10 E.,
Sec. 2, lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and Mineral lot 53;
Sec. 3, lots 4, 8, 9, 10, 11, and 12;
Sec. 4, lots 43, 44, 45, and 46;
Sec. 9, lots 8, 12, and 13, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 10, lots 1 to 10, inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, lots 1, 2, SE $\frac{1}{4}$ lot 5, S $\frac{1}{2}$ lot 8, 11, and 13;
Sec. 19, lot 24;
Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 14 N., R. 10 E.,
Sec. 6, S $\frac{1}{2}$ lot 14, SE $\frac{1}{4}$ lot 15, SE $\frac{1}{4}$ lot 19, lot 20, and NW $\frac{1}{4}$ lot 21;
Sec. 7, lots 5 and 6;
Sec. 18, lots 2, 3, 6, and 7;
Sec. 30, E $\frac{1}{2}$ lot 8, lot 9, E $\frac{1}{2}$ lot 10, E $\frac{1}{2}$ lot 15, and lot 16, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 3,417 acres. The applicant agency desires the withdrawal of lot 53, sec. 4, T. 13 N., R. 10 E., M.D.M., from prospecting, location and entry under the mining laws, but not the mineral leasing laws as this land is patented, having been patented under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended with a reservation of all minerals to the United States.

The above described patented land contains 3.65 acres.

The applicant agency has canceled its application insofar as it affects the SW $\frac{1}{4}$ lot 19, sec. 6, T. 14 N., R. 10 E., M.D.M., embracing 10 acres. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such land at 10 a.m. on Nov. 23, 1966, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 66-11143; Filed, Oct. 12, 1966;
8:48 a.m.]

IDAHO

Notice of Filing of Plat of Survey

OCTOBER 5, 1966.

1. A plat of survey of the land described below will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m. on October 20, 1966:

BOISE MERIDIAN

T. 23 N., R. 17 E.,
Tract No. 37.

The tract described aggregates 2,492 acres.

2. All of the above-described land is embraced in the (now) Salmon National Forest by proclamation dated May 22, 1905.

Since the lands are withdrawn for the Salmon National Forest, the described land will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

ORVAL G. HADLEY,
Manager,
Idaho Land Office, Boise.

[F.R. Doc. 66-11141; Filed, Oct. 12, 1966;
8:48 a.m.]

IDAHO

Notice of Opening of Lands and Revocation of Final Classification Order

OCTOBER 6, 1966.

1. Notice is hereby given that in accordance with the regulations in 43 CFR 2411 the initial decision (final order of the Secretary) dated June 15, 1964, classifying the following described lands as unsuitable for entry under the desert land act is hereby revoked and the lands are hereby reclassified for entry under the desert land act provided they can be incorporated with adjoining private land to form an economic unit:

BOISE MERIDIAN

T. 2 N., R. 36 E.,
Sec. 20, N $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described aggregates 80 acres.

2. From the date of publication of this notice the lands will be open to filing of desert land applications in accordance with the above reclassification. All valid applications received between the date of publication of this notice and 10 a.m. on October 27, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 66-11142; Filed, Oct. 12, 1966;
8:48 a.m.]

IDAHO

Notice of Filing of Plats of Survey; Suspension Lifted

OCTOBER 7, 1966.

Federal Register Document 66-1332
appearing on page 2503 of the issue for

February 8, 1966, suspended the original filing date of February 10, 1966, for certain plats of survey involving the following lands:

BOISE MERIDIAN

T. 2 N., R. 37 E.,
Sec. 12, lots 9 to 15, inclusive;
Sec. 13, lots 9 to 213, inclusive;
Sec. 24, lot 8;
Sec. 25, lots 8 to 19, inclusive;
Sec. 35, lots 8 and 9.

The areas described aggregate 187.94 acres.

The suspension placed on the filing of these plats is hereby lifted with the publication of this notice. The plats are officially filed in the Idaho Land Office, Boise, Idaho, effective at 10 a.m. on the date this notice appears in the FEDERAL REGISTER.

EUGENE E. BABIN,
Acting Manager,
Land Office, Boise, Idaho.

[F.R. Doc. 66-11157; Filed, Oct. 12, 1966;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Administrator of the Consumer and Marketing Service in section 40 of the Statement of Organization and Delegations appearing in 29 F.R. 16212, and in accordance with the notice in 31 F.R. 7916, dated June 3, 1966, which sets forth changes in the internal organization of the Consumer and Marketing Service, the Statement of Organization, Functions, and Delegations of Authority appearing in 30 F.R. 1260, as amended by 30 F.R. 6597, is hereby superseded and the following substituted therefore:

ORGANIZATION AND FUNCTIONS

SECTION 1. General. The Consumer and Marketing Service, hereinafter referred to as "C&MS," was created as the Agricultural Marketing Service by the Secretary of Agriculture on November 2, 1953, pursuant to his authority under 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 67 Stat. 633; and related authority. Effective February 8, 1965, the name "Agricultural Marketing Service" was changed to "Consumer and Marketing Service." The central office of C&MS is located at Washington, D.C., but a large part of the program activity is carried on through various field offices. The functions and authorities delegated to C&MS are published in 30 F.R. 6697, dated May 15, 1965, 31 F.R. 10079, dated July 26, 1966, and 31 F.R. 10644, dated August 10, 1966.

SEC. 2. The Office of the Administrator.—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to C&MS. He reports to the Assistant Secretary for Marketing and Consumer Services.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities assigned to C&MS.

(c) *Deputy Administrator, Consumer Food Programs.* The Deputy Administrator, Consumer Food Programs, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of consumer food programs, including the national school lunch program, the special milk program, the program for distribution of donated commodities acquired under the price support program and the surplus removal program, the program for accelerated movement of plentiful foods through normal channels of trade, the food stamp program, and related activities, and the food management phases of the civil defense and defense mobilization programs. These programs are carried out by three functional Divisions (Commodity Distribution, Food Stamp, and School Lunch), one functional staff (Food Trades Staff), one program services staff (Consumer Food Programs Services Staff), located at Washington, D.C., and by five Consumer Food Programs District Offices in the field.

(d) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS;

(2) Directing and coordinating the administration of the marketing service programs, including the standardization, inspection, grading and classing of agricultural commodities; market news; expansion of market outlets; commodity procurement; export and diversion programs; process and renovated butter; programs and related activities involving Standard Container, Export Apple and Pear, Naval Stores, Export Grape and Plum, and the Tobacco Seed and Plant Exportation Acts; statistical services; assigned civil defense and defense mobilization activities; and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco), located at Washington, D.C., and by field offices of these Divisions, and by one staff (Matching Fund Program Staff); and

(3) Considering and determining appeals from findings of fact of contracting officers within the scope of any disputes provision, which provides a method for final and conclusive determination of disputed questions of fact, in any purchase contract under purchase and donation programs carried out pursuant to section 6 of the National School Lunch Act and section 32 of Public Law 320, 74th Congress.

(e) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS; and

(2) Directing and coordinating the administration of marketing regulatory programs and related activities involving the Packers and Stockyards, Perishable Agricultural Commodities, Federal Seed, U.S. Warehouse, Produce Agency, and Cotton Research and Promotion Acts; freight rate services under section 201 of the Agricultural Adjustment Act of 1938 and section 203(j) of the Agricultural Marketing Act of 1946, as amended; assigned civil defense and defense mobilization activities; marketing agreements and orders; and other related programs and activities. These programs are carried out by six commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Poultry, and Tobacco), and two functional Divisions (Packers and Stockyards, and Transportation and Warehouse), located at Washington, D.C., and by field offices of these Divisions, except milk marketing orders which are carried out through market administrators in the field and fruit and vegetable marketing orders which are administered by elected committees.

(f) *Deputy Administrator, Consumer Protection.* The Deputy Administrator for Consumer Protection is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS; and

(2) Directing and coordinating the administration of consumer protection programs including meat inspection, poultry inspection, humane slaughter, processing plant sanitation, labelling standards, and related activities. These programs are carried out by one commodity Division (Poultry), three functional Divisions (Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services), and two staffs (Compliance and Evaluation Staff and Administrative Staff), located at Washington, D.C., and by the seven Meat Inspection District Offices, the Compliance and Evaluation Staff field offices, and the five area Poultry Inspection offices.

(g) *Deputy Administrator, Management.* The Deputy Administrator, Management, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS;

(2) Directing and coordinating the administration and integration of the overall management, budget, fiscal, personnel, and administrative services programs and the planning-programming-budgeting system necessary to meet the requirements of the consumer and marketing programs of C&MS, and assigned civil defense, defense mobilization, and related programs and activities. These pro-

grams and activities are carried out by the Operations Analysis Staff and the Administrative Services, Budget and Finance, and Personnel Divisions, located at Washington, D.C., and by field branch offices of the three Divisions; and

(3) Civil rights coordination in the Consumer and Marketing Service.

SEC. 3. Information Division. The Information Division, under the direction and supervision of the Administrator and Associate Administrator, is responsible for planning and administering an information program involving the activities of C&MS. In addition to the central office located at Washington, D.C., this program is carried on through area offices.

SEC. 4. Consumer Food Programs. The Commodity Distribution, Food Stamp, and School Lunch Divisions, the Food Trades Staff, Consumer Food Programs Services Staff and the Consumer Food Programs District Offices, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator for Consumer Food Programs, are responsible as follows:

(a) *Commodity Distribution Division.* The Commodity Distribution Division is responsible for:

(1) Planning and administering the commodity distribution program, including distribution to eligible recipients of donated foods made available under section 32 of the Act of August 24, 1935, as amended; section 6 of the National School Lunch Act; and section 416 of the Agricultural Act of 1949, as amended;

(2) Planning and administering the distribution of commodities for disaster and/or emergency relief; and

(3) Executing assigned civil defense and defense mobilization activities.

(b) *Food Stamp Division.* The Food Stamp Division is responsible for:

(1) Planning and administering the food stamp program, including coupon allotment, coupon issuance, negotiations with State agencies, and wholesaler-retailer operations; and

(2) Executing assigned civil defense and defense mobilization activities.

(c) *School Lunch Division.* The School Lunch Division is responsible for:

(1) Planning and administering the national school lunch program and the special milk program, including technical services for these and other consumer food programs; and

(2) Executing assigned civil defense and defense mobilization activities.

(d) *Food Trades Staff.* The Food Trades Staff is responsible for:

(1) Planning and administering the plentiful foods programs;

(2) Serving as a focal point for wholesalers, retailers, public feeding operators, and other food distributors on problems of food supply and its effective distribution; and

(3) Executing assigned civil defense and defense mobilization activities.

(e) *Consumer Food Programs Services Staff.* This staff is responsible for:

(1) Planning and providing management services, reports, statistical services for Consumer Food Program Divisions, Staffs, and District Offices.

(f) *Consumer Food Programs District Offices.* Consumer Food Programs District Offices are responsible for:

(1) Planning, coordinating, and administering the consumer food programs within the district; and

(2) Executing assigned civil defense and defense mobilization activities.

SEC. 5. Marketing Services, Regulatory Programs, and Consumer Protection Programs. The Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Packers and Stockyards, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, and the Meat Inspection District Offices, under administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services, Regulatory Programs, and Consumer Protection Programs, are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulatory, marketing agreements and orders, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of Internal Revenue Code of 1954; U.S. Cotton Standards Act, as amended; Cotton Statistics and Estimates Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Cotton Research and Promotion Act; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for milk and its products, and such other commodities as may be assigned; process and renovated butter; surplus removal, expansion of market outlets, and related programs for milk and dairy products as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Process and Renovated Butter Act; and other authorities;

(2) Formulating policies and technical direction for market news services for dairy and dairy products which are administered by the Poultry Division; and

(3) Executing assigned civil defense and defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal, expansion of market outlets, and related programs for fruits and vegetables, their products and other assigned commodities as authorized by the Standard Container Acts of 1916 and 1928, as amended; Produce Agency Act, as amended; Perishable Agricultural Commodities Act, 1930, as amended; Export Apple and Pear Act; Export Grape and Plum Act; section 32 of the Act of August 24, 1935, as amended; section 8c of the Agricultural Adjustment Act of 1933, as added August 28, 1954, and amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, nuts, hops, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned civil defense and defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, grading, and testing), marketing regulatory, surplus removal, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay, and related commodities as authorized by the U.S. Grain Standards Act, as amended; Federal Seed Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for seed and such other commodities as may be assigned;

(3) Planning and administering market news services on molasses and sugar cane syrups; and

(4) Executing assigned civil defense and defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, grading, and specification certification), surplus removal, expansion of market outlets, and related programs for livestock, meat, meat products, wool, mohair, and related commodities as authorized by the Wool Standards Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering standardization, inspection, and grading, surplus removal, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as author-

ized by Poultry Products Inspection Act, 21 U.S.C. 451 et seq.; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for poultry and poultry products and such other commodities as may be assigned;

(3) Formulating policies and directing market news service for poultry and poultry products, and domestic rabbits; administrative direction of market news services for dairy and dairy products; and

(4) Executing assigned civil defense and defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading) marketing regulatory, surplus removal, expansion of market outlets, statistical reporting, and related programs for tobacco, tobacco products and byproducts, naval stores, and related commodities as authorized by Tobacco Stocks and Standards Act of 1929, as amended; Tobacco Inspection Act as amended; Tobacco Seed and Plant Exportation Act; Naval Stores Act, section 32 of the Act of August 24, 1935, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for tobacco, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned civil defense and defense mobilization activities.

(h) *Packers and Stockyards Division.* The Packers and Stockyards Division is responsible for:

(1) Administering the provisions of the Packers and Stockyards Act, as amended; and

(2) Executing assigned civil defense and defense mobilization activities.

(i) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, and other authorities covering adjustments in transportation and services for farm commodities, food, and farm supplies;

(4) Acting for, or assisting on assignment from the Office of the Administrator in directing and coordinating and planning activities and operations assigned C&MS with respect to emergency preparedness programs in connection with defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

(j) *Livestock Slaughter Inspection Division.* The Livestock Slaughter Inspection Division is responsible for planning and administering livestock slaughter inspection programs relating to:

(1) Ante-mortem and post-mortem inspection of animals, their carcasses, organs and parts thereof; the chilling, branding and shipping of carcasses, meat byproducts and nonprocessed parts of carcasses; the handling and control of inedible and condemned materials (including inedible rendering) incident to ante-mortem, post-mortem, and chilling operations to assure a wholesome supply of meat and edible meat byproducts for consumers. These functions are performed pursuant to (a) Meat Inspection Act, 21 U.S.C. 71-79, 87, 89, 90, 91, and 94; (b) The provisions of the Humane Slaughter Act, 7 U.S.C. 1901 et seq.; and (c) The Horse Meat Act, 21 U.S.C. 96; and

(2) Executing assigned civil defense and defense mobilization activities.

(k) *Processed Meat Inspection Division.* The Processed Meat Inspection Division is responsible for planning and administering processed meat inspection programs relating to:

(1) Processed meat inspection, including all operations after slaughter and chilling relating to, or further handling of, edible meat, meat byproducts and meat food products; the carcass break-up, and movement in commerce from slaughtering establishments; export certification and import inspection; the issuance of certificates and surveillance of exempted plants; and related reimbursable services to assure sanitary, wholesome and truthfully labeled products. These functions are performed pursuant to 21 U.S.C. 73-79, 83-87, 89-91, 94; 19 U.S.C. 1306 (b) and (c); 21 U.S.C. 96; and 7 U.S.C. 1622; and

(2) Executing assigned civil defense and defense mobilization activities.

(l) *Technical Services Division.* The Technical Services Division is responsible for planning and administering programs to provide the meat and poultry inspection programs of C&MS with the technical services required to assure that food products moving in foreign and domestic commerce are wholesome, unadulterated, and truthfully labeled, including:

(1) The sampling for Technical Services Division functions, testing, and analyses of meat and poultry products, chemical compounds, microbiological, pathological, and toxicological specimens and other associated laboratory services;

(2) The approval of product formulae, methods of preparation, and labels;

(3) The development and promulgation of standards of composition and identity for processed products;

(4) The approval of plant design, structure and equipment, and sanitation standards; and

(5) The surveillance and approval of foreign inspection systems, and Federal-State relations.

The functions of items 1 through 5 are performed pursuant to 21 U.S.C.

72-76, 78, 79, 89-91, 94, 96; 7 U.S.C. 1622 and 1904; 19 U.S.C. 1306 (b) and (c); section 7 of P.L. 85-172; and

(6) Executing assigned civil defense and defense mobilization activities.

(m) *Meat Inspection District Offices.* The Meat Inspection District Offices are responsible for carrying out:

(1) Livestock slaughter inspection programs;

(2) Processed meat inspection programs;

(3) Technical services programs (except laboratories) relating to meat inspection within their respective geographical areas; and

(4) Executing assigned civil defense and defense mobilization activities.

(n) *Administrative Staff.* The Administrative Staff provides administrative management services for the Livestock Slaughter Inspection Division, the Processed Meat Inspection Division, the Technical Services Division, the Compliance and Evaluation Staff, and the Meat Inspection District Offices.

(o) *Compliance and Evaluation Staff.* The Compliance and Evaluation Staff administers the compliance and evaluation program designed to augment and strengthen management controls and the regulatory and enforcement aspects of the Poultry Products Inspection Act, the Meat Inspection Act, and related laws, and the regulations promulgated thereto.

(p) *Matching Fund Program Staff.* This staff under the direction of the Administrator is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States.

(2) Reviewing and approving such projects proposed by the State Departments of Agriculture, Bureaus of Markets, and similar State agencies; and

(3) Coordinating the matching fund program with the overall Federal-State marketing program.

Sec. 6. *Management Services.* The Administrative Services, Budget and Finance, and Personnel Divisions, and the Operations Analysis Staff, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator, Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement, real and personal property, records, communications, procedures, forms, reports, paperwork, and related management services programs necessary to meet requirements of the overall programs and activities of C&MS;

(2) Approving for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents, and contracts under the Agricultural Marketing Act of 1946, as amended;

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the *FEDERAL REGISTER* and the Code of Federal Regulations; and

(4) Providing staff assistance to the Deputy Administrator, Management, with respect to committee management and civil rights activities in C&MS.

(b) *Budget and Finance Division.* The Budget and Finance Division is responsible for:

(1) Planning and administering the budget, fiscal, and related financial programs necessary to meet the requirements of the over-all programs and activities of C&MS;

(2) Developing and assisting in establishing required systems and controls with respect to apportionments, obligations, and expenditures of available funds; and

(3) Developing, installing, and revising accounting systems, methods and procedures for control committees and market administrators operating under marketing agreements and orders assigned to C&MS.

(c) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, classification, wage and salary, employment, employee relations, training, safety, and health phases of a personnel program to meet requirements of the overall programs and activities of C&MS.

(d) *Operations Analysis Staff.* The Operations Analysis Staff is responsible for planning and administering a broad program of review, research, analysis and coordination in program management as it relates to the efficiency and effectiveness of C&MS program operations.

DELEGATIONS OF AUTHORITY

SEC. 7. Associate Administrator. The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. The Associate Administrator does not have the authority to redelegate the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department.

SEC. 8. Deputy Administrators. The Deputy Administrator, Consumer Food Programs; the Deputy Administrator, Marketing Services; the Deputy Administrator, Regulatory Programs; the Deputy Administrator, Consumer Protection, and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is

reserved to the Administrator. The Deputy Administrators do not have the authority to redelegate the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Consumer and Marketing Service herein or hereafter assigned to him.

SEC. 9. Information Division. The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Associate Administrator.

SEC. 10. Consumer Food Divisions and Staffs. The Directors of the Commodity Distribution, Food Stamp, School Lunch Divisions, Food Trades and Consumer Food Programs Services Staffs, and Consumer Food Programs District Offices, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 11. Marketing Services, Regulatory, and Consumer Protection Divisions and Staffs. The Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Packers and Stockyards, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, Matching Fund Programs Staff, and the Meat Inspection District Offices, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators. The Director of the Packers and Stockyards Division does not have the authority to make the determination as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act and which are considered confidential under such Act or under the regulations of the Department.

SEC. 12. Management Services Divisions. The Directors of the Administrative Services, Budget and Finance, and Personnel Divisions, and the Director, Operations Analysis Staff, are hereby

delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 13. Concurrent authority and responsibility to the Administrator. No delegation or authorization prescribed herein shall preclude the Administrator, the Associate Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, the Associate Administrator, and in their respective fields, by each Deputy Administrator. The officers to whom authority is delegated herein shall (a) maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or offices of C&MS or other governmental or private organizations or groups.

SEC. 14. Prior authorizations and delegations. All prior delegations and redelegations of authority relating to any function, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 15. Reservation of authority. (1) There is hereby reserved to the Administrator, or to the individual designated to act in his absence, the authority to designate Market Administrators and Committees administering marketing agreement and order programs.

(2) There is hereby reserved to the Administrator, the Associate Administrator, and the Deputy Administrators, the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department.

(3) There is hereby reserved to the Administrator, or to the individual designated to act in his absence, the approval of regulations relating to the travel of seasonal inspectors.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 16. Availability of information and records. Any person desiring informa-

tion or to make submittals or requests with respect to the programs and functions of C&MS should address his request to: Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the Director of the particular Division or Office, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of C&MS and

its Divisions and offices is governed by the rules and regulations of the Department published in the Code of Federal Regulations.

Issued at Washington, D.C., this 10th day of October 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-11146; Filed, Oct. 12, 1966;
8:48 a.m.]

CONECUH COOPERATIVE STOCKYARD ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	Current name of stockyard and date of change in name
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ALABAMA

Conecuh Cooperative Stockyard, Evergreen, Oct. 3, 1959.	Conecuh Stockyards, Aug. 1, 1966.
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Fort Payne Stockyard, Fort Payne, June 11, 1965----	Fort Payne Livestock Commission, Feb. 1, 1966.
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Tri-County Stockyards, Hurtsboro, Oct. 1, 1959----	Hodges Capital Stockyards, June 23, 1966.
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ARIZONA

Wentz Brothers Livestock Auction, Tucson, Dec. 5, 1964.	Wentz Brothers Livestock Auction, Inc., Aug. 3, 1966.
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COLORADO

Craig Livestock Auction, Craig, Mar. 21, 1957-----	Craig Sales Barn, Apr. 15, 1966.
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ILLINOIS

Price's Livestock Marketing Company, Shelbyville, Mar. 21, 1961.	Interstate Producers Livestock Ass'n, Aug. 1, 1966.
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KENTUCKY

Berry and Whitford Commission Company, Mayfield, Dec. 9, 1959.	Mayfield Livestock and Sales Co., July 20, 1966.
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Richmond Livestock Market, Inc., Richmond, Oct. 9, 1961.	Madison Sales Company, Inc., June 14, 1966.
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MISSOURI

Fairground Sale Company, Inc., Maryville, July 31, 1957.	Fairground Livestock Auction, Jan. 1, 1966.
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Savannah Sales Company, Savannah, Aug. 16, 1962.	Savannah Sales Co., Inc., May 20, 1966.
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MONTANA

Miles City Livestock Auction Company, Miles City, Nov. 9, 1951.	Miles City Stockyards Company, June 23, 1966.
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NEBRASKA

Platte Valley Sale Barn, Kearney, Nov. 22, 1947----	Producers-Platte Valley Livestock Auction Public Stockyards, Aug. 1, 1966.
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NORTH CAROLINA

Murphy Livestock Auction, Murphy, Apr. 10, 1959--	Murphy Livestock Auction Company, June 1, 1966.
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TEXAS

Kerr County Livestock Auction Company, Kerrville, June 14, 1957.	Kerr County Livestock Auction, Inc., June 7, 1966.
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Livingston Livestock Auction Company, Livingston, Apr. 17, 1959.	Livingston Livestock Exchange, Aug. 1, 1966.
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Wichita Falls Stockyards Company, Wichita Falls, May 22, 1950.	Wichita Livestock Auction, June 1, 1966.
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VIRGINIA

Miles County Stockyards, Inc., Narrows, Mar. 2, 1959.	Narrows Livestock Market, Inc., Jan. 1, 1966.
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WASHINGTON

Pasco Livestock Market Center, Inc., Pasco, Sept. 23, 1959.	Pasco Central Stockyards, Inc., Aug. 1, 1966.
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Done at Washington, D.C. this 5th day of October 1966.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch,
Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11171, Filed, Oct. 12, 1966; 8:50 a.m.]

PEDLEY HORSE SALES ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and location of stockyard, and date of posting

CALIFORNIA

Pedley Horse Sales, Pedley, Aug. 30, 1966.

KANSAS

Farmers & Ranchers Livestock Commission Co., Salina, Sept. 22, 1966.

MICHIGAN

Walkerville Livestock Auction, Walkerville, Aug. 23, 1966.

MISSOURI

HRH Auction Co., Hamilton, Sept. 28, 1966.

NORTH CAROLINA

Asheville Livestock Yards, Inc., Canton, Aug. 30, 1966.

VERMONT

Campbell's Commission Sales, Inc., Newport, June 28, 1966.

Done at Washington, D.C., this 5th day of October, 1966.

EDWARD L. THOMPSON,
Acting Chief, Registrations,
Bonds and Reports Branch,
Packers and Stockyards Division,
Consumer and Marketing Service.

[F.R. Doc. 66-11172; Filed, Oct. 12, 1966;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 17205]

SUDFLUG, SUDDEUTSCHE FLUGGESELLSCHAFT mbH

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 26, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 7, 1966.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11152; Filed, Oct. 12, 1966;
8:48 a.m.]

[Docket 17358]

**MIAMI-KEY WEST SERVICE
INVESTIGATION****Notice of Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 9, 1966, at 10 a.m., l.t., in the Allison Hotel, 6261 Collins Avenue, Miami Beach, Fla., before the undersigned Examiner.

Dated at Washington, D.C., October 7, 1966.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 66-11153; Filed, Oct. 12, 1966;
8:49 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION****RACES PLANS****Extension of Time for Filing**

OCTOBER 6, 1966.

The Commission, by Defense Commissioner Lee Loevinger, today extended from October 1, 1966, to January 1, 1967, the time within which State and local Civil Defense Directors should submit two copies of their Radio Amateur Civil Emergency Service (RACES) Plans to their Regional Director, Office of Civil Defense.

On May 26 the Commission announced the approval of all outstanding RACES Plans as Interim Plans for the Amateur Radio Service under Executive Order 11092, and requested copies of updated RACES Plans for review by the Amateur Radio Service Subcommittee of the Commission's National Industry Advisory Committee (NIAC). On July 28, 1966, the time was extended to October 1. More time is needed by some States in updating and preparing the plans.

At the same time, Commissioner Loevinger extended to the same date the time within which all other interested entities should submit their requirements for emergency communications utilizing facilities and personnel of the Amateur Radio Service, to the Executive Secretary, NIAC, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11120; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket Nos. 14755-14757; FCC 66M-1348]

JUPITER ASSOCIATES, INC., ET AL.**Order Continuing Hearing**

In re applications of Jupiter Associates, Inc., Matawan, N.J., Docket No. 14755, File No. BP-14178; William S. Halpern

and Louis N. Seltzer, doing business as Somerset County Broadcasting Co., Somerville, N.J., Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, N.J., Docket No. 14757, File No. BP-14812; for construction permits.

Upon the Hearing Examiner's on motion: *It is ordered*, This 6th day of October 1966, that the hearing now scheduled for November 7, 1966, be and the same is hereby rescheduled for November 21, 1966, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11118; Filed, Oct. 12, 1966;
8:45 a.m.]

[Docket Nos. 15835-15839; FCC 66M-1351]

LEBANON VALLEY RADIO ET AL.**Order Scheduling Prehearing
Conference**

In re applications of Arthur K. Greiner, Glenn W. Winter, William W. Rakow, and Robert M. Leshner, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; for construction permits.

It is ordered, This 5th day of October 1966, on the Hearing Examiner's own motion, that a further hearing conference will be held on November 1, 1966, at 10 a.m.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11119; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. 16311; FCC 66M-1349]

WILKES COUNTY RADIO**Order Continuing Hearing**

In re application of Paul L. Cashion and J. B. Wilson, Jr., doing business as Wilkes County Radio, Wilkesboro, N.C., Docket No. 16311, File No. BP-16556; for construction permit.

The Hearing Examiner having under consideration communication dated October 5, 1966, on behalf of Wilkes Broadcasting Co. (WKBC), respondent herein, requesting that the hearing herein now scheduled for October 7, 1966, be rescheduled for October 17, 1966;

It appearing, that good cause exists why said request should be granted and counsel for Wilkes Broadcasting Co.

states that counsel for the applicant and the Broadcast Bureau, the other two parties herein, have agreed to the instant request;

Accordingly, it is ordered, This 5th day of October 1966, that the request is granted and the hearing now scheduled for October 7, 1966, be and the same is hereby rescheduled for October 17, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11121; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. 16663; FCC 66M-1362]

LAMAR LIFE INSURANCE CO.**Order Continuing Prehearing
Conference**

In re applications of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of Television Station WLBT and auxiliary services, Jackson, Miss.

The Hearing Examiner having under consideration informal request on behalf of the United Church of Christ, transmitted by counsel for the Broadcast Bureau, requesting that the prehearing conference scheduled for October 10, 1966, be continued to November 14, 1966;

It appearing, that counsel for the Church have under consideration an appeal to the U.S. Circuit Court of Appeals for the District of Columbia from the Commission's memorandum opinion and order (FCC 66-815) released September 27, 1966;

It further appearing, that good cause exists why said request should be granted and there is no opposition thereto;

Accordingly, it is ordered, This 7th day of October 1966, that the request is granted and the prehearing conference now scheduled for October 10, 1966, be and the same is hereby rescheduled for November 14, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11175; Filed, Oct. 12, 1966;
8:51 a.m.]

[Docket Nos. 16712, 16713; FCC 66M-1361]

**TREND RADIO, INC., AND JAMES
BROADCASTING CO., INC.****Order Regarding Procedural Dates**

In re applications of Trend Radio, Inc., Jamestown, N.Y., Docket No. 16712, File No. BPCT-3665; James Broadcasting Co., Inc., Jamestown, N.Y., Docket No. 16713, File No. BPCT-3694; for construction permits for new television broadcast station.

The applicants having this date submitted to the Review Board an agreement which, if approved, would moot certain of the issues herein;

It appearing, that it would be inappropriate to conduct hearing procedures on the affected issues until such time as the Review Board shall have acted on the said agreement;

It further appearing, that the agreement would not affect the issue directed to Trend's staffing proposal, and it is appropriate to proceed to hearing on that issue;

It is ordered, This 7th day of October 1966, that the procedural dates now set for November 1966, including the hearing November 28, are set aside; and,

It is further ordered, That the procedural dates now scheduled for October 1966, including the October 24 hearing, shall remain unchanged.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11176; Filed, Oct. 12, 1966;
8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License 845]

MERCAL INTERNATIONAL, INC.

Order To Show Cause

On September 28, 1966, the New Hampshire Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Mercal International, Inc., 13A East 40th Street, New York, N.Y. 10016, would be canceled effective 12:01 a.m., October 31, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (amended) section 6.03:

It is ordered, That Mercal International, Inc., on or before October 17, 1966, either (1) submit a valid bond effective on or before October 31, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m. on October 24, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d) Shipping Act, 1916.

It is further ordered, That License No. 845 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11180; Filed, Oct. 12, 1966;
8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2585]

DUKE POWER CO.

Notice of Application for License for Constructed Project

OCTOBER 4, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Duke Power Co. (correspondence to: Carl Horn, Jr., Vice President and General Counsel, Duke Power Co., Post Office Box 2178, Charlotte, N.C. 28201) for constructed Project No. 2585, known as Idols Station, located on the Yadkin River, near Winston-Salem and town at Clemmons, in the county at Forsyth, N.C.

The existing project consists of: (1) A rubble masonry dam about 15 feet high and 660 feet long, including a 145.5-foot long powerhouse section, an ungated 410-foot spillway and a 10- x 40-foot fish ladder; (2) a reservoir at elevation 672.3 feet (USGS datum), about 1 mile long with a surface area of 35 acres and no appreciable storage; (3) a stone-masonry and wood powerhouse with eight turbine bays containing six generating units each rated at 235 kw., totaling 1,411 kw.; (4) an indoor substation containing three step-up transformers each rated at 2.3-13 kv.; (5) a brick machine shop and utility storage structure; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 21, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11122; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. CP67-86]

ILLINOIS POWER CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 4, 1966.

Take notice that on September 29, 1966, Illinois Power Co. (Applicant), 500

South 27th Street, Decatur, Ill. 62525, filed in Docket No. CP67-86 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan-Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with Applicant's proposed new distribution system and to sell and deliver to Applicant volumes of natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent make physical connection in Mercer County, Ill., of its transmission facilities with the distribution system proposed to be built by Applicant to serve the unincorporated communities of Gilchrist, Wanlock, and Shale City and environs, Mercer County, Ill. Applicant also requests that Respondent construct a sales station to service this connection, and to sell and deliver volumes of natural gas for resale in the above mentioned areas.

The estimated third year annual and peak day requirements for this service is 6,250 Mcf and 61.0 Mcf respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11123; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. CP67-85]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

OCTOBER 4, 1966.

Take notice that on September 28, 1966, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-85 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities in Warrick County, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate one side valve and a positive meter for the establishment of a new delivery point for Southern Indiana Gas & Electric Co. (Southern Indiana), an existing customer. Natural gas delivered through this delivery point is for resale by Southern Indiana to the town of Elberfeld, Warrick County, Ind., and its environs and in rural areas in Vanderburgh and Warrick Counties, Ind.

Annual and peak day requirements associated with service to Elberfeld are 24,920 Mcf and 274 Mcf respectively. No increase in the contract demand of

Southern Indiana is proposed for this service.

The cost of the facility is estimated to be \$6,000 and will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 66-11124; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. RI67-75]

MARATHON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

OCTOBER 5, 1966.

On August 15, 1966, Marathon Oil Co. (Marathon)¹ tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ Address is 539 South Main St., Findlay, Ohio 45840, Attention: Jack Fariss, Esq.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-75....	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840, Attn: Jack Fariss, Esquire, Marathon Oil Co.-----	163	4	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	\$37	8-15-66	2 10-6-66	2 10-7-66	7 16.55	8 16.65	
		79	10 6	Transwestern Pipeline Co. (Waha Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	370	8-15-66	2 10-6-66	2 10-7-66	7 16.74	8 16.84	

¹ Contract dated Feb. 8, 1962, and covers sale of "new" gas-well gas.

² By letter dated Sept. 7, 1966, Marathon extended the time for Commission action on these filings.

³ The suspension period is limited to 1 day.

⁴ Respondent is filing for increase in applicable rate reflected on its revised quality statement.

⁵ Applicable rate established by Respondent's revised quality statement. (Base rate of 16.5 cents, plus 0.25 cent upward B.t.u. adjustment, less 0.10 cent treating cost.)

⁶ Pressure base is 14.65 p.s.i.a.

⁷ Settlement rate approved by Commission order issued June 27, 1966, in Docket No. RI66-9.

⁸ Applicable rate for "new" gas-well gas established by Respondent's revised quality statement. (Base rate of 16.5 cents, plus 0.44 cent upward B.t.u. adjustment, less 0.10 cent treating cost.)

⁹ Contract dated Jan. 2, 1962, and covers sale of "new" gas-well gas and residue gas derived from casinghead gas.

¹⁰ Applicable to "new" gas-well gas only.

Marathon requests a retroactive effective date of February 11, 1966, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Marathon's rate filings and such request is denied.

Marathon, a producer respondent in the Permian Basin Opinion No. 468, proposes two 0.1 cent per Mcf rate increases, amounting to \$407 annually, for sales of "new" gas-well gas to Transwestern Pipeline Co. (Transwestern) in the Permian Basin Area of Texas.

The proposed rate increases have been filed by Marathon to implement the rate set forth in its revised rate schedule quality statements (filed concurrently with the rate changes) as a result of Transwestern's proposed change in the method of determining treating and dehydration costs for nonpipeline quality gas. No action has yet been taken with respect to Marathon's revised rate schedule quality statements. In view of the possibility that Marathon's proposed rates may exceed the just and reasonable rate ceiling for these sales determined in Permian Basin Opinion No. 468, they are suspended herein for one day from October 6, 1966, pending action by the Commission with respect to Marathon's revised rate schedule quality statements.

Except for the stay of the moratorium in Opinion No. 468, Marathon's filings would be rejectable if the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review and the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468, the filings will be rejected ab initio.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges

contained in the above-designated supplements.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until October 7, 1966, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Marathon, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Marathon shall execute and file under Docket No. RI67-75, with the Secretary of the Commission, its agreement and undertaking to comply with the refund and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Transwestern. Unless Marathon is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have

expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 23, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11126; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. CI61-247, etc.]

MAY PETROLEUM, INC.

Notice of Change in Name

OCTOBER 5, 1966.

Take notice that on August 11, 1966, May Petroleum, Inc., Republic National Bank Building, Dallas, Tex. 75201, filed a notice that its corporate name has been changed from Mayflo Oil Co. as of June 1, 1966.

May Petroleum, Inc., requests that the certificates of public convenience and necessity heretofore issued and applications for certificates now pending, more fully set forth in the Appendix hereto, and its rate schedules on file with the Commission be redesignated to reflect the new name.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1966.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

PERMANENT CERTIFICATES

CI61-247	CI62-871
CI61-270	CI62-967
CI61-538	CI62-986
CI61-1225	CI62-1489
CI61-1417	CI63-611
CI62-820	CI63-872

PENDING CERTIFICATE APPLICATIONS

CI63-473	CI63-1493
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[F.R. Doc. 66-11127; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. CP67-87]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 6, 1966.

Take notice that on September 30, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-87 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain

facilities and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 4.4 miles of 30-inch loop line north of Clifton, Kans., Compressor Station. By means of this new facility Applicant proposes to increase its system capacity by 3,000 Mcf per day to supply contract requirements of its Peoples Division for the heating season beginning October 27, 1966. The additional contract demand is required by Peoples Division to meet for the first time the firm requirements of four industrial customers.

The total estimated cost of the proposed facilities is \$481,160 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 2, 1966.

Take further notice that, pursuant to to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11128; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. CP66-311]

OHIO FUEL GAS CO.

Notice of Petition To Amend

OCTOBER 5, 1966.

Take notice that on September 29, 1966, the Ohio Fuel Gas Co. (Petitioner), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP66-311 a petition to amend the order issued in said docket August 30, 1966, by authorizing the increase in maximum deliveries of natural gas under firm rate schedules, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks increases in maximum deliveries of natural gas under firm rate schedules to the following customers:

Customer	Present deliveries	Proposed deliveries
The Racine Gas & Service Co.	270 Mcf	280 Mcf
The Vanlue Gas Co.-----	370 Mcf	400 Mcf
The Waterville Gas & Oil Co., Inc.	3,290 Mcf	3,400 Mcf
The Delaware Gas Co.-----	11,576 Mcf	11,800 Mcf

Petitioner states that it has entered into new Service Agreements with the above customers under which they would be entitled to receive the maximum daily quantity set forth above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 2, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11129; Filed, Oct. 12, 1966;
8:46 a.m.]

[Docket No. CP66-149]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

OCTOBER 5, 1966.

Take notice that on September 26, 1966, Texas Gas Transmission Corp. (Petitioner), Post Office Box 1160, Owensboro, Ky. 72301, filed in Docket No. CP66-149 a petition to amend the order issued in said docket on April 12, 1966, by authorizing an increase in deliveries of natural gas on a contract demand basis to one of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The order of April 12, 1966, in the instant proceeding authorized Petitioner to sell and deliver to Western Kentucky Gas Co. 34,500 Mcf on a contract demand basis for the 1966-67 winter heating season in Petitioner's Zone 2. Specifically, Petitioner requests that the contract demand be increased by 940 Mcf to 35,440 Mcf, effective November 1, 1966.

Petitioner states that no new facilities are required to render the increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11130; Filed, Oct. 12, 1966;
8:47 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 70]

NEW ORLEANS, LA.

Reduction and Readjustment of Zone Boundary, and Erection of Building Within Foreign-Trade Zone

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2, filed an application dated August 17, 1966, for permission to reduce and readjust the boundary of the zone by withdrawing 0.04 acre of open space;

Whereas, the Grantee also requests authority to permit Sears, Roebuck & Co. to erect a modern building containing 73,780 square feet upon an area of 80,920 square feet, which Sears, Roebuck & Co. has leased from the Grantee for a period of 10 years; and

Whereas, the Grantee finds it necessary to relocate the north gate guardhouse to the new east gate entrance near the truck loading court area of the proposed Sears, Roebuck & Co. building.

Now, therefore, the Foreign-Trade Zone Board, after consideration, hereby orders:

That the boundaries of Foreign-Trade Zone No. 2 be, and they are hereby re-established to conform with Exhibits Nos. 1, 3, 5, 6, 8, 10(b), and 13 filed with the Board, which provide for a reduction of 0.04 acre of open space, or a net reduction in the overall zone area from 18.62 acres to 18.58 acres;

That the north gate guardhouse be, and it is hereby relocated to the new east gate entrance according to Exhibit No. 10(b);

That the Grantee is authorized to permit Sears, Roebuck & Co. to erect said building within the boundary of the zone in accordance with § 400.815 of the Foreign-Trade Zones Board Regulations, and in conformity with Exhibit No. 10(b) and the Lease on file with the Foreign-Trade Zones Board; and

That the necessary temporary structural modifications resulting from the erection of the Sears, Roebuck & Co. building be, and they are hereby allowed; all of which will be subject to settlement locally with the District Director of Customs and the District Army Engineer regarding requirements for physical security and protection of the revenue.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this order, because it imposes no burden on the parties of in-

terest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 6th day of October 1966.

[SEAL] JOHN T. CONNOR,
*Secretary of Commerce, Chair-
man and Executive Officer,
Foreign-Trade Zones Board.*

Attest:

RICHARD H. LAKE,
*Executive Secretary,
Foreign-Trade Zones Board.*

[F.R. Doc. 66-11155; Filed, Oct. 12, 1966;
8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 11);
Amdt. 1]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, and Delegation of Authority 29 F.R. 14764; Delegation of Authority No. 30 (Rev. 11) 31 F.R. 11734 is hereby amended by revising Item I.B. 1 through 6 to read as follows:

I. * * *

B. *State and local development company loan program.* 1. To approve or decline section 501 loans without dollar limitation and 502 loans up to \$350,000 (SBA share).

2. To disburse section 501 and 502 loans.

3. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

5. To do and perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 501 and 502 loans.

6. To substitute, add, or change the collateral requirements of any loan authorization where such change will not adversely affect the credit aspects of the loan.

* * * * *

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11144; Filed, Oct. 12, 1966;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 7, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1966, through October 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11158; Filed, Oct. 12, 1966;
8:49 a.m.]

[NY-4393]

FIRST STANDARD CORP.

Order Suspending Trading

OCTOBER 7, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of First Standard Corp. otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934 that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1966, through October 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11159; Filed, Oct. 12, 1966;
8:49 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

OCTOBER 7, 1966.

The common stock, 50 cents par value, and the \$3.50 cumulative preferred stock, no par value, of Lincoln Printing Co.,

being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 10, 1966, through October 19, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11160; Filed, Oct. 12, 1966;
8:49 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

OCTOBER 7, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 10, 1966, through October 19, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11161; Filed, Oct. 12, 1966;
8:49 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

OCTOBER 7, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than

on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 8, 1966, through October 17, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11162; Filed, Oct. 12, 1966;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 976]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 7, 1966.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special

¹ Copies of Special Rule 1.247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 297), filed September 26, 1966. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue N.W., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, S.C., and Wilmington, N.C., over U.S. Highway 17, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, S.C.

No. MC 2428 (Sub-No. 19), filed September 26, 1966. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool insulation*, in mixed loads with presently authorized commodities, from Perth Amboy, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey (ports of embarkation), New York, Pennsylvania, Rhode Island, and the District of Columbia, and *returned shipments* on return, under contract with Philip Carey Manufacturing Co., and (2) *plastic siding, with or without insulation, gutters, downspouts and leaders, and shutters*,

together with accessories used or useful in connection therewith, all in mixed loads with presently authorized commodities, from Perth Amboy, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey (ports of embarkation), New York, Pennsylvania, Rhode Island, and the District of Columbia, and returned shipments on return, under contract with Bird & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2900 (Sub-No. 149), filed September 22, 1966. Applicant: RYDER TRUCK LINES, INC., 25050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Atlanta, Ga., and New Orleans, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80 at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31 near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90 at or near Mobile, Ala., and thence over U.S. Highway 90 to New Orleans, and (b) from Atlanta over Interstate Highway 85 to junction Interstate Highway 65 at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10 at or near Mobile, Ala., thence over Interstate Highway 10 to New Orleans, and return over the same routes, as alternate routes for operating convenience only in (1) (a) and (b) above, serving no intermediate points; and (2) between Atlanta, Ga., and Baton Rouge, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80, at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31, near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90, at or near Mobile, Ala., thence over U.S. Highway 90 to junction U.S. Highway 190 to Baton Rouge, and (b) from Atlanta, over Interstate Highway 85 to junction Interstate Highway 65, at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10, at or near Mobile, Ala., thence over Interstate Highway 10 to junction Interstate Highway 12, thence over Interstate Highway 12 to Baton Rouge; and return over the same routes, as alternate routes for operating convenience only in (2) (a) and (b) above, serving no intermediate points. NOTE: Applicant request the right to ingress and egress to, from, and between, points on route number (1) (a) on the one hand, and, on the other, route number (1) (b); and points on route number (2) (a) on the one hand, and, on the other, route number (2) (b); over all roads and highways connecting said routes. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 149), filed September 23, 1966. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between junction U.S. Highways 90 and 98 and Poplarville, Miss.; from junction U.S. Highways 90 and 98, over U.S. Highway 98 to Lucedale, Miss., thence over Mississippi Highway 26 to Poplarville, Miss., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving junction U.S. Highways 90 and 98 for purpose of joinder only; (2) between Poplarville, Miss., and Baton Rouge, La.; from Poplarville, Miss., over Mississippi Highway 26 to the Louisiana-Mississippi State line, thence over Louisiana Highway 10 to junction Louisiana Highway 25, thence over Louisiana Highway 25 to junction Louisiana Highway 16, thence over Louisiana Highway 16 to junction U.S. Highway 190, at or near Denham Springs, La., thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (3) between junction U.S. Highway 41 and Indiana Highway 63, at or near Clinton, Ind., and junction U.S. Highway 41 and Indiana Highway 63, at or near Carbondale, Ind.; from junction U.S. Highway 41 and Indiana Highway 63, at or near Clinton, Ind., over Indiana Highway 63 to its junction with U.S. Highway 41, at or near Carbondale, Ind., and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points and serving junction Indiana Highway 63 and U.S. Highway 41 for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2907 (Sub-No. 5), filed September 29, 1966. Applicant: DARBY TRANSFER, INC., Locust Street, McKees Rocks, Allegheny County, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from points in the Pittsburgh, Pa., commercial zone as defined by the Commission, to points in Ohio, on and east of U.S. Highway 21, those in West Virginia on and east of U.S. Highway 21 and north of U.S. Highway 60, and those in Pennsylvania on and south of U.S. Highway 322 and on and west of U.S. Highway 220. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5697 (Sub-No. 10), filed September 26, 1966. Applicant: KENNETH HOLMSTROM, Varna, Ill. Applicant's representative: Robert T. Lawley, 308

Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Hamilton, Hopedale, and Peoria, Ill., to Dubuque, Iowa, for the account of Hiram Walker & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 9148 (Sub-No. 10), filed September 23, 1966. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Main Street, Rushford, N.Y. 14777. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed popcorn products; chips, twists, or puffs; popped corn; fried pork skins*, from the plantsites and facilities of Popped-Right Corn Co. at points in Marion and Wyandot Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *iron and steel rust-preventing or removing compound* (other than petroleum), *metal cutting, drawing and drilling compounds* (other than petroleum), *brake fluid* (other than petroleum), *cleaning, washing, and scouring compound, petroleum tar, petroleum wax, petroleum oil, compounded oil and greases and lubricating greases, vehicle body sealer, sound deadening compound, and oil emulsions, all in containers, and petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, and related advertising material, (a) from Buffalo, N.Y., and Bradford, Emlenton, and Farmers Valley, Pa., to points in Illinois, Indiana, and Michigan, and (b) from Warren, Pa., to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, and Vermont, restricted to loads to be stopped off for completion of loading at Farmers Valley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Cleveland or Columbus, Ohio.

No. MC 11207 (Sub-No. 252), filed September 29, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35204. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall and insulating, and parts, materials, and accessories*, incidental to the transportation and installation thereof, from the plantsite of National Gypsum Co., located at Mobile, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 19227 (Sub-No. 112), filed September 23, 1966. Applicant: LEONARD BROS. TRANSFER, INC., 2595 North-

west 20th Street, Miami, Fla. 33152. Applicant's representative: W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplanes and airplane parts*, the transportation of which because of size or weight requires the use of special equipment, and related parts moving in connection therewith, between points in Snohomish, Pierce, and King Counties, Wash., on the one hand, and, on the other, points in Oregon, Idaho, California, Arizona, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Los Angeles, Calif.

No. MC 24379 (Sub-No. 34), filed September 23, 1966. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between Chicago, Ill., and points in its commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack at common points in Ohio in connection with presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 26174 (Sub-No. 3), filed May 18, 1966. Applicant: M. W. DALTON, ROBERT D. DALTON, and MAURICE WAYNE DALTON, a partnership, doing business as M. W. DALTON & SONS, 709 E Street, Hamburg, Iowa 51640. Applicant's representative: Howard B. Wenger, 1101 Main Street, Hamburg, Iowa 51640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic awnings, and related plastic products*, from Hamburg, Iowa, to points in Illinois, Missouri, Minnesota, Nebraska, Kansas, South Dakota, and North Dakota, (2) *dry fertilizer and dry feed*, in bulk, and in bags, from St. Joseph, Mo., to Hamburg, Iowa, and (3) *John Deere machinery and equipment*, from Moline, Ill., to Hamburg, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 26739 (Sub-No. 56), filed September 21, 1966. Applicant: CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo. 64502. Applicant's representative: G. W. Keefer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat*

packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Kansas, Missouri, and Nebraska. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at such plantsite and storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 31444 (Sub-No. 53), filed September 21, 1966. Applicant: SCHREIBER TRUCKING CO., INC., 1391 Washington Boulevard, Pittsburgh, Pa. 15206. Applicant's representative: Louis E. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant indicates it would tack the proposed authority at Pittsburgh, Pa., and Chicago, Ill., with its present authority wherein it conducts operations in Illinois, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 55896 (Sub-No. 26) (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issue of June 16, 1966, and republished, as amended, this issue. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Street, Dearborn, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials and supplies* used in the manufacturing or processing of iron and steel and iron and steel articles, between points in the Chicago, Ill., commercial zone as defined by the Commission, and Chicago Heights, Ill., and Portage, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to add Chicago Heights, Ill., and Portage, Ind., to the origin points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61403 (Sub-No. 161) (Amendment), filed August 29, 1966, published FEDERAL REGISTER, issue of September 29, 1966, amended September 30, 1966, and republished, as amended, this issue.

Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Geismar, La., and points within 15 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to add the words, "and points within 15 miles thereof", to the origin point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 80), filed September 23, 1966. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, agricultural implements, and agricultural machinery parts*, from Tarboro, N.C., to points in Arkansas, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Oklahoma, Texas, South Dakota, Louisiana, and the District of Columbia, and (2) *materials and supplies used in the manufacture of agricultural machinery, agricultural implements, and agricultural machinery parts*, from the above specified destination points and points in Ohio to Tarboro, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Chicago, Ill.

No. MC 61979 (Sub-No. 12), filed September 23, 1966. Applicant: Y. & T. TRUCKING, INC., 48 Pollock Avenue, Jersey City, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are manufactured, processed, sold, or dealt in by dealers, distributors, or manufacturers of chemicals and related items, in bulk, and *materials, supplies and equipment* used in the manufacture of the commodities described above, between the plantsites of Philadelphia Quartz Co., at or near Rahway, N.J., Chester, Pa., and Baltimore, Md., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Philadelphia Quartz Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 68183 (Sub-No. 24), filed September 23, 1966. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio 44306. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack at common Ohio points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 75305 (Sub-No. 20), filed September 29, 1966. Applicant: DEALERS TRANSPORT COMPANY, a corporation, 69 Highway and Transport Road, Liberty, Mo. 64068. Applicant's representative: Carl V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, and busses* as defined in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, and *parts and accessories thereof*, moving at the same time and with the same vehicles on which they are to be installed; (a) in initial movement in truckaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Iowa and South Dakota; (b) in initial movement in driveaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; (c) in secondary movement in truckaway and driveaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; and (2) *farm type tractors* moving in mixed loads with automobiles and trucks and *parts and accessories thereof* moving at the same time and with the tractors of which they are a part and on which they are to be installed, from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; under a continuing contract, or contracts with Ford Motor Co., of Dearborn, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 83539 (Sub-No. 199), filed September 26, 1966. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276, between points in Arizona, Arkansas, Colorado, Illinois, Kansas, Louisiana,

Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or Tulsa, Okla.

No. MC 83745 (Sub-No. 5) (amendment), filed September 19, 1966, published in the FEDERAL REGISTER, issue of October 6, 1966, republished as amended, this issue. Applicant: STEEL CITY TRANSPORT, INC., 3034 Chateau Street, Pittsburgh, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Lemont, Broadview, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at Pittsburgh, Pa., to enable service to West Virginia and Maryland on such of the involved commodities as require specialized handling and rigging because of size and weight. The purpose of this republication is to add Lemont and Broadview, Ill., as points in the base territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 89723 (Sub-No. 43), filed September 26, 1966. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Applicant is authorized in certificates Nos. 89723 (Sub-No. 1) and MC 89723 (Sub-No. 4) to transport, over regular routes, between named points therein, in Texas, general commodities, with certain exceptions, and subject to the following restrictions: No shipments shall be transported (a) between any of the following points, or through, or to, or from, more than one of said points: Palestine, Austin, San Antonio, Laredo, Fort Worth, Waco, Houston, Hearne-Valley Junction (to be considered as a single key point) or Odem, Tex. (applicable only to southbound traffic moving to, from, or through Odem other than traffic from or through Corpus Christi, Tex.), or (b) from Corpus Christi, from Raymondville, or from points south or west of Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from San Antonio to Laredo, including Laredo. The purpose of the subject application is to seek authority to operate over the routes contained in MC 89723 (Sub-No. 1) and MC 89723 (Sub-No. 4) by removal of Odem, Tex., as a key point in said certificate, for the transportation of

REA express traffic. The proposed authority is to be subject to the remaining key point restrictions and other restrictions contained in said certificates. NOTE: Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co., therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Brownsville, Tex.

No. MC 93980 (Sub-No. 44), filed September 27, 1966. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Raleigh Road, Post Office Box 1119, Henderson, N.C. 27536. Applicant's representative: N. P. Strause (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco*, homogenized, reconstructed or reconstituted in hogheads, tierces, boxes, cartons or machine pressed bales, (1) from Spotswood, N.J., to Jacksonville and Tampa, Fla., (2) from Spotswood, N.J., to Lancaster, Pa., and (3) from Spotswood, N.J., to Newport News and Norfolk, Va. NOTE: Applicant states it would tack the proposed authority at Newport News and Norfolk, Va., with its present authority in its Sub 1 certificate wherein it transports tobacco and empty tobacco containers, between points in North Carolina, South Carolina, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Richmond, Va., or Lancaster, Pa.

No. MC 106603 (Sub-No. 90), filed September 23, 1966. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, material and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 46240 and Subs 12 and 13, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 73), filed September 21, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the

Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it could tack with authority in its lead certificate at a point in Tennessee, and with its Sub 41, at a point in North Carolina to perform through service on machinery and articles requiring special equipment to and from points in Virginia, Maryland, Pennsylvania, New Jersey, New York, Rhode Island, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 501), filed September 23, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hexane-edible oil*, in bulk, in tank vehicles, from Sidney, Nebr., to Groton, Conn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or Columbus, Ohio.

No. MC 108207 (Sub-No. 209), filed September 29, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Lafayette, La., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 109478 (Sub-No. 100), filed September 22, 1966. Applicant: WORS

No. MC 109478 (Sub-No. 100), filed September 22, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, cooking oils, shortening, and matches and such materials, supplies and equipment* as are used in the manufacture, packing and shipping thereof, between Toledo, Ohio, on the one hand, and, on the other, points in New York and Pennsylvania. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109584 (Sub-No. 136), filed September 30, 1966. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid*

and dry sugar, in bulk, including blends with other sweeteners, in tank or hopper vehicles; *molasses* in bulk in tank vehicles; and, *dried beet pulp*, with or without molasses, in bulk in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 111170 (Sub-No. 115), filed September 26, 1966. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar emulsions*, in bulk, from El Dorado, Ark., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 111594 (Sub-No. 31), filed September 29, 1966. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a corporation, Post Office Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of the foregoing commodities, between Chicago Heights and Chicago, Ill., and points in their respective commercial zones, on the one hand, and, on the other, points in Wisconsin on and south of Wisconsin Highway 64. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 169), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Pittsburgh, Pa., on the one hand, and, on the other, points in Erie, Warren, Crawford, Mercer, Venango, Forest, Elk, Lawrence, Butler, Armstrong, Jefferson, Clearfield, Beaver, Indiana, Cambria, Alleghany, Westmoreland, Washington, Greene, Fayette, Somerset, McKean, Clarion, and Bedford Counties, Pa., (b) between points in Illinois on and south of U.S. Highway 36, and points in Adams, Brown, and Pike Counties, Ill., on the one hand, and, on the other, St. Louis, Mo., and East St. Louis, Ill., (c) between

points in Missouri, (d) between points in Iowa, (e) between points in Missouri, on the one hand, and, on the other, Chicago, Ill., (f) between Chicago, Ill., on the one hand, and, on the other, points in Clinton, Des Moines, Dubuque, and Scott Counties, Iowa, (g) between Fair Lawn, N.J., on the one hand, and, on the other, points in Suffolk, Dutchess, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N.Y., and La Guardia Airport and International (Idlewild Airport), N.Y., (h) between Minneapolis and Duluth, Minn., and points in that part of Wisconsin in and west of Ashland, Sawyer, Rusk, Chipewewa, Eau Claire, Trempealeau, and La Crosse Counties, Wis., (i) between Boston, Mass., on the one hand, and, on the other, points in Grafton, Merrimack, Belknap, Cheshire, and Sullivan Counties, N.H.

(j) Between Portland, Maine, on the one hand, and, on the other, points in Strafford, Rockingham, Hillsboro, Cheshire, Merrimack, and Sullivan Counties, N.H., (k) between Washington, D.C., on the one hand, and, on the other, points in Harford, Worcester, Dorchester, Kent, Talbot, Frederick, Washington, Wicomico, Carroll, Caroline, and Queen Annes Counties, Md., Frederick, Loudoun, Spotsylvania, and Warren Counties, Va., Wilmington, Del., and Philadelphia, Pa., (1) between Philadelphia, Pa., on the one hand, and, on the other, points in Columbia, Wayne, and Wyoming Counties, Pa., and (m) between Cleveland, Columbus, and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio, and (2) *business records, audit and accounting media of all kinds*, (a) between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, Brooke, Hancock, Marshall, Wetzel, Monongalia, Marion, Taylor, Harrison, Barbour, Upshur, Lewis, Doddridge, Tyler, Pleasants, Ritchie, Wood, Wirt, and Preston Counties, W. Va., and points in Washington, Monroe, Belmont, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Portage, Summit, Stark, Carroll, Harrison, Noble, Guernsey, Muskingum, Coshocton, Licking, Franklin, Tuscarawas, Knox, and Holmes Counties, Ohio, (b) between Minneapolis and Duluth, Minn., and points in that part of Wisconsin in and west of Ashland, Sawyer, Rusk, Chipewewa, Eau Claire, Trempealeau, and La Crosse Counties, Wis., (c) between Providence, R.I., on the one hand, and, on the other, points in Middlesex, Essex, and Bristol Counties, Mass., and (d) between Pittsburgh, Pa., and Cumberland, Md. NOTE: Applicant states the purpose of this application is to convert MC 112750 (Sub-Nos. 50, 52, 53, 60, 66, 71, 91, 92, and 116) from contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 170), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Wash-

ington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bank checks, drafts, and other bank stationery*, (a) from Pawtucket, R.I., to points in Massachusetts and Connecticut; points in Grafton, Merrimack, Belknap, Strafford, Rockingham, Sullivan, Cheshire, and Hillsboro Counties, N.H.; points in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and points in Albany, Broome, Cayuga, Chenango, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Seneca, Sullivan, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, and Yates Counties, N.Y., (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Boston, Mass., on the one hand, and, on the other, Orono and Old Town, Maine, and points in that part of Maine on and south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 2 to Bangor, Maine, and thence along Alternate U.S. Highway 1 to Ellsworth, Maine, (b) between Pittsburgh, Pa., on the one hand, and, on the other, points in Marshall, Wetzel, Monongalia, Marion, Harrison, Tyler, Pleasants, Wood, Ohio, Brooke, and Hancock Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio.

(c) Between Cleveland, Ohio, on the one hand, and, on the other, points in Brooke, Hancock, Ohio, and Marshall Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio, (d) between Ashland, Ky., on the one hand, and, on the other, Findlay, Ohio, (e) between Aurora, Ill., and Milwaukee, Wis.; (f) between Aurora and Chicago, Ill., points in Jefferson County, Ky., and points in that part of Indiana on and south of U.S. Highway 40, and (g) between Findlay, Ohio, on the one hand, and, on the other, points in Adams, Delaware, Henry, Randolph, Steuben, Wayne, Wells, Jay, and De Kalb Counties, Ind., (3) *business records, audit and accounting media of all kinds*, (a) between Natick (Middlesex County), Mass., on the one hand, and, on the other, points in Penobscot and Cumberland Counties, Maine, points in Hillsboro County, N.H., and points in Providence County, R.I., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Charleston and Huntington, W. Va., and points in Barren, Bell, Bourbon, Boyd, Cald-

well, Campbell, Christian, Clark, Davies, Franklin, Graves, Henderson, Hopkins, Jefferson, Kenton, Madison, Mason, McCracken, Montgomery, Muhlenberg, Scott, Warren, and Whitley Counties, Ky., and (4) *impressions, models and bites, articulators, dentures and products* relating to restorative dentistry, between St. Louis, Mo., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 36, and points in Adams, Brown, and Pike Counties, Ill. **NOTE:** Applicant states the purpose of this application is to convert MC 112750 (Sub-Nos. 56, 59, 61, 65, 80, 82, and 97) from contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 171), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between points in Iowa and (b) between Milwaukee, Wis., on the one hand, and, on the other, points in Iowa and Illinois, except that movements to or from the Chicago, Ill., commercial zone, shall be restricted to movements immediately prior to or subsequent to a movement by air or rail. **NOTE:** Applicant states this is an application for conversion of contract carrier authority presently held in MC 112750, Sub 78 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 356), filed September 22, 1966. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 747, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, chocolate and related products, cough drops and advertising materials and supplies* moving therewith (except in bulk in tank vehicles), from the plant-site of Luden's, Inc., at Reading, Pa., to points in Arizona, California, Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 112049 (Sub-No. 16), filed September 22, 1966. Applicant: McBRIDE'S EXPRESS, INC., 1907 Wabash Avenue, Mattoon, Ill. 61938. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes,

transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Springfield, and Peoria, Ill., over Illinois Highway 29, serving all intermediate points; (2) between Springfield, and Bloomington, Ill., from Springfield, over U.S. Highway 66 and/or Interstate Highway 55 to Bloomington, and return over the same route, serving all intermediate points; (3) between Decatur, and Peoria, Ill., over Illinois Highway 121, serving all intermediate points; (4) between Decatur, and Bloomington, Ill., over U.S. Highway 51, serving all intermediate points; (5) between Bloomington, and Peoria, Ill., over U.S. Highway 150, serving all intermediate points; (6) between Mattoon, and Champaign-Urbana, Ill., over U.S. Highway 45, serving all intermediate points; (7) between Champaign, and Bloomington, Ill., over U.S. Highway 150, serving all intermediate points; (8) between Champaign, and Danville, Ill., from Champaign, over U.S. Highway 150 and/or Interstate Highway 74 to Danville, and return over the same route, serving all intermediate points; (9) between Champaign, and Decatur, Ill., over Illinois Highway 47, serving all intermediate points; (10) between Farmer City, and Springfield, Ill., over U.S. Highway 54, serving all intermediate points; (11) between Champaign and Gibson City, Ill., in a circuitous manner, from Champaign, over U.S. Highway 45 to Paxton, Ill., thence over Illinois Highway 9 to Gibson City, thence over Illinois Highway 47 to junction U.S. Highway 150, thence over U.S. Highway 150 to Champaign, and return over the same route, serving all intermediate points, and the off-route point of Chanute Air Force Base; (12) between Gibson City and Farmer City, Ill., over U.S. Highway 54, serving all intermediate points; and (13) between Decatur, Ill., and Indianapolis, Ind., over U.S. Highway 36, serving those intermediate points on U.S. Highway 36 between Decatur, Ill., and the Illinois-Indiana State line. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 112617 (Sub-No. 239), filed September 14, 1966. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk from rail-motor interchange points served by the Louisville & Nashville Road Co. in Jefferson County, Ky., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, and West Virginia, restricted to shipments having a prior movement by rail. **NOTE:** Applicant states it would propose to tack with other authorities held under MC 112617 and subs. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 113325 (Sub-No. 115), filed September 20, 1966. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including fertilizers and fertilizer ingredients and petroleum products*, in bulk, from El Dorado, Ark., to points in Illinois, Indiana, Michigan, Missouri, Ohio, West Virginia, and Wisconsin. NOTE: Applicant indicates it could or would tack this proposed authority with other presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115651 (Sub-No. 14), filed September 26, 1966. Applicant: KANEY TRANSPORTATION, INC., Rural Route 4, Post Office Box 12, Freeport, Ill. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Bettendorf, Iowa, to points in Illinois and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116077 (Sub-No. 207), filed September 20, 1966. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in East Baton Rouge, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking would take place at East Baton Rouge, La., in connection with its presently authorized authority to points in Louisiana, Arkansas, Mississippi, Delaware, Kansas, Texas, Missouri, New Mexico, Oklahoma, Florida, California, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Wisconsin, North Carolina, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 116254 (Sub-No. 70), filed September 25, 1966. Applicant: CHEMHAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, from Luling, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicating authority sought. Applicant further states tacking could

be performed at Luling, La., in conjunction with other presently held authority wherein Louisiana is included as a destination State. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116273 (Sub-No. 78), filed September 26, 1966. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: Applicant states the proposed authority herein sought can or will be joined with MC 116273, Sub 6 at Whiting, Ind., to serve lower Michigan and 17 counties in southeastern Wisconsin. Also Sub 6 to Muskegon, thence Sub 20 to Ohio, Kentucky, Mississippi, western Tennessee, Wisconsin, and St. Paul, Minn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 391), filed September 26, 1966. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle carrying steel wire crates*, from Clarendon, Ark., to points in Illinois, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 117370 (Sub-No. 15), filed September 20, 1966. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand additives*, from Belvidere, Ill., Archbold and Wadsworth, Ohio, to points in Illinois, Iowa, Indiana, Ohio, Michigan, Wisconsin, Pennsylvania, West Virginia, New York, Minnesota, Kentucky, and Missouri, and to ports of entry on the United States-Canada boundary line in Michigan and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 120228 (Sub-No. 2), filed September 26, 1966. Applicant: TRANS WESTERN TRANSPORT, INC., Post Office Box 490, 1111 Redondo Avenue, Odessa, Tex. 79760. Applicant's representative: Reagan Sayers, 301 Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, requiring special equipment for the loading, unloading, and transportation thereof, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to shipments having a prior or subsequent movement by rail or water, and to highway movements of not to

exceed 50 miles, between points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, Wyoming, and Utah. NOTE: Applicant states it holds a certificate of registration in MC 120228, and will surrender same upon a grant of the above. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 123844 (Sub-No. 4), filed September 22, 1966. Applicant: P. SALDUTTI & SON, INC., 497 Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw stock*; namely, bones, skins, hides, carcasses, dead animals, *meat meal, bone and fat, tallow, greases, shortening and meat scrap*, loose or in containers, or in bulk, between Elizabethtown, Pa., and points within 25 miles thereof; between Fort Plains, N.Y., and points within 10 miles thereof, and between Berlin and Baltimore, Md., on the one hand, and, on the other, Kearny and Newark, N.J., and points in the New York, N.Y., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 123856 (Sub-No. 2), filed September 15, 1966. Applicant: WIECK'S FEED AND LIVESTOCK, INCORPORATED, Dysart, Iowa. Applicant's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ingredients* used in the manufacture of livestock feeds, (1) from Ladora, Iowa, to Salina, Kans., Kansas City, Mo., Madison, Wis., Monmouth and Danville, Ill., Castleton, Ind., Williston, N. Dak., Akron, Ohio, and St. Clair, Mich., and (2) from Maple Park, Chicago, Springfield, and East St. Louis, Ill., and Hammond, Ind., to Ladora, Iowa. NOTE: Applicant states it could or would tack insofar as it is possible to make split deliveries or pickup. Applicant further states it now has authority to serve St. Joseph, Mo., and in this application seeks authority to serve Kansas City, Mo. If the application is granted, applicant proposes if requested on certain trips to make delivery at St. Joseph and then continue on and make delivery to Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124078 (Sub-No. 247), filed September 27, 1966. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: Applicant states it intends to tack at Meredosia, Ill., to serve points in Minnesota,

Nebraska, Wisconsin, North Dakota, South Dakota, Kentucky, and Cincinnati, Ohio, and Sheboygan, Wis., in connection with other presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 48) (Amendment), filed May 9, 1966, published *FEDERAL REGISTER* issue of May 26, 1966, amended September 23, 1966, and republished, as amended, this issue. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highway 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (A) Over regular routes: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving North Chicago, Ill., as an off-route point in connection with applicant's presently authorized regular and irregular routes which authorize service to or from Chicago, Ill., and (B) over irregular routes: *Iron and steel articles*, between points in Indiana and Illinois in the Chicago, Ill., commercial zone, Joliet, Waukegan, North Chicago, and Chicago Heights, Ill., and Portage, Ind., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Wisconsin, and South Dakota. NOTE: Common control may be involved. The purpose of this republication is to add (B) above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124245 (Sub-No. 10), filed September 26, 1966. Applicant: ALBERT V. MEILSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, 219 East Tutt Street, South Bend, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products and articles distributed by meat packing-houses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between South Bend, Ind., and points in Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Owen, Parks, Putnam, Randolph, Ripley, Rush, Shelby, Tipton, Union, Vermillion, Vigo, Warren, and Wayne Counties, Ind. NOTE: Applicant states that joinder would be at South Bend, Ind., permitting service from Hammond, Ind., and its commercial zone. If a hearing is deemed necessary, applicant requests it be held at Detroit, Lansing, Mich., or Chicago, Ill.

No. MC 125409 (Sub-No. 3), filed September 26, 1966. Applicant: R & R TRUCKING CO., INC., R.F.D. 5 (Waterford Road, Blue Anchor), Hammon, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite

1408-09, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tables, chairs and platforms*, from Philadelphia, Pa., to points in New Jersey, New York, Connecticut, Massachusetts, Ohio, Delaware, Maryland, Virginia, West Virginia, and Washington, D.C., under continuing contract with Institutional Products, Inc., (2) *outdoor furniture, clothes hampers, and toy chests*, from Philadelphia, Pa., to points in New Jersey, New York, Delaware, Maryland, Virginia, West Virginia, Michigan, and Washington, D.C., under continuing contract with Mastur Manufacturing Co., (3) *lamps and lamp shades*, from Philadelphia, Pa., to points in New Jersey, New York, Delaware, Maryland, and Washington, D.C., under continuing contract with Filley Lamp Corp., (4) *cabinets and sheds and shelving*, from New York, N.Y., to points in Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and Washington, D.C., under continuing contract with Dart Metal Products Co., Inc., and (5) *metal cabinets and desks*, from New York, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Washington, D.C., under continuing contract with Duracold Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125833 (Sub-No. 3), filed September 22, 1966. Applicant: ALBERT C. DAVIDSON, Harbeson, Del. Applicant's representative: M. Bruce Morgan, 206 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Kent County, Del., to Baltimore, Md., Philadelphia, Pa., New York, N.Y., and points in New Jersey and points in Nassau County, Long Island, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury, Md., or Washington, D.C.

No. MC 126569 (Sub-No. 5), filed September 29, 1966. Applicant: ROBERT DHAMERS, doing business as DHAMERS TRUCKING AND EXCAVATING COMPANY, Post Office Box 102, Cordova, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluxing stone*, in bulk, in dump vehicles, from Hillsdale, Ill., to Dubuque, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126745 (Sub-No. 19), filed September 20, 1966. Applicant: SOUTHERN COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (1) between Dallas, Tex., and Shreveport, La., on the one hand, and, on the other, points in that part of Louisiana on and north of U.S. Highway 84, and (2) between New Orleans, La., on the one hand, and, on the other, Pensacola, Fla., Mobile, Ala., points in that part of Louisiana on and south of a line extending from the Texas-Louisiana State line along Louisiana Highway 8 to Zimmerman La., thence along Louisiana Highway 1 to New Roads, La., and thence along Louisiana Highway 10 to the Louisiana-Mississippi State line, and points in that part of Mississippi on and south of U.S. Highway 80. NOTE: Applicant states this is an application for conversion of contract carrier authority presently held in MC 123304, Sub 1 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127253 (Sub-No. 33), filed September 26, 1966. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT, Post Office Box 86, Lufkin, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from El Dorado, Ark., to points in Louisiana and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 128428 (Sub-No. 1) (Amendment), filed July 20, 1966, published in the *FEDERAL REGISTER* issue of August 18, 1966, amended and republished, as amended, this issue. Applicant: LOUIS C. BRYAN and CHARLES H. McBRIDE, a partnership, doing business as LOU MAC TRANSFER, 580 Northwest 71st Street, Miami, Fla. 33130. Applicant's representative: John T. Bond, Esq., 1955 Northwest 17th Avenue, Miami, Fla. 33125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies used in the installation, maintenance and repair of such equipment* for the account of Western Electric Co., Inc., such equipment, material and supplies having a prior or subsequent movement in Interstate Commerce, as a contract carrier, by motor vehicle in interstate and foreign commerce between Miami, Fla., on the one hand, and, on the other, points in Dade, Broward, and Monroe Counties, Fla. NOTE: The purpose of this republication is to add Monroe County to the territorial description. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 128564 (Sub-No. 2), filed September 26, 1966. Applicant: KENNETH G. WOODARD, 420 Irving Street, Storm

Lake, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Orchard and Ord, Nebr., to Richmond, Calif., Carthage, Mo., and Green Bay, Wis.; (2) *dried whey* from Orchard and Ord, Nebr., to Fond du Lac, Wis.; and (3) *cheese boxes and cheese box liners*, from Springfield, Mo., and Sheboygan, Wis., to Orchard and Ord, Nebr., all under continuing contract with the Orchard Cheese Co., Orchard, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 128576 (Correction), filed September 7, 1966, published FEDERAL REGISTER issue of September 29, 1966, and republished, as corrected, this issue. Applicant: HARRY GORDON SCOTT, Sebringville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by printing, embossing, and engraving companies*, in foreign commerce only, (1) from Detroit, Mich., and points in the Detroit, Mich., commercial zone as defined by the Commission, to ports of entry on the international boundary line between the United States and Canada located in Michigan along the Detroit River between Lake St. Clair and Lake Erie and (2) from Buffalo and Niagara Falls, N.Y., to ports of entry on the international boundary line between the United States and Canada located in New York along the Niagara River between Lake Erie and Lake Ontario, and *refused and rejected shipments*, on return, in connection with (1) and (2) above, under contract with International Artcrafts Co., Ltd., Stratford, Ontario, Canada. NOTE: The purpose of this republication is to show the correct name of the shipper as International Artcrafts Co., Ltd., in lieu of International Aircrafts Co., Ltd. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 128599 (Sub-No. 1), filed September 20, 1966. Applicant: BROADWAY TRANSPORTATION, INC., 139 Rosalie Drive, East Meadow, Long Island, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building erection braces, including, but not limited to, support beams, scaffolding, shoring, forms and molds, and parts thereof*, (a) from piers and wharves in the New York, N.Y., commercial zone to Millwood, N.Y., and (b) between Millwood, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, and Pennsylvania, under continuing contract with American Pecco Corp. NOTE: If a

hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128606, filed September 16, 1966. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio. Applicant's representative: James F. Bell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings, patterns, repairs, component parts, supplies, and materials* related to the manufacturing of construction equipment, house trailers and automatic presses, between points in Mercer, Auglaize, Darke, Van Wert, Shelby, Montgomery, and Allen Counties, Ohio, and points in Michigan, Indiana, Illinois, Pennsylvania, Wisconsin, New Jersey, and New York, under contracts with Baldwin-Lima-Hamilton Co., Lima, Ohio, Airstream, Inc., Jackson Center, Ohio, Hannifin Press Co., St. Marys, Ohio, and the Huffman Manufacturing Co., Inc., Miamisburg, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 128608, filed September 20, 1966. Applicant: M.D.I. TRUCKING CORPORATION, Colonial Oaks Industrial Park, East Brunswick, N.J. 08816. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburg, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Formed metal roofing*, from the plant-site of Metal Deck, Inc., at East Brunswick, N.J., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Ohio, Michigan, West Virginia, Virginia, Indiana, Illinois, and the District of Columbia, and (2) *materials used in the manufacture thereof*, to the said plant-site, on return; under contract with Metal Deck, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128609, filed September 23, 1966. Applicant: LEGION WAREHOUSE CORP., doing business as LEGION TRUCKING COMPANY. Applicant's representative: Daniel N. Camoia, 27 William Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet glass* from steamship piers in the New York, N.Y., commercial zone, and Teaneck, N.J., to points in New Jersey, Connecticut, New York on, south and east of New York Highway 7 extending from the New York-Vermont line to the New York-Pennsylvania line, and Philadelphia, Pa., for the account of Flat Glass, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128611, filed September 26, 1966. Applicant: ROBERT K. JAIN, doing business as JAIN TRUCKING SERVICE, La Salle Street, Eau Claire, Wis. 54701. Applicant's representative:

Robert G. Evans, 204 East Grand Avenue, Eau Claire, Wis. 54701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent rail movement by the Soo Line Railroad Co., between Eau Claire, Wis., and points within two (2) miles thereof, and Chippewa Falls, Wis., and points within two (2) miles thereof, under contract with Soo Line Railroad Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eau Claire or Chippewa Falls, Wis., or Minneapolis, Minn.

No. MC 128612, filed September 26, 1966. Applicant: MAX DIAMOND, doing business as MAX DIAMOND & COMPANY, 3200 Calumet Avenue, Hammond, Ind. Applicant's representative: Louis Lebin, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel and coil steel*, from the Midwest Steel Co. and Bethlehem Steel Co. plants at Portage and Burns Harbor, Ind., to the Atlas Steel Co. warehouse at Chicago, Ill., and directly to its customers in the Chicago commercial zone and to the Cragin Metal Products Co. warehouse at Chicago, Ill., under contract with Atlas Steel Co., Inc., and Cragin Metal Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128613, filed September 25, 1966. Applicant: DEPENDABLE TRUCKING, INC., 105-31 63d Road, Forest Hills, N.Y. 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, from the site of the warehouse of Alex Forst & Sons, Inc., Bronx, N.Y., to points in Bergen, Essex, Hudson, Mercer, Union, Middlesex, Monmouth, Somerset, and Passaic Counties, N.J., Rockland County, N.Y., and Fairfield, New Haven, and Hartford Counties, Conn., under contract with Alex Forst & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130016, filed September 1, 1966. Applicant: MTS COMPANY, a corporation, doing business as MTS TRAVEL AGENCY, 1816 Soo Line Building, Minneapolis, Minn. Applicant's representative: D. C. Nolan, 402-409 Iowa State Bank Building, Iowa City, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Minneapolis, Minn., Des Moines, Iowa, and Kansas City, Mo., in arranging for the transportation in interstate or foreign commerce of passengers and their baggage, both as individuals and in groups in regular scheduled service or on charter bus tours, in passenger vehicles, between points in Minnesota, Iowa, and Missouri and points in the United States.

No. MC 130017, filed September 26, 1966. Applicant: PEOPLES TRAVEL SERVICE, INC., doing business as PEOPLES TRAVEL SERVICE, 246 North

High Street, Columbus, Ohio 43216. Applicant's representative: Paul B. Warnick (same address as applicant). For a license (BMC 5) to engage in operations as a broker at Columbus, Ohio, and New York, N.Y., in arranging for the transportation in interstate or foreign commerce, of passengers and their baggage in the same vehicle with passengers, both as individuals and in groups, in all expense tours, beginning and ending at Columbus, Ohio, and New York, N.Y., and extending to points in the United States, including Alaska and Hawaii and outside the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 14252 (Sub-No. 21), filed September 28, 1966. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio 43215. Applicant's representative: R. L. Ratchford (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 MCC 467, commodities in bulk, and those requiring special equipment), between Zanesville, Ohio, and Wheeling, W. Va., over Interstate Highway 70 (U.S. Highway 40), and return over the same route, serving no intermediate points, and for operating convenience only in connection with applicant's presently held authorized regular route authority.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Sub-No. 41), filed September 13, 1966. Applicant: AMERICAN BUSLINES, INC., 18th and Leavenworth, Omaha, Nebr. 68102. Applicant's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, newspapers, and express*, in the same vehicle with passengers, between Mineral Wells, Tex., and junction U.S. Highway 281 and Interstate Highway 20 (U.S. Highway 80), over U.S. Highway 281, serving all intermediate points. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11099; Filed, Oct. 12, 1966; 8:45 a.m.]

[Notice 268]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 10, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR

Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51322 (Sub-No. 3 TA), filed October 6, 1966. Applicant: JACK DANE CAGNO, doing business as CAGNO HORSE TRANSPORTATION, 1343 Caryl Drive, Bedford, Ohio. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle such equipment and supplies incidental to the care, transportation, racing and exhibition of such horses, between points in Ohio, on the one hand, and, on the other, points in Michigan over irregular routes, for 180 days. Supporting shippers: Jerry Noss; S. A. DeAngelis; Ted Waite, Jr., owner of Buckeye Stable; Mr. Ward G. Myers, Wee Stables; John Phillip Sillia, Skyview Stable & Farm, 4581 Hawkins Road, West Richfield, Ohio. Send protests to: G. J. Baccell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 107403 (Sub-No. 695 TA), filed October 5, 1966. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum coke fines*, in bulk, in dump or hopper type vehicles, from Petrolia, Pa., to Fostoria, Ohio, for 150 days. Supporting shipper: Witco Chemical, Sonneborn Division, Petrolia, Pa. 16050. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 109397 (Sub-No. 147 TA), filed October 5, 1966. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Morgan, Dykeman & Williamson, 450

American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Explosives*, moving on Government bill of lading from Louviers, Colo., points within 5 miles thereof, to Bremerton and Bangor, Wash., and points within 5 miles of each. NOTE: Applicant states it is presently participating in the involved traffic under its Sub 71 between Louviers and points in California, and from Oakland and points within 20 miles and Creed, Calif., to points Washington under its Subs 84 and 86. This application would merely eliminate the Oakland and Creed, Calif., gateway, for 150 days. Supporting shipper: Riss & Company, Inc., Post Office Box 2809, Kansas City, Mo. 64142. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64105.

No. MC 128622 TA, filed October 15, 1966. Applicant: JOSEPH ROTELLA, doing business as RONALD MOTORS, 225 Fourth Avenue, Brooklyn, N.Y. 11215. Applicant's representative: E. Joseph Picarello, 110 East 42d Street, New York, N.Y. 10017. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Used automobiles*, from New York, N.Y., to Carteret, N.J., for 150 days. Supporting shipper: Alexander's Rent-A-Car, 1114 First Avenue, New York, N.Y. 10021. Send protests to: Robert E. Johnston, District Supervisor, 346 Broadway, Room 1113, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11147; Filed, Oct. 12, 1966; 8:48 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9469, 28 F.R. 4269, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 12992, 30 F.R. 5888, 30 F.R. 12310, and 31 F.R. 4857) during the 6 months' period ended September 14, 1966.

No change.

Dated: September 14, 1966.

A. W. WUERKER.

[F.R. Doc. 66-11148; Filed, Oct. 12, 1966; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	8 CFR	Page	21 CFR	Page
PROCLAMATIONS:		212-----	13114	8-----	12840
3749-----	12935			17-----	12949
3750-----	12995	9 CFR		27-----	12949
3751-----	13197	97-----	13114	51-----	12950
EXECUTIVE ORDERS:		12 CFR		53-----	12840
Sept. 24, 1847 (revoked by		329-----	12837	120-----	13210
PLO 4100)-----	12950	526-----	13039	121-----	12841, 13128
April 17, 1926 (revoked in part		545-----	12838, 12839, 13000	146-----	12841
by PLO 4098)-----	12950	563-----	13167	PROPOSED RULES:	
11122 (superseded by EO		PROPOSED RULES:		19-----	13005
11307)-----	12917	222-----	12965	121-----	12849
11215 (amended by EO 11309)	13075	13 CFR		191-----	13006
11307-----	12917	121-----	12840	22 CFR	
11308-----	12919	PROPOSED RULES:		41-----	13080
11309-----	13075	121-----	12849, 12924	42-----	13080
11310-----	13199	14 CFR		23 CFR	
5 CFR		37-----	12941	Ch. II-----	13128
213-----	12833, 12937, 13113	39-----	12921, 13167	24 CFR	
1700-----	13113	71-----	12840, 12921, 12943, 13038, 13039, 13115, 13207.	5-----	13081
7 CFR		73-----	12922, 12944, 13115	203-----	13000
81-----	13203	95-----	12944	220-----	13000
110-----	13203	97-----	13116	221-----	13000
112-----	13203	121-----	13078	232-----	13000
113-----	13203	208-----	12947	234-----	13000
210-----	13035	295-----	12948	1000-----	13000
319-----	12834	378-----	12948	25 CFR	
354-----	13203	PROPOSED RULES:		PROPOSED RULES:	
701-----	13035	39-----	12924	221-----	13242
719-----	13204	71-----	12925	26 CFR	
722-----	13035, 13036, 13132, 13168, 13205	73-----	12925	PROPOSED RULES:	
728-----	13036	75-----	13176	1-----	12843, 12845, 13091, 13242
729-----	12921, 12940	15 CFR		29 CFR	
811-----	13133	230-----	13167	462-----	13001
874-----	12940	372-----	13040	512-----	13211
905-----	12835	373-----	13040	PROPOSED RULES:	
908-----	12836, 13077	374-----	13040	40-----	13174
909-----	13134	379-----	13040	1207-----	13176
910-----	12837, 13077	382-----	13040	31 CFR	
915-----	13135	385-----	13040	520-----	13001
932-----	13171	398-----	13040	32 CFR	
947-----	13171	399-----	13040	855-----	13081
958-----	12940	16 CFR		1001-----	13217
993-----	13037	13-----	12937, 12938, 13078-13080, 13208, 13209	1002-----	13217
1038-----	13037	15-----	13210	1003-----	13217
1421-----	13078	18 CFR		1004-----	13217
1443-----	12837	204-----	12840	1007-----	13218
1446-----	13207	19 CFR		1010-----	13219
1490-----	12997	1-----	12938, 13080	1013-----	13219
PROPOSED RULES:		PROPOSED RULES:		1017-----	13220
725-----	13242	12-----	12964	1018-----	13220
730-----	12952	20 CFR		1030-----	13220
909-----	13174	404-----	13126	1053-----	13220
929-----	13136	21 CFR		1054-----	13220
948-----	12953	PROPOSED RULES:		32A CFR	
982-----	12954	Ch. X-----	12924, 13050	PROPOSED RULES:	
984-----	13005				
989-----	13244				
993-----	13136				
994-----	13090				
1005-----	12845, 13090				
1006-----	13272				
1038-----	12954				
1041-----	13136				
1069-----	13091				
1126-----	13005				
Ch. XI-----	12956				

33 CFR	Page
202-----	13129
204-----	13129
36 CFR	
326-----	13172
37 CFR	
1-----	12922
38 CFR	
3-----	13088, 13172
36-----	13003
39 CFR	
822-----	13172
41 CFR	
9-1-----	13046
9-2-----	13046
9-3-----	13046
22-1-----	13001
42 CFR	
22-----	12939
43 CFR	
PUBLIC LAND ORDERS:	
1195 (revoked in part by PLO	
4099)-----	12950

43 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued	
3152 (revoked in part by PLO	
4104)-----	12951
3584 (revoked in part by PLO	
4104)-----	12951
4097-----	12950
4098-----	12950
4099-----	12950
4100-----	12950
4101-----	12951
4102-----	12951
4103-----	12951
4104-----	12951

45 CFR	Page
6-----	12842
7-----	12842
8-----	12842
170-----	13220

46 CFR	Page
PROPOSED RULES:	
2-----	12860
24-----	12860
30-----	12860
70-----	12860
90-----	12860
110-----	12860

46 CFR—Continued	Page
PROPOSED RULES—Continued	
175-----	12860
188-----	12860
189-----	12860
190-----	12860
191-----	12860
192-----	12860
193-----	12860
194-----	12860
195-----	12860
196-----	12860

47 CFR	Page
1-----	13228
2-----	13230
73-----	13234, 13237
91-----	13230
99-----	13230

PROPOSED RULES:	
31-----	13244
33-----	13244
73-----	12965, 13245, 13246

50 CFR	Page
32-----	12923,
	12939, 13003, 13004, 13048, 13049,
	13088, 13130, 13240, 13241.
33-----	12939

FEDERAL REGISTER

VOLUME 31 • NUMBER 199

Thursday, October 13, 1966 • Washington, D.C.

PART II

Department of Agriculture

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Consumer and Marketing
Service

Milk in Upper Florida
Marketing Area

Decision on Proposed Marketing
Agreement and Order



DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1006]

[Docket No. AO-356]

MILK IN UPPER FLORIDA
MARKETING AREADecision on Proposed Marketing
Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jacksonville, Fla., on January 19-21, 1966, and at Orlando, Fla., on January 24-26, 1966, pursuant to notices thereof issued on December 22, 1965 (30 F.R. 16115), and December 27, 1965 (30 F.R. 16268), upon a proposed marketing agreement and order regulating the handling of milk in the Upper Florida marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 25, 1966 (31 F.R. 11465; F.R. Doc. 66-9452), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (31 F.R. 11465; F.R. Doc. 66-9452) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The eighth paragraph in the "Classification of milk" discussion is revised.
2. A new paragraph is added immediately after the 14th paragraph in the "Class I price" discussion.
3. In the "Location adjustments" discussion, the sixth paragraph is revised and a new paragraph is added immediately thereafter.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

- (a) The scope of regulation;
- (b) The classification and allocation of milk;
- (c) The determination and level of class prices;
- (d) Distribution of proceeds to producers; and
- (e) Administrative provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs and affects interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Upper Florida marketing area" includes all the territory within 40 contiguous counties in the State of Florida. The principal cities in this area are Jacksonville, Orlando, Tallahassee, Daytona Beach, Panama City, Gainesville, Sanford, Winter Park, St. Augustine, Ocala, Deland, Lake City, and Marianna. The specific counties in the proposed marketing area are listed in the marketing area discussion.

The production of milk by dairy farmers regularly associated with the above proposed marketing area is insufficient to meet handlers' Class I milk requirements throughout the year. To supplement the local supply, milk is imported from as far away as Minnesota, Wisconsin, and Iowa.

Handlers who would be regulated by the proposed order received nearly 20 million pounds of milk (about 4 percent of their total receipts) from out-of-state sources during the 12-month period ending September 30, 1965. This milk was shipped from at least five different states. Moreover, such shipments were not of a sporadic nature but were received in every month during the year. The same was true in 1963 and the first 9 months of 1964.

Contracts to supply military installations within the proposed marketing area often are awarded to out-of-state distributors. At the time of the hearing, two such contracts were supplied by a distributor in Mobile, Ala. Sales to military installations within the proposed marketing area account for approximately 10 percent of the market's total Class I sales.

Interstate movement of milk also takes place between the States of Georgia and Florida. A dairy farmer in Georgia delivers milk to a plant in Jacksonville and some handlers in the proposed area distribute milk in Georgia.

It is not uncommon for handlers in the proposed marketing area to use nonfat milk solids in producing such Class II products as buttermilk and chocolate drinks. The nonfat milk solids used in these products are purchased from out-of-state sources. These products compete with similar milk products produced from local milk supplies.

The market's requirements for such manufactured products as butter and cheese come almost entirely from out-of-state sources.

2. *Need for an order.* Marketing conditions in the Upper Florida marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby all farmers supplying milk to this market-

ing area are assured of payment for their milk in accordance with its use. In some segments of the area, there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual fluid sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production and changes in demand associated with the opening and closing of schools and the tourist trade require that some of the Grade A milk produced for the market be disposed of in manufacturing channels at certain times of the year.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent excess milk from depressing the market price of all Grade A milk. To be successful, the classification and payment for milk in accordance with its use requires the participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby both the higher returns from the fluid market and the lower returns resulting from surplus milk may be shared equitably by producers.

The area herein proposed to be regulated has been regulated by the Florida Milk Commission as three separate areas: the Northeast Florida, Central Florida and Tallahassee milk marketing areas. For several years, the State orders regulated milk handling in a way that was satisfactory to dairy farmers and other interested parties. However, in April 1964, a ruling of the Supreme Court of the United States limited the State's ability to regulate marketing conditions in these markets.

Indicative of instability in the Upper Florida market are the fluctuations in the stated Class I prices since early 1964. From April 1964 to February 1965, the Florida Milk Commission's announced Class I price for the three separate areas for milk of 3.5 percent butterfat dropped from \$6.72 to \$6.02.

The Florida Milk Commission's minimum price regulations were discontinued in its Northeast Florida and Central Florida marketing areas in June 1965 and in its Tallahassee area in February 1966. Official notice is here taken of this latter action.

The five cooperatives whose producer-members supply handlers in the proposed Upper Florida marketing area are Northeast Florida Milk Producers Association (Northeast) in the Jacksonville area; Dairy Farmers Mutual (Mutual) and Independent Dairy Farmers' Association (IDFA) in the Orlando area; and Sunshine State Dairymen's Cooperative (Sunshine) and Chipola Dairy Cooperative (Chipola) in the Tallahassee area. Northeast, Mutual and IDFA are bar-

gaining cooperatives. Sunshine and Chipola, in addition to bargaining for their members, have arrangements with processors for packaging their milk and operate distribution routes in the area.

Dairy Farmers Mutual and Northeast have attempted to maintain a degree of market stability after the State's minimum price regulations were discontinued in the Northeast and Central Florida areas in June 1965. They negotiated contracts with handlers using a \$6.02 Class I price and a \$5.45 price for Class I sales to military installations as a basis for such negotiations. In addition, they engaged a certified public accountant to audit the handlers' records. However, not all milk received by handlers operating in those areas is covered by such negotiations.

About 15 percent of the dairy farmers supplying handlers in the Northeast and Central areas are not members of a cooperative. No apparent uniform method is followed by these handlers in arriving at the prices they pay their dairy farmers. In those instances in which a handler may purport to pay his dairy farmers on a utilization basis, the handler establishes what the utilization scheme shall be, but the dairy farmers have no way of verifying the utilizations on which they are paid. The relative advantage that apparently accrues to handlers obtaining these supplies from unaffiliated dairy farmers tends to depreciate the bargaining position of cooperatives in negotiating with their buying handlers.

The Sunshine plant in Tallahassee and its facilities are leased from a handler, Foremost Dairies. The cooperative owns the routes operating from the plant. All fluid milk products distributed on these routes bear the Foremost label. The contract establishing this arrangement expires October 31, 1966. There appears to be considerable doubt as to whether the contract will be renewed.

If the Sunshine-Foremost contract is not renegotiated in its present form, it is contemplated that Sunshine on behalf of its 31 members will make considerable changes in its marketing arrangements. Sunshine spokesmen, for example, are uncertain whether the cooperative will continue its present route operations, which would entail obtaining a new plant; or whether it will dispose of its routes and operate as a bargaining cooperative, possibly joining with an established bargaining cooperative. A spokesman for Foremost also indicated doubt about the renewing of this handler's contract with Sunshine. If it is not renewed, Foremost will likely close its plant in Tallahassee and utilize its Jacksonville plant for any distribution it will have in the Tallahassee area.

Producer-members of Chipola deliver milk to a plant in Marianna, which is owned and operated by Sealtest Foods Division, National Dairy Products Corp. Sealtest processes and packages this milk for the cooperative, which the cooperative distributes on its routes in the Tallahassee area.

This arrangement, apparently, has not worked too satisfactorily for Chipola's 15 members. In 1961, the last year be-

fore this arrangement became effective, Chipola's producers received \$5.70 for milk of 3.5 percent butterfat. In 1962, the price dropped to \$4.80 and since 1962, it has stabilized at about \$4.60. At the time of the hearing, Chipola's 15 producer-members were negotiating with Northeast to become members of that association and to deliver their milk to Jacksonville. If this occurs, Sealtest plans to close the Marianna plant and service its Tallahassee area sales from its Jacksonville plant. It was not indicated what Chipola would do with their routes.

The present arrangements between the various cooperatives and handlers expire during 1966. Sunshine's contract expires October 31 and Northeast's, August 31. Mutual's contract with its handlers, which is on an annual basis, will expire before December 1966. There is no assurance new contracts can be negotiated or, if they are, that they will be as favorable to producers as the present contracts.

The proponent cooperatives contend that only a device such as a Federal milk marketing order can prevent further deterioration in their bargaining position and insure orderly marketing and stability in the sales area served by them and their buying handlers.

The stated Class I prices in the proposed marketing area do not accurately reflect the prices paid by handlers for their actual Class I dispositions. This is because there are significant variations in what is considered Class I by different handlers. Historically in this area, producers have been paid prices substantially lower than the stated Class I prices for milk disposed of by handlers to military installations. There have also been other Class I categories, such as sales to schools, for which producers received less than the stated Class I price. To what extent such Class I categories are now used by handlers in computing their payments to producers is not known.

The utilizations on which a substantial number of producers in the market are paid are not audited or otherwise verified. In view of the uncertainty of their position with their buying handlers, there is apprehension among producers. They lack assurance that the contracts which their various cooperatives have with handlers will be renewed or on what basis they may be renewed.

Since the "Polar Ice Cream Case" (the 1964 U.S. Supreme Court decision denying the State the authority to discriminate in the allocation of out-of-State milk received at a Florida plant), there has been increasing fear among producers that their milk may be down-allocated or replaced by their buying handlers with the surplus milk that may become available on an opportunity basis from time to time. The surplus supplies from nearby locations in Georgia and Alabama are continuously a threat in this regard. Although both these States fix minimum prices that handlers must pay producers according to the utilization of their milk, such prices do not apply to out-of-State sales. This provides an incentive for Georgia

and Alabama handlers to dispose of unneeded supplies at any price above that which they would realize in disposing of such supplies for manufacturing purposes. The disposition of such milk in the proposed marketing area for Class I, even for short periods, has a deteriorating effect on the bargaining position of producers regularly supplying the market. The uncertainty among producers, caused by the threat of their losing their market to such surplus supplies, tends to create instability in the market and to discourage rather than encourage the maintenance of an adequate supply of pure and wholesome milk for the market.

Approximately 10 percent of the Class I sales in the proposed marketing area is to military installations. Contracts for supplying such installations are awarded on a bid basis for varying periods, usually about 6 months. These contracts most frequently are obtained by handlers in the market who would be regulated by the proposed order. It is not uncommon, however, for the successful bidders on these contracts to be handlers at some distance from the marketing area, usually in adjoining States. Moreover, it has been possible at times for local handlers to obtain such contracts on the basis of their being able to obtain supplies from outside sources for limited periods of time. This tends to result in the down-allocation or replacement of the milk of the handlers' regular producers. Even if a handler heavily involved in supplying military installations utilizes no outside supplies to fill his military contracts, his failure to obtain contract renewals may cause a sharp decline in the return he will be able to make to his producers.

Under the proposed order, and in all existing Federal milk orders, the pricing of milk sold to military installations is the same as the Class I price to all other outlets. The advent of a marketwide pool order would remove the continuous uncertainty concerning their market of producers supplying handlers who make a substantial portion of their Class I sales to military installations.

The problems of unstable marketing encountered by producers in the proposed marketing area are not uncommon in fluid milk markets where there is no overall program for effectively regulating producer milk supplies. Production of high quality milk in Florida requires a substantial investment. The present unstable marketing conditions could discourage continuation of the necessary production resources and thereby seriously threaten the maintenance of an adequate supply of milk for the market. A Federal order establishing class prices at reasonable levels with a marketwide pool for distribution of returns to producers will provide the needed market stability.

There is now a lack of detailed market information relative to procurement of milk and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. The institution of Federal milk order regulation will provide the

basis for complete information on receipts and utilization of milk.

A marketing agreement and order for the Upper Florida marketing area as herein proposed would contribute substantially to the improvement of many of the conditions complained of by producers and would tend to effectuate the declared policy of the Act. A classified pricing plan based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining through public hearing what assistance the marketing system requires in order to insure an orderly market.

3(a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specified definitions to describe the area involved, and to describe the category of persons, plants and milk products to which the applicable provisions of the order relate.

Marketing area. The Upper Florida marketing area should include all the territory within the 40 contiguous Florida counties of Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Orange, Osceola, Putnam, St. Johns, Seminole, Sumter, Suwanee, Taylor, Union, Volusia, Wakulla, and Washington.

Because a significant portion of the sales of fluid milk by handlers who would be regulated is in relatively rural communities and because of the substantial population immediately surrounding the various cities, it is important that the marketing area be defined on a county boundary basis rather than on the basis of city boundaries.

The 1960 census population of the area proposed to be regulated was 1,737,000. The population of Jacksonville, Orlando, and Tallahassee, the largest cities in the proposed area, was then 213,000, 88,000, and 48,000, respectively. Other principal cities and their 1960 populations include Daytona Beach (37,000), Panama City (33,000), Gainesville (30,000), Sanford (19,000), Winter Park (17,000), St. Augustine (15,000), Ocala (14,000), Deland (11,000), Lake City (10,000), and Marianna (7,000).

Duval County, in which Jacksonville is located, contains the greatest concentration of population in the 40-county area. Its 455,000 inhabitants represent more than 25 percent of the area's population. The four counties (Duval, Orange, Volusia, and Brevard) in the proposed marketing area, whose 1960 populations were greater than 100,000, contain 956,000 or 55 percent of the 1,737,000 people in the marketing area.

Most counties in the area, however, are predominantly rural. Of the 40 counties in the proposed marketing area, 25 have less than 20,000 inhabitants.

The 41-county marketing area considered at the hearing was proposed by the Southland Corp., a handler with wide distribution throughout the marketing area. No counties other than the 41 were proposed by others. Foremost Dairies proposed a 40-county marketing area. Sunshine State Dairymen's Cooperative (Sunshine) and Chipola Dairy Cooperative (Chipola), which represent producers supplying handlers in the Tallahassee area, proposed a marketing area of 39 counties. Northeast Milk Producers Association (Northeast) and Dairy Farmers Mutual (Mutual) proposed a 25-county marketing area. These 25 counties are substantially those which had in the past been designated as the Northeast Florida and Central Florida marketing areas by the Florida Milk Commission.

Except for Indian River County, there was active support for and no opposition to the inclusion of the proposed counties in the marketing area. No testimony was presented to support the inclusion of Indian River County in the marketing area. Instead, it was indicated that this county should more appropriately be included in the Southeastern Florida marketing area and that a hearing for accomplishing this purpose had been requested.

More than 40 handlers (including producer-distributors) have route distribution in the proposed marketing area. The total route distribution by these handlers is about 40 million pounds of milk monthly.

The principal source of supply of handlers who would be regulated by the proposed order is from producer-members of the four cooperatives proposing an order for the area, Northeast, Mutual, Sunshine, and Chipola. These cooperatives represent and market the milk of about 70 percent of the approximately 215 producers on the market. Independent Dairy Farmers' Association (IDFA), the principal cooperative in the Southeastern Florida and Tampa Bay order markets, represents an additional 10 percent of the producers supplying handlers in the proposed area.

Besides the approximately 215 producers supplying handlers in the proposed area, an additional 25 farms are operated by handlers whose principal source of supply is the production of their own farms. These handlers account for about 20 percent of the total Class I distribution in the proposed marketing area. The three largest operations in this group, all in the Jacksonville vicinity, distribute about 6 million pounds of milk monthly. Most of the other 22 such handlers maintain relatively small operations for processing and distributing the production from their own farms. The handlers with own-farm production who qualify as producer-handlers would be exempt from the pooling and payment provisions of the order.

Distribution throughout the area is predominantly from the plants of a relatively small group of handlers in or near the larger cities in the marketing area. Of the 17 plants in the market whose principal source of supply is from producers (other than own-herd production) 7 are in Jacksonville, 5 in the Orlando area, 4 in the Tallahassee area and 1 in the vicinity of Gainesville. Five handlers who operate eight of these plants account for well over half of the Class I sales in the proposed marketing area. Also, one or more of them has distribution in each of the counties in the proposed marketing area.

A number of the major handlers operate more than one plant from which milk is distributed in the marketing area. From the Borden Company plants in Orlando and Tallahassee, fluid milk products are distributed in at least 28 counties in the proposed marketing area. In addition, milk is distributed in other counties in the marketing area from the Borden's Tampa Bay order pool plant. The total distribution from the Southland Corp.'s Jacksonville plant is within a 23-county area that encompasses the Jacksonville and Tallahassee vicinities. Some fluid milk products distributed on routes from its Jacksonville plant emanate from Southland's Winter Haven plant, a Tampa Bay pool plant. The fluid milk products transferred to the Jacksonville plant and the route distribution from Winter Haven within the proposed marketing area, in the Orlando vicinity and in counties adjacent to the Tampa Bay marketing area, are about 30 percent of the Class I utilization at that plant. Sealtest Foods operates plants in Jacksonville and in Marianna (which is in the Tallahassee vicinity). The total Class I distribution from these plants is made within the proposed marketing area. Sealtest's Tampa Bay pool plant also has some distribution in the proposed marketing area. Foremost Dairies, which operates a plant in Jacksonville, owns the plant in Tallahassee that is now leased and operated by Sunshine. Also, the Foremost Tampa Bay order plant has some distribution in the proposed marketing area.

It is not uncommon for handlers operating two or more plants in relatively close proximity to package different sizes and categories of fluid milk products in each plant. In such instances, packaged fluid milk products are moved regularly between the handler's plants in the same or adjacent marketing areas. Establishing an order to include the 40-county marketing area will facilitate such movement of both packaged and bulk fluid milk products between plants within the proposed marketing area and with plants in the adjacent Tampa Bay area.

The route distribution of handlers who would be regulated and of producer-handlers in the market is confined almost entirely to the 40-county area. These handlers are, by a wide margin, the principal distributors in all sections of the proposed marketing area. Route distribution by other handlers (principally Tampa Bay order distributors) in the 40-county area is not a significant

portion of the total distribution in the area.

In the northwestern portion of the marketing area, two handlers whose plants are outside the marketing area (in Pensacola, Fla. and Mobile, Ala.) have some distribution in the proposed marketing area, in Bay County. The Class I disposition by these handlers in the marketing area is apparently insufficient to qualify their plants as pool plants. The Pensacola handler's Class I sales in the county are primarily to stores and restaurants. The Mobile handler is currently supplying two military installations in Bay County. Both handlers, if their Class I distribution in the marketing area continues to be below the minimum required for pooling, would be treated as partially regulated distributing plants under the order. Neither handler took any position at the hearing concerning the inclusion of Bay County in the marketing area. Their sales in the county, however, are a relatively small proportion of the total distribution therein. The major portion of distribution in Bay County is by handlers who would otherwise be fully regulated by the proposed order.

In view of the operations of the handlers who would be regulated by the proposed order, it would be inappropriate to provide a marketing area for the proposed order that excluded a segment of the proposed marketing area. As indicated above, the plant operations of the principal handlers in the marketing area are in or near Jacksonville, Orlando, and Tallahassee. There is extensive competition throughout the marketing area between fluid milk products from Jacksonville plants with those emanating from Tallahassee and Orlando area plants. The closing of two Tallahassee area plants is currently under consideration. If these plants are closed, the distribution that is now made from them would be made from Jacksonville plants. The possibility of the closing of the Tallahassee area plants has caused producers in that area to consider affiliation with the producer association in the Jacksonville area and shipping to Jacksonville plants. Improved technology and transportation facilities will tend to accelerate such concentration of processing and packaging facilities at centrally located plants and distribution over a wider area from such plants. The 40-county marketing area herein proposed appropriately gives consideration to this.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all,

of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition. Further, the level of class price should be identical on Class I sales inside and outside the marketing area.

The essentials of the classified pricing plan for the Upper Florida order, and generally applicable to all Federal orders issued by the Secretary, are to establish one level of price to be paid by handlers for milk which is sold as milk or specified milk products for fluid consumption and other prices for the necessary surplus of the market which is disposed of in lower-valued fluid products and in manufactured products.

It is necessary that the class prices effective under the Upper Florida order be established at levels which will bring forth a sufficient supply to meet the demands of milk for the particular marketing area but not necessarily to fulfill the requirements of outside markets. Nevertheless, handlers who are regulated by virtue of their sales in the marketing area may have varying proportions of their sales outside the regulated area. This is a situation normally unavoidable even in the establishment of a new marketing area. Sales areas of regulated and unregulated handlers may overlap, and it would be rarely possible, if at all, to find a line of demarcation around an entire marketing area such that no overlapping occurs. Other considerations in establishment of a marketing area may also preclude inclusion of all sales areas of fully regulated handlers.

The problem of establishing a price to supply adequately the marketing area is thus affected by the activity of handlers in selling milk outside the regulated area and in procuring milk for such sales. There is no basis in this price determination for discrimination between milk sold inside and outside the marketing area. The milk sold outside by a regulated plant is processed in the same plant and is produced under similar conditions as milk sold in the marketing area. Thus, the milk moving through the regulated handler's plant, whether it is sold inside or outside the marketing area, is part of the same supply and demand situation upon which proper price level determination must be made.

If the price to farmers were higher for milk sold inside than for milk sold outside the marketing area, returns for disposition in the area would be bearing the greater burden of providing the incentive for milk production for both. To

the extent such discrimination in pricing at the procurement level is reflected in higher prices to consumers inside than outside the marketing area consumers in the marketing area will be subsidizing consumers outside the marketing area.

Further, it is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by unregulated distributors in such markets. Such action would tend to lower blended returns to dairy farmers supplying the unregulated handlers.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area.¹

The operator of the partially regulated plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

In the course of the operation of an order, the question may arise as to whether piers, docks, wharves, and any territory within the boundaries of the designated marketing area which is occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing area. A proposal was made to include in the order sales by a handler in any such territory or to any such agency. These facilities constitute regular outlets for milk by handlers to be regulated and no evidence was presented at the hearing

¹ Official notice is taken of the decisions of the Assistant Secretary issued June 19, 1964 (29 F.R. 9002), supporting amendments to various orders, including the nearby South-eastern Florida order.

which would justify their exemption. So that there will be no doubt as to the meaning or the intent of the application of the marketing area definition in the proposed order, it should be indicated that the designated counties in the recommended Upper Florida marketing area shall include all piers, docks, and wharves connected therewith and any territory wholly or partly within the area which is occupied by the government (municipal, State, or Federal) reservations, installations, institutions or other establishments.

Definition of plants. Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants which do not serve the market in a way, or to a degree, that warrants their sharing (by being included in the market pool) in the market average utilization of Class I milk. Such distinction is necessary; otherwise, the proceeds of the higher Class I price would be dissipated by including in the market pool additional quantities of milk which were acquired by handlers primarily for manufacturing purposes. Such dissipated proceeds could accrue to the benefit of producers supplying milk to handlers who do not regularly or dependably furnish the fluid milk needs of consumers in the marketing area. Unless adequate standards of marketing performance are provided to determine which milk and plants will participate fully in the market pool funds, the uniform price of the market could be depressed to the point that it would not serve its function of attracting an adequate supply of milk for the fluid needs of the market without a Class I price higher than otherwise would be necessary.

Since Class I price increases are generally passed on to the public, such price increases necessitated solely because of inadequate performance standards for regulation would be contrary to the public interest. Therefore, in order to share in market pool funds, it is essential that plant operators perform marketing functions (i.e., deliver milk to market in specified amounts or proportions) which contribute to providing adequate and dependable market supplies. The marketing performance standards are essential provisions of a milk order if it is to attain the statutory purpose of assuring adequate supplies of milk in the most economical manner and in a way that best serves the public interest. The marketing performance standards also minimize the effects of regulation on handlers who have only a minor proportion of their distribution in the regulated market. They do this by exempting such handlers from full regulation.

Any plant, wherever located, may become a pool plant if it meets the marketing performance standards for regulation which at any time are equal for all plants performing the same function. The performance standards for regulation of a plant are an essential means of assuring the regulated market of adequate and de-

pendable supplies of milk. It should be emphasized that these performance standards do not impede the shipment of milk to regulated markets. Quite the contrary. Because they require milk to be shipped to the market in order to share in the market pool funds, they encourage milk shipments for Class I use which otherwise might not be made. This incentive is achieved by preventing plants which do not ship milk in accordance with the prescribed standards from sharing in the pool fund. The performance standards are thus the opposite of a barrier to the shipment of milk to the market.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" would be defined as a plant approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

In order to qualify as a pool plant, a distributing plant should be required to dispose of on routes in the marketing area not less than 10 percent of its total receipts of Grade A fluid milk products.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. To preserve this distinction, a further condition should be placed on distributing plants. This is that a plant's total route distribution of Class I milk during the month, both inside and outside the marketing area, must be at least 50 percent of its receipts of Grade A fluid milk products. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator and be subject to payment alternatives hereinafter discussed if they are not fully subject to regulation under another order.

"Supply plant" is the other plant category for which standards for pooling must be provided. A supply plant would be defined to mean a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

To qualify for pool plant status, a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A plant thus shipping the major portion of its receipts from dairy farmers to regulated dis-

tributing plants is making a substantial contribution toward providing an adequate supply for the market and hence may reasonably be considered as an integral part of the fluid milk supply for the market. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under present conditions, be considered as contributing sufficiently to the market supply to share in the pool funds.

At the present time, there are no supply plants regularly serving the Upper Florida market, and it is not likely that there will be in the foreseeable future. However, provision should be made so that it will be possible for a supply plant to participate in the pool should there be a regular and continuing need for supply plant milk in the future.

Some milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated market. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

A definition of "nonpool plant" is provided to facilitate formulation of the various order provisions as they apply to such a plant. A nonpool plant would mean a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing, or bottling plant. Specific categories of nonpool plants would be defined as follows:

(1) "Other order plant" is a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant under this order and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool distributing plants than to plants under the other order or in the marketing area of such other order;

(2) "Producer-handler plant" is a plant operated by a producer-handler as defined in any order (including this order) issued pursuant to the Act;

(3) "Exempt distributing plant" is a distributing plant operated by a governmental agency;

(4) "Partially regulated distributing plant" is a nonpool plant that is a distributing plant and is not an other order plant, a producer-handler plant or an exempt distributing plant; and

(5) "Unregulated supply plant" is a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

A spokesman for the University of Florida (which maintains a dairy herd and a processing plant in Gainesville) requested that its dairy plant operation be exempt from the provisions of the Upper Florida order. This plant receives practically all of its milk from the 160 dairy cows maintained on the University's farms. The one load of supplemental milk purchased in 1965 by the University, at the beginning of the school year, was from a Tampa handler.

The milk production and processing carried on at Gainesville are maintained in connection with the research and educational functions of the University of Florida. They are used and deemed necessary in connection with the various courses given and research done under the auspices of the Dairy Science Department of the University. The plant facilities are used for laboratory instruction and research. Each animal in the herd is generally being used in at least two experiments.

Milk that is not needed for the various research projects is disposed of in fluid form through 15 campus cafeterias or manufactured into ice cream, cottage cheese, or other dairy products. In those periods when students are on vacation, the unneeded production is sold to Sunland Training Center, another State institution in Gainesville, or condensed for later use in the manufacture of ice cream.

Several other State educational institutions and mental and penal establishments within the proposed marketing area also maintain herds and bottling facilities to furnish milk to their residents. Detailed information on receipts and sales of milk at these institutions was not presented on the record. However, it is not the practice of these institutions to sell milk in commercial channels in competition with proprietary handlers and producers.

It is not likely that the University of Florida plant (or plants of governmental agencies similarly situated) will have production from its farm in excess of its usual requirements. Such excess production if it should develop could not be depended upon by handlers in the Upper Florida market as a regular or a supplemental supply during periods when the market may be short of milk. It would clearly be surplus milk incidental to the operation of the University's milk plant. Accordingly, the order should provide that milk received at pool plants from such incidental operations be allocated first to Class III. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and Class III prices.

The University of Florida's milk plant (and similar institutions) may at times be required to purchase supplemental supplies from handlers who would be regulated by the proposed order. It may reasonably be expected that purchases in the form of fluid milk products would be needed and used for Class I purposes. The order should provide, therefore, that fluid milk products transferred or diverted

from pool plants to exempt distributing plants be classified as Class I.

To qualify for pooling under the proposed order, milk must be received at a pool plant or diverted under specified conditions from a pool plant to a nonpool plant. Because an exempt distributing plant would be a nonpool plant, milk received at such plant from sources other than regulated plants and producers under the Upper Florida order would not be subject to the provisions of the order. Therefore, milk from producers' farms received at an exempt distributing plant could qualify as producer milk under the order only on the basis of its having been diverted from a pool plant. Otherwise, such milk would lose its producer milk status and would not be pooled or priced under the Upper Florida order.

Handler. The primary impact of regulation under an order is on handlers. A handler definition is necessary to identify those individuals from whom the market administrator must receive reports, or who have financial responsibility for payment for milk in accordance with its classified use value. As herein provided, the definition includes (a) persons operating pool plants; (b) a person operating a partially regulated distributing plant; (c) a cooperative association with respect to producer milk diverted from a pool plant to a nonpool plant for its account; (d) a cooperative association with respect to its members' milk delivered in a tank truck under its control from the farm to a pool plant; (e) a person in his capacity as the operator of an other order plant; and (f) a producer-handler.

Designating as handlers the operators of the various types of plants that may be associated with the market is necessary so that the market administrator may require of them the reports to determine the regulatory status of the plants and the extent of the operators' obligations, if any, to the producer-settlement fund.

The principal cooperatives in the market assume the responsibility of balancing supplies among various handlers. Milk not needed for fluid uses generally can be most economically handled by diversion directly to manufacturing plants. To facilitate such handling, a cooperative is accorded handler status for milk which it causes to be diverted to nonpool plants for its account.

Requiring a cooperative to be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to the cooperative will afford a practicable basis of accounting for such milk. In addition, it will provide added flexibility to a cooperative's operations in allocating its members' milk among handlers.

Once milk from a producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The

operator of a pool plant to which bulk tank milk is delivered has an opportunity to determine only the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. Handlers have no control and generally take no part in determining the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms their milk is shipped.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed elsewhere in this decision, differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Producer-handler. Producer-handler should be defined as any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

The order is not intended to establish minimum prices for producer-handlers, but they should be required to make reports to the market administrator. Such reports are necessary to determine whether the operator continues to meet the producer-handler definition.

The producer-handler definition herein provided, which is patterned after that proposed by producers, is essentially the same as the producer-handler definition in the Tampa Bay and Southeastern Florida orders. Proposals by handlers, however, would restrict producer-handler status to those who met the qualifications herein proposed and handled not more than 200,000 pounds of milk monthly. Handlers would also require that a producer-handler who failed to qualify as such in 1 month would lose his producer-handler status for the next 11 months. On the other hand, some pro-

ducer-handlers proposed broad exemptions which would allow them a preferred allocation for their own production and have other area producers supply their supplementary needs. A specific proposal of two handlers with own-farm production would permit a producer-handler to purchase up to 10 percent of his Class I sales from pool sources without losing producer-handler status.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that to maintain producer-handler status, the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of milk shall be the personal enterprise and risk of the person involved. The term producer-handler is not intended to include any person who does not accept the responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Exemption from regulation as a producer-handler must be limited to those persons whose own farm production is the sole source of their Class I disposition (except nonfat solids used to fortify Class I products). To permit them to purchase fluid milk products from other sources without becoming fully regulated would give them an unwarranted competitive advantage over other handlers in the market. This is so because they would be able to retain the full value of their Class I sales for themselves without assuming the burden of their own surplus. However, as long as they produce their own Class I needs and the necessary reserves and handle their own excess production, producer-handlers will not have a significant advantage over regulated handlers under present marketing conditions.

Any milk which a regulated handler receives from a producer-handler would be other source milk and, therefore, would be allocated to the lowest use classification after the allocation of shrinkage on producer milk. This is appropriate since milk disposed of to another handler normally would be surplus to the operation of the producer-handler.

In proposing that a producer-handler who failed to qualify as such in 1 month would lose his producer-handler status for the next 11 months, handlers maintained that this would prevent him from exploiting the pool by becoming regulated when it was to his advantage, while retaining his exempt status at other times. Such a provision, however, could result in hardship in some instances. For example, an inadvertent failure to meet all requirements for producer-handler status in 1 month could cause a person to lose his designation as a producer-handler for an entire year. The regulatory effect of such action might too often tend to be disproportionate to the relative significance of the requirement that was not met. Since a producer-handler must rely on his own production, he must establish ade-

quate production facilities to assure a sufficient milk supply for his operation. Because of this, it is unlikely that a producer-handler will shift back and forth between his exempt status and that of a regulated handler for the purpose of exploiting the pool.

It is expected that less than half of the 25 handlers in the market with own-farm production will qualify as producer-handlers under the order. At least three such handlers distribute more than 200,000 pounds of milk monthly. The combined operations of these three potential producer-handlers account for more than 10 percent of the total Class I sales in the proposed marketing area. Because their sales are such a relatively large proportion of the market total, handlers who would be regulated under the proposed order stressed the need to have such large operations regulated. Proponents, however, did not show that these producer-handlers have any cost advantage on Class I milk or are a disruptive factor in the market. Moreover, it was not established that exempting those handlers with own-farm production who qualify as producer-handlers, even the three largest, would affect adversely the competitive position of regulated handlers or producers. For the above stated reasons, the proposals to limit producer-handler status to operations of not more than 200,000 pounds of milk monthly and the proposal that would deny producer-handler status during the succeeding 11 months to a producer-handler who failed to qualify as such in 1 month are denied.

Route. The term "route" would mean a delivery (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor, or vending machine) of a fluid milk product classified as Class I.

Fluid milk products may be moved from a milk plant to a distribution facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered route distribution from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

Producer. Producer should mean any person (except a producer-handler or a governmental agency in its capacity as the operator of an exempt distributing plant) who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted therefrom to a nonpool plant under certain conditions. The producer definition will provide the necessary distinction between the production of those farmers whose milk will be priced and pooled each month under the Upper Florida order and the receipts at handlers' plants from all other sources.

Fluid milk products. Fluid milk products should mean milk (including frozen and concentrated milk), flavored milk and skim milk. The definition should

not, however, include sterilized products in hermetically sealed containers. The items designated as fluid milk products pursuant to this definition are those products which, when disposed of by handlers, are included as Class I milk.

Producer milk. Producer milk is intended to include all milk that is fully regulated by the order. Accordingly, it should be defined as all skim milk and butterfat contained in milk received at a pool plant directly from dairy farmers and milk diverted from a pool plant to a nonpool plant under certain conditions. As provided elsewhere in this decision, milk delivered by a cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator at the pool plant at which it was physically received.

Producer milk should not include any milk moved from a farm directly to an other order plant since such milk's eligibility to be included under a Federal order would be more appropriately determined at the other order plant where received. In fact, diversion to such plants if permitted could result in the pricing and pooling of the same milk under two orders.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. It is necessary, however, to provide limitations on the amount of milk which may be diverted so that only that milk which is genuinely associated with the market will be diverted and only at those times when it is not needed in the market for Class I purposes.

Producers associated with this market are not expected to produce large quantities of milk in excess of the market's fluid requirements. Diversion provisions are provided herein primarily to enable handlers and cooperative associations to divert producer milk on such occasions as weekends and holidays when the milk is not needed in the market for Class I purposes.

Diversion of producer milk by a cooperative to a nonpool plant should be limited to 25 percent of the milk physically received from its producer-members at pool plants during the month. Similarly, milk diverted by the operator of a pool plant for his account would be limited to 25 percent of the quantity of producer milk physically received at his plant during the month.

The proposed diversion provisions are appropriate under the conditions in the Upper Florida order market. There was no opposition to the diversion provisions, which were supported by both producers and handlers at the hearing.

Only that milk genuinely associated with the market should be eligible to be diverted to nonpool plants. Therefore, it is provided that at least 10 days' production of a producer must be received at a pool plant during the month to qualify for diversion within the limits described above. A producer shipping on an every-other-day basis would under this standard be required, in effect, to ship only five days. The requirement herein

adopted is sufficient to establish a producer's association with the fluid market and still permit the necessary flexibility in diverting milk not needed for fluid use.

Milk diverted to nonpool plants in excess of the limitations provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. In such instances, the diverting handler would specify which milk is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be made ineligible as producer milk.

Producer milk that is diverted should be priced at the location of the plant to which diverted instead of at the location of the pool plant to which it is customarily delivered. To provide for pricing such milk at the latter location would be inappropriate. This is because it would result in producers in the market paying (through the pool) a transportation cost to the market on milk which is not moved to the market and on which an equivalent transportation charge is not incurred.

Other source milk. A definition of "other source milk" is necessary to facilitate the application of the order to the various categories of receipts at a regulated plant.

Other source milk should include all skim milk and butterfat contained in or represented by (a) fluid milk products and Class II products utilized by the handler in his operation (except producer milk, fluid milk products and Class II products from pool plants, and fluid milk products and Class II products in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced at the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of nonfluid milk products in a form in which they may be converted into Class I products and which are not otherwise accounted for under the order.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as a result of the discrepancy between records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly account for all milk and dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of the nonfat dry milk and similar products which can be reconstituted into skim

milk or other fluid products would gain a competitive advantage over other handlers in the market.

(b) **Classification of milk.** Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as Class I, Class II, or Class III milk.

Milk is received by handlers directly from dairy farmers, from other handlers, and from other sources. Milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to have a plan for allocating the uses of milk to each source of supply in order to afford a means to establish the classification of producer milk and to apply the classified pricing plan.

The products included in Class I milk are required by health authorities in the marketing area to be obtained from milk or milk products from "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products considerably above the manufacturing milk price. This higher price should be at a level which will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

In accordance with these standards, the Class I milk should include all skim milk and butterfat disposed of in the form of milk, flavored milk, and skim milk. Class I, however, should not include any of the above products which are sterilized and in hermetically sealed containers. Fluid milk products to which extra skim milk solids have been added, and frozen or concentrated milk disposed of for fluid use likewise would be included as Class I milk. Any skim milk and butterfat not accounted for in either Class II or Class III also would be included in Class I.

Class II should include cream, sour cream, half and half, buttermilk, chocolate drink, and acidophilus milk. The distinction between Class II products and products included in Class I is that the marketing area health authorities permit the use of milk products from uninspected sources in the preparation of products herein designated as Class II. A separate Class II classification is necessary, therefore, so that a separate price may be applied consistent with the somewhat lower value of such products in this market.

Producers proposed that the skim milk and butterfat in the products herein designated as Class II dispositions be included in Class I. They asserted that Florida statute requires that these products be made from Grade A milk. However, the Director of Milk Industry for the Florida Department of Agriculture stated that, in practice, it is not required that Grade A milk be used in the manufacture of these Class II products. Historically, the products herein designated as Class II have been included in a separate classification in Florida and priced

significantly below the Class I price. Both the Tampa Bay and Southeastern Florida orders have a separate Class II classification for these products. No change has taken place in the application of the State statute to require any different classification for these products in the Upper Florida order than is now provided under the other two Federal orders in the State or from what has been historically the practice in the market. The producer proposal to include these Class II products in the Class I classification is therefore denied.

Some nonfat milk solids are utilized, through reconstitution or fortification, in the preparation of Class I and Class II products distributed in the marketing area. For purposes of accounting for the skim milk required to produce the product, the added nonfat milk solids should include the normal quantity of water originally associated with the solids. The volume of the reconstituted or fortified product classified as Class I or Class II, whichever is applicable, would be a quantity equal to the volume of the same product made without the addition of nonfat milk solids. The remaining volume of the product, which represents the skim milk equivalent of added nonfat milk solids, should be classified as Class III.

*Class III should be all skim milk and butterfat used to produce frozen desserts (e.g., ice cream and ice cream mix), egg-nog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and sterilized products in hermetically sealed containers.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products and Class II products be classified in Class II milk. Such inventories would be subtracted, under the allocation procedures, from any available Class II in the following month. The higher use value of any such skim milk and butterfat allocated to Class I in the following month will be reflected in returns to producers.

Inventories should include all the skim milk and butterfat in bulk and packaged fluid milk products and Class II products. Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to produce a manufactured dairy product (and classified as Class III milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products and Class II products on hand at a plant at the beginning of the first month in which the order becomes effective or during any month in which a plant becomes regulated for the first time should be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of cur-

rent producer milk receipts to current Class I utilization.

The proposed method of handling inventories is identical with that provided in the Tampa Bay order. In urging its adoption, handlers stressed the desirability of having inventories handled in the same manner in these adjacent orders.

Producers proposed that ending inventories be classified in Class I and that the differences between the Class I prices in each month be taken into account when pricing inventories classified in Class I in the following month. As outlined at the hearing, it was not shown that application of the order would be facilitated or that producers would realize any significant advantage by classifying inventories in Class I.

The fluid milk products and Class II products contained in inventory and classified in Class II might be used in the following month in a Class I, Class II, or Class III classification. On any such inventory used in Class I in the following month, handlers must pay the difference between the applicable Class I price in the month it was utilized and the Class II price at which it was priced in the preceding month. Under the three-classification system provided in the Upper Florida order, this manner of handling inventories will tend to work out more practicably and equitably than classifying closing inventory in Class I in the manner proposed by producers. The producer proposal, therefore, is denied.

Skim milk and butterfat in fluid milk products and Class II products dumped or disposed of by a handler for livestock feed should be classified as Class III milk. Such outlets often represent the most efficient means for disposing of surplus skim milk. Transportation and handling costs are such that it is uneconomical to ship relatively small quantities of unneeded skim milk to trade outlets for surplus skim milk. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat which is not salvageable should be classified as Class III when dumped or disposed of for livestock feed.

It would not be practicable to permit in an unlimited manner the dumping of skim milk and butterfat by pool plant handlers. Neither would it be appropriate to classify such skim milk and butterfat, for which no better outlet is available, in other than Class III. Accordingly, the order should clearly specify a Class III classification for skim milk and butterfat dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage." Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class III milk to the extent that the

amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class III at each pool plant should be 2 percent of producer milk (except that diverted to a nonpool plant or for which a cooperative association is the handler), plus 1.5 percent of producer milk from a cooperative as a handler and bulk fluid milk products from pool plants of other handlers and less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler). A 1.5 percent shrinkage allowance would be allowed on bulk fluid milk products received from other order plants and unregulated supply plants (exclusive of the quantity for which Class II or Class III utilization is requested by the handler).

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

As provided elsewhere in this decision, a cooperative would be the handler for milk delivered from producers' farms to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is a handler under such conditions, the operator of a pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full 2 percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders and provides a reasonable basis for the allocation of the shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk deter-

mined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class III; any such difference in excess of the maximum allowable Class III shrinkage of 0.5 percent would be Class I. The cooperative would be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantities of bulk tank milk physically received at a pool plant from a cooperative during the month is the same as or greater than farm weights, the cooperative would have no settlement to make with the producer-settlement fund on such milk. However, in those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund would be on the basis of the weights ascertained at his plant.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class III as shrinkage since these types of receipts are allocated pro rata to class uses along with quantities received from pool plants and producers. Under the allocation system provided, such other source milk will share with producer milk in any shrinkage allocated to Class I when the specified Class III shrinkage limitations are exceeded. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated first to Class III uses, since the allocation procedure insures assignment of such milk to Class III in an amount at least equal to the shrinkage that may be associated therewith.

To insure an equitable assignment of total shrinkage to the two categories of receipts (i.e., receipts for which there is a percentage limitation for Class III shrinkage assignment and receipts for which there is no such limitation), the total shrinkage should be prorated to these two categories.

Skim milk and butterfat are not used in most products in the same proportions farmers and, therefore, should be classified as contained in the milk received from fed according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an appropriate means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of concentrated milk products such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Skim milk and butterfat used to produce Class III products should be con-

sidered to be disposed of when the Class III product is produced. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator so that verification of such Class III uses may be made. If a handler fails to keep the necessary records for verification purposes, the skim milk and butterfat will be reclassified as Class I milk.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be held responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the quantities of shrinkage that may be classified in Class III, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Some Class I or Class II items may be disposed of to other plants for Class III use. It is necessary, therefore, to provide specific rules so that the classification of such transfers may be determined under this order.

Fluid milk products and Class II products transferred from a pool plant to the pool plant of another handler should be classified as Class I milk unless utilization as Class II or Class III milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II or Class III utilization must be available at the transferee plant for such assignment after the allocation of all other source milk at such transferee plant during the month. Moreover, if other source milk of the type to which a surplus value inherently applies (such as nonfat milk solids) has been received at the shipping plant during the month, the skim milk or butterfat in fluid milk products or Class II products involved in such transfer should be classified so as to allocate the least possible Class I utilization to such other source milk. If the shipping handler receives other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

Fluid milk products or Class II products transferred or diverted to a nonpool plant (other than transfers to the plant of a producer-handler, an exempt distributing plant, or an other order plant) should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if re-

quested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk and milk products in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

Any Class I utilization disposed of on routes in this marketing area from the nonpool plant should be first assigned to fluid milk products transferred from pool plants and then pro rata to receipts from all other order plants and last to receipts from dairy farmers who the market administrator determines constitute the regular source of Grade A milk for the nonpool plant.

Any Class I utilization disposed of on from the nonpool plant on routes in the marketing area of another Federal order should be assigned to fluid milk products transferred or diverted from plants fully regulated by that order, then pro rata to fluid milk products received from plants regulated by this order and all other Federal orders and thereafter to the nonpool plant's regular Grade A dairy farmers.

Any Class I utilization remaining in the nonpool plant after the above assignments should be assigned to the plant's regular Grade A dairy farmers and then pro rata to unassigned receipts from plants regulated by this order and other orders.

After the above assignments to Class I are made, any remaining receipts of fluid milk products from pool plants would be classified in sequence as Class III and then Class II. Also, any Class II milk which is not assigned pursuant to the above sequence would be classified as Class II.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and also gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving highest use priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

In the case of fluid milk products or Class II products transferred from pool plants to other order plants, specific rules are necessary to provide equitable treatment to the handlers in both orders and coordinate the classification under the orders.

Such products transferred to an other order plant in excess of receipts from such plant in the same category (packaged, bulk designated for surplus disposal, or bulk milk not so designated) should be classified in the comparable classes to which allocated under the

other order. If the operators of both the transferor and transferee plants so request, transfers in bulk form should be classified as Class II or Class III to the extent that Class II or Class III utilization (or comparable utilization under such other order) is available for such assignment under the allocation provisions of the transferee order. Such requests should be filed with the respective market administrators with their reports of receipts and utilization for the month.

If information concerning the classification to which the products transferred are allocated under the transferee order is not available to the market administrator for purposes of establishing classification under this order, then classification of fluid milk products and Class II products transferred should be as Class I and Class II, respectively, subject to adjustment when such information is available. If the transferee order provides for more than two classes of utilization, allocations to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes should be classified in a comparable classification as Class II or Class III.

If the form in which a fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification should be in accordance with the form in which it leaves the transferor plant. This would be the case where the classification of a product differs in the shipping and receiving markets and according identical classification is not possible. These differences exist primarily because the health authorities in different areas have varying requirements with respect to the use of Grade A milk in some milk products. Hence, the order provisions must be designed to accommodate the differences in classification which might exist in this order compared to any order market from which such product is received.

Allocation. Because the value of producer milk is based on its classification, the order must prescribe an assignment of receipts from all sources during the month to establish such classification.

The system of allocating handlers' receipts to the various classes must be similar to that adopted in the decisions issued June 19, 1964, for 76 milk orders, of which official notice has been taken. These decisions were designed to integrate into the regulatory plan of each of the orders milk which is not subject to classified pricing under any order, and to apply the regulatory plan of each of the orders to milk regulated under another order which is disposed of from the other order plant on routes in the marketing area, or is received at a fully regulated plant. Inasmuch as those decisions set forth the standards for dealing with unregulated milk under Federal orders generally, it is desirable that the system of allocation under this order be similar. Further, the treatment of other order milk should conform with the plan included in those decisions so as to coordinate the applicable regulations on all movements of milk between Federal

order markets. Producers and handlers recognized the necessity for such coordination and proposed allocation provisions similar to those adopted in other orders.

Except for relatively minor variations to accommodate this individual market's situation, the general scheme of allocation must be based on the considerations of coordination among markets and uniform treatment of unregulated milk in the several markets.

When a handler receives a Class II product from nonpool plants in the same month that he utilizes producer milk to make Class II products, there is usually an intermingling of such products at the plant. However, some handlers may, at times, receive Class II products from nonpool plants for Class III utilizations in their plants. It would be appropriate in such instances to subtract these receipts from nonpool sources from the handler's available Class III utilization if the handler so requested it. Otherwise it is not possible to ascertain what proportion of the Class II products from each source was actually used in the handler's Class II and Class III dispositions. To give priority in the assignment of a handler's Class II utilization to either the Class II products produced at his plant or those obtained from nonpool sources might often result in inequities, under different circumstances, to both producers and handlers. Because Class II products from all sources are intermingled at the plant and since such products may be disposed of in either Class II or Class III utilizations, equity to both producers and handlers will be best achieved by allocating the available Class II utilization of a handler on a pro rata basis to the skim milk and butterfat in Class II products received from nonpool plants and those produced at the plant.

Milk received at regulated plants from unregulated plants. When unregulated milk eligible for Class I distribution in the marketing area is received at a pool plant, provision must be made for its allocation to the total available classification of such pool plant and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I.

The order should provide that fluid milk products moved from an unregulated plant to a pool plant be classified as Class II or Class III milk if so reported by the operator of the regulated plant. Milk may be purchased by a pool plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I or Class II requirements. When the purchase is for Class II or manufacturing uses, the order should accommodate this by providing that such milk be allocated to the indicated class utilization in the pool plant. This treatment of unregulated milk further serves to accommodate unregulated plants which have surplus milk but do not have manufacturing facilities. Hence, it will make available as an outlet any manufacturing facilities of pool plants without involving the unregulated plant in the regulation. When,

however, Class II or Class III utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

Other categories of milk receipts assigned first to Class III use (down allocated) should include receipts from producer-handlers, receipts from exempt distributing plants, receipts without Grade A certification, and reconstituted milk. The reasons for such assignment are explained in subsequent findings on these specific types of receipts.

With respect to the general category of milk received from unregulated plants (not producer-handlers or exempt distributing plants, however) the order should provide that (within limits) unregulated milk received at a pool plant, which is not specifically designated for manufacturing use, be assigned a classification which is pro rata to regulated milk received by the operator of such plant. This should be provided because classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in bottles) or as surplus (i.e., as in manufactured products). Its classification depends upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II or III use, a method as described herein must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with regulated milk (within limits), its indeterminate character as Class I, II, or III will be recognized up to the limit provided.

A limit must be placed on the amount of unregulated milk which may share full classification with regulated milk. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to the regulatory plan. Handlers often obtain unregulated milk because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses. This milk would share in his Class I utilization while an equal volume of regulated milk would be assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with regulated milk is such that when, as a result of proration or assignment, as much as 20 percent of all regulated milk in the handler's plant is assigned to Class II and Class III, all additional unregulated milk will then be assigned to such lower classes. A reserve of milk for fluid requirements on a marketwide basis more or less than 20 percent of all handlers' receipts may be required, depending upon seasonal and other considerations. An individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not need unregulated milk for the purpose of main-

taining an adequate supply to service Class I sales in amounts which will increase his reserve above 20 percent of his total receipts in any given month. Whenever a handler has a milk supply such that 20 percent of his receipts are in Class II and Class III, he is fully supplied for furnishing a regulated Class I market. Even though a situation could conceivably arise where, because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler at all of his plants regulated under the order² (rather than the utilization at a single plant) should be used. This is necessary for the same reasons, set forth later in this decision, which apply to receipts of milk from plants regulated by other orders.

Payment at the difference between the Class I and uniform prices should be made by the receiving handler into the producer-settlement fund on the portion of unregulated milk which is assigned to Class I through proration. There can be no question that the Class I price basically should apply to both regulated and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with regulated milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not clear; i.e., what subtrahend should be used in such a payment formula. It may be expected that in many situations a payment at any lesser rate than the difference between the Class I price and the value of such milk as surplus would give unwarranted price advantage to unregulated milk over producer milk similarly utilized.

Milk at unregulated plants may be purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased by the unregulated plant operator may be intended for local distribution outside the regulated market, excess milk supplies on a daily and seasonal basis will arise as they also do in regulated plants.

This frequently leaves excess milk at unregulated plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher

² Such total utilization would be subject to certain prior deductions for receipts assigned to the surplus classification as mentioned in prior findings.

value to the plant operator than its surplus value. In such circumstances, the operator of such an unregulated plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the regulated market or its supply system at any price higher than a surplus price and thereby obtain a competitive advantage for such milk over regulated milk. Regulated handlers cannot similarly convert otherwise surplus Class III milk into Class I utilization without accounting to the producer-settlement fund at the full difference between these two utilizations, i.e., they account at Class I rather than Class III. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

Even though surplus milk obviously is available to handlers from time to time, there is no indication that they have exploited their opportunities to use such milk. It is concluded, therefore, in the light of the decision of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in this market actually had only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the uniform price, both adjusted for butterfat content and the location of the unregulated plant from which the milk was received. Although the use of the uniform price as the subtrahend will not assure complete removal of the price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases, and generally should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If subsequent experience shows that such payment is not protecting the regulatory plan, then on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay the uniform price to their own producers and, in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such uniform price on all regulated milk classified as Class I because of its use as fluid milk. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required of regulated milk. If the handler buys regulated milk at a price in excess of the uniform price, he receives no credit for this excess payment in accounting to the producer-settlement fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the uniform price. Both the regulated and unregulated milk, therefore, will be credited at only the uniform price in accounting to the producer-settlement fund.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a regulated handler. The allowance of a credit for milk from unregulated plants used as Class I by the regulated handler at the uniform price level will provide opportunity to the unregulated plant operator to pay his dairy farmers at least the uniform price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full uniform price to him.

The order must contain provisions of this kind which serve to adequately relate to the total scheme of regulation that milk received by regulated handlers which is not subject to full regulation. Otherwise, the very existence of the market pool order may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area of milk from unregulated sources which is not subject to full regulation.

There may be instances where a distributor is subject to State milk control and pays the State minimum price on all of his receipts of milk including some that is assigned as Class I in a federally regulated market. The method of assignment and rate of payment into the producer-settlement fund applicable to other unregulated milk must also be applied to this source of "unregulated" milk even though the State regulated distributor may have paid a price for the Class I milk disposed of in the Federal order market that was higher than the uniform price established by the Federal order. This is necessary for the same reasons as apply to any operator of a plant who, for whatever reasons, pays a price for milk higher than the Federal order uniform price.

The evidence does not show that packaged milk is received from unregulated plants. However, in case such a contingency should arise in the future, a rule for dealing with it must be provided. In the absence of evidence as to a specific method of dealing with such receipts, it should be provided that packaged milk received from an unregulated plant will be treated the same as bulk milk.

Producer-handler surplus, reconstituted milk, non-Grade A milk. Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, it must be assigned a surplus value. Such sources include milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order) and exempt distributing plants. Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of

manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler when such milk is allocated to Class I, following "down-allocation" to the extent it can be absorbed in lower priced uses.

In this order as in most other orders, the producer-handler is exempt from the pooling and pricing provisions. This exemption is based on the principle that the producer-handler assumes the burden of disposing of his milk supplies in excess of his Class I milk needs. Being exempt from these provisions of the order makes it possible for the producer-handler to retain the full return from his Class I sales of milk on routes even though such sales are in competition with regulated handlers.

Producer-handlers are primarily engaged in the distribution of Class I and Class II milk. Normally they do not maintain facilities for processing and manufacturing any milk produced in excess of their fluid needs. Because of seasonality of milk production and for other reasons, producer-handlers will produce some milk in excess of their needs. The best available outlets for this surplus milk usually are to fully regulated plants in the market. In view of a producer-handler's limited capacity for utilizing excess supplies of milk, it is often economically advantageous for him to dispose of such excesses at surplus prices to regulated handlers. Such milk, therefore, would be available to regulated handlers at surplus prices. Under these circumstances, it would not be appropriate to allow the regulated handler credit from the producer-settlement fund at more than a surplus price for any such purchases.

Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers depends upon the producer-handler assuming the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price for such surplus. As long as the producer-handler has the advantage of enjoying the full benefit of his own Class I route sales without sharing them with other producers, he should not also receive Class I benefit from a market pool, at the expense of producers, for any of his milk which he is unable to sell in such way. Surplus milk purchases from producer-handlers operating under another order has the same potential for creating disorderly marketing conditions as surplus from producer-handlers operating under the same order. Therefore, no distinction in treatment for such milk should be provided.

The order should provide, therefore, that milk received from producer-handlers at a pool plant should first be assigned to Class III and then Class II milk at the pool plant. If any is then assigned to Class I, a payment into the

producer-settlement fund at the Class I-surplus price difference should be applied. Such rate of payment on receipts by federally-regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act. Two of such milk orders (Greater Kansas City, Mo., and Fall River, Mass.), placed in effect during this period, contained provisions requiring handlers who used bulk milk received from producer-handlers in other than the lowest priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.³

From time to time, exempt distributing plants will have production from their farms in excess of their fluid milk requirements. Such excess production could not be depended upon by handlers in the market as either a regular supply of milk or a supplemental supply during periods when the market may be short of milk. It would clearly be surplus milk incidental to the operation of the exempt distributing plant. Accordingly, the order should provide that milk received at pool plants from such exempt operations be allocated first to Class III and then Class II milk at pool plants. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and surplus prices. The University of Florida spokesman requesting that its and similar governmental operations be designated exempt distributing plants testified that such operations would expect to receive credit only at the Class III price for any milk which they may deliver to pool plants.

A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus value. Producer milk used to

produce such products is priced as surplus. Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution, since similar costs are incurred in processing producer milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content, thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat milk solids in fluid milk products.

Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased appreciably since no water is added. The essential economic difference in the use of nonfat milk solids for fortification of fluid milk products versus their use for reconstitution is recognized in the class use definitions. The class use definitions, which provide that the fluid equivalent of the added solids shall be Class III (excepting the minor quantity of increase in volume of the fortified product), and the allocation provisions which would assign the fluid equivalent of solids used to Class III milk, accomplish appropriate accounting and result in a proper obligation against the handler.

Milk of manufacturing grade is not eligible for Class I uses under the requirements of the health authorities in the market. In dual-purpose plants, however, such milk could find its way into Class I in the pool plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufactured milk only. The manufacturing value is the price which processors pay for this grade of milk. Receipts at a pool plant of manufacturing grade milk, therefore, should be assigned first to use in Class III. But should any manufacturing grade milk be assigned to Class I, a payment into the producer-settlement fund at the difference between the Class I and surplus prices likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk. Health authorities require that the source of milk eligible for fluid consumption (Grade A milk) must be identified. Any receipts from unidentified sources must therefore be treated as milk of manufacturing grade.

Receipts from other order plants. The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98

percent of packaged fluid milk products received from a fully regulated plant under another order. The remaining 2 percent should be assigned to Class III. The 2 percent may be considered as a safeguard against possible "over-assignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the receiving market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, an allowance of 2 percent for such returns, which must fall into surplus use, should be included to avoid such overassignment in Class I.

Prior to amendments to orders effective August 1, 1964, a variety of classification methods had applied to intermarket transfers of bulk milk. Such a variety of methods could not achieve the objective of appropriately integrating into the respective regulatory schemes in a uniform and consistent way intermarket shipments of regulated milk. Following the pattern of these amendments, a Class II or Class III classification should apply whenever the parties involved agree that the shipment involved is for one or the other of these class uses. A higher classification would result only when it is found, on verification, that some portion of the milk could not have been used in the classification claimed. The portion then would be reclassified as Class I.

Interorder shipments of bulk milk which are not classified as Class II or Class III by agreement should be classified as Class I, Class II, and Class III on the basis of the marketwide utilization of producer milk. Such classification should be limited, however, so that the quantity of milk assigned to Class II and Class III is not greater than the receiving handler has utilized in such classes.

The order should not provide for marketwide proration of milk received from an other order plant when the receiving handler has a greater proportion of milk in Classes II and III than the average in the receiving market. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use. Marketwide proration would tend to encourage unduly and uneconomically the importation of milk by a handler with a higher proportion of milk in Classes II and III than the market average because it would assign a disproportionate share of local producers' milk to such classes.

The particular classification which is given to bulk transfers from other orders will be within the control of the receiving handler and there will be no monetary obligation placed on him for this milk by the receiving market order. Inasmuch as other Federal orders from which milk might be received have provisions corresponding to those herein adopted, the situation will not arise where milk

³ 7 U.S.C. section 672, which contains the codified language of section 4 of the Agricultural Marketing Agreement Act of 1937, as amended, states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under sections 601-608, 608a, 608b, 608c, 608d-612, 613, 614-619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized and confirmed."

transferred would be classified as Class I in the shipping market and Class II or Class III in this market since the same classification would apply in both markets.

Assigning the bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide need for Class I use. It should be provided, therefore, that assignments of interorder bulk milk should be made over all utilization of milk at all the handler's regulated plants in the receiving market.

Handlers who receive milk from other order plants or from unregulated plants should be precluded from transferring such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the order so provides, it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from other order plants and unregulated plants and avoid the allocation provisions applicable to milk received directly from such plants.

In any month in which bulk milk is received in the market (without agreement as to Class II or Class III classification on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports are due under that order. Since the reporting dates under orders are similar, it is possible the market administrator may not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market. It is provided, therefore, that, when necessary, the market administrator will estimate the marketwide utilization of producer milk for purposes of determining the allocation of bulk milk received from other orders. It is provided that such estimate will be made and publicly announced to the nearest whole percentage and, for this purpose, will be final.

Federal orders generally provide that the administrator of any order receiving bulk milk from another Federal order will promptly notify the administrator of the shipping market of the allocation of such milk so that a compatible classification on such milk may be applied under the shipping orders. Information as to the classification of such milk must be passed on by the respective administrators to the handlers involved so that handlers may know the basis of their obligation on such milk. This order should provide similarly for such interchange of information.

Situations may arise where plants subject to this and another Federal order ship milk back and forth during the same month (i.e., each plant ships milk to the other plant). If such shipments are of a similar nature (packaged milk, bulk milk designated for surplus disposal, or bulk milk not so designated) only trans-

fers of milk between two plants which are not offset by an equal quantity of milk received from the second plant need be considered. Since the classification of this milk in the shipping market is based on its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

(c) *Class prices*—(1) *Class I price*. The price for Class I milk should be computed by adding \$2.80 to a basic formula price (Minnesota-Wisconsin manufacturing milk price series).

The method of adding a differential to such basic formula price in determining the price for Class I milk gives appropriate consideration to the economic factors underlying the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the proposed marketing area have a direct relationship to the prices paid for milk used for manufacturing purposes.

A differential over manufacturing milk prices is necessary to cover the extra costs of meeting quality requirements in the production of milk for fluid uses and in transporting the milk to the market. Moreover, it is a necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid milk.

Producers proposed that the Class I price be computed by adding a specified differential to a basic formula price. As the basic formula price, they proposed the Minnesota-Wisconsin manufacturing milk price series. This series is based on prices paid at a large number of manufacturing plants in each of the two States. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and the total dollars paid to dairy farmers for such milk, f.o.b. plant. These prices are reported on a current month basis and the announced Minnesota-Wisconsin price is available on or before the 5th day of the following month. The Minnesota-Wisconsin price series is the basic formula price in 56 Federal order markets, including markets that serve as sources of supplemental milk for Upper Florida handlers.

This price series reflects a manufacturing price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of such products within a highly coordinated marketing system which is national in scale. The series is appropriate for use in establishing milk prices under the Upper Florida order.

Since the Class I price for the current month would be announced by the 5th day of the month, the basic formula price used in computing the Class I price should be that reflecting the Minnesota-Wisconsin price for the preceding month.

This procedure is commonly used in other Federal orders.

Producers proposed that a Class I differential of \$3.15 be added to a basic formula price. Handlers proposed that the Class I price be tied directly to the Tampa Bay Class I price. Under the latter scheme, the Upper Florida price during the months of August through January would be the Tampa Bay Class I price and for the remaining months, such price less 23 cents. This would result, in effect, in an annual Class I differential of \$2.885 for the Upper Florida order.

The Class I price must be established at a level which, in conjunction with the other class prices, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers, including the necessary market reserves. The Class I price also must be in alignment with those prevailing in nearby Federal order markets. It should not be at a level, though, which exceeds the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

The Class I price proposed herein (basic formula plus \$2.80) will tend to maintain an adequate supply of milk for the market and will be reasonably aligned with Class I prices in nearby Federal order markets. For 1965, such price would have averaged \$6.06. The Tampa Bay Class I price formula averaged \$6.23 in 1965 and the average Southeastern Florida Class I price that year was \$6.40.

As indicated, producers proposed a Class I differential of \$3.15. This differential would obtain a Class I price 15 cents more than Tampa Bay's and only 5 cents below the Southeastern Florida Class I price. The Class I differentials under the latter orders, both of which use the Minnesota-Wisconsin price series as a basic formula price, are \$3.00 and \$3.20, respectively.

The difference between Class I prices proposed for the Upper Florida order and the Tampa Bay and Southeastern Florida Class I prices recognizes that Upper Florida plants are significantly nearer alternative sources of supply than plants in the other Florida order markets. Such supplies, which are not customarily available within the State, must be obtained from out-of-State sources to the north. The Upper Florida market is closer geographically to such sources of milk.

Milk qualified for fluid distribution in the Upper Florida market is available from other Federal order markets. Upper Florida handlers generally depend on other order plants for supplemental supplies. For the year ending September 1965, nearly 20 million pounds of milk were imported by them from these and other sources. If the Upper Florida Class I price is not reasonably aligned with Class I prices under these orders, regulated handlers might turn to these sources for their milk supplies even when local milk is available.

Nashville is a principal source of supplemental milk for the Upper Florida market. In 1965, the Nashville Class I

price averaged \$4.64 per hundredweight for milk of 3.5 percent butterfat. Nashville is 570 miles from Jacksonville, the major distribution point and the center of the heaviest concentration of population in the proposed marketing area. At 1.5 cents per hundredweight for each 10 miles (the location differential applicable under the Nashville order), the hauling cost for Nashville milk delivered to Jacksonville is 86 cents per hundredweight. On this basis, the Nashville Class I price f.o.b. Jacksonville averaged \$5.50 in 1965. This latter price gives no consideration, however, to the various other costs that would be incurred in obtaining a regular and dependable supply of milk from Nashville, or a market similarly situated, on a year-round basis.

The cost to Upper Florida handlers for milk from Nashville and from other Federal order markets will not vary significantly. This is because the Class I prices in all such markets must bear a reasonable relationship to each other. The proposed Upper Florida Class I price represents a reasonable alignment with prices in other markets from which milk may be obtained.

In excepting to the Class I price herein provided, producers contend that a price at least 10 cents higher is justified primarily on the basis that the skim milk and butterfat in Class II products (at the lower Class II price) are classified and priced as Class I under most Federal orders.

The level of the Class I price specified in a Federal order is designed to obtain an adequate supply of milk for Class I purposes plus an appropriate reserve of milk to insure against short-range fluctuation in supplies and sales. The fact that certain products often included in Class I in other markets are included in Class II in this market simply means that a lesser quantity of milk is needed for Class I. The fact that these products are in Class II provides no basis for adjusting the Class I price. On all of the evidence of the record it is apparent that the Class I price established in this order is at a level which will tend to obtain an adequate supply of milk for Class I purposes plus an appropriate reserve.

There is no need to specify in the order that the Tampa Bay Class I price shall be used as the basis for the Upper Florida Class I price. Handlers advocated this for the purpose of assuring that the Upper Florida price would not exceed the Southeastern Florida Class I price. The Tampa Bay order contains such a provision with respect to its Class I price.

Prior to July 1, 1966, and at the time of the hearing on which this decision is based, the Southeastern Florida Class I price was set at \$6.625, subject to supply-demand adjustments and maximum-minimum price limits. The order was amended July 1, however, to provide that the Class I price be the Minnesota-Wisconsin price plus a Class I differential of \$3.20 (31 F.R. 9045). Inasmuch as the Tampa Bay Class I price is the Minnesota-Wisconsin price plus \$3.00, the Class I prices under the two orders are in a fixed relationship with each other. The proposed Upper Florida

Class I price, based on a similar price formula, likewise would be in a fixed relationship with the Class I prices in the two neighboring markets.

A seasonal pricing scheme as proposed by handlers should not be adopted. Such pricing would result during certain months in substantial price differences between the Upper Florida order and the Tampa Bay and Southeastern Florida orders which use a "flat" differential. During the months when the lower differential is in effect, Upper Florida handlers, particularly those in the Orlando vicinity, would have a definite price advantage over handlers in the adjacent markets. The price relationship between the Upper Florida and the Tampa Bay and Southeastern Florida orders is developed further in the findings on location differentials.

It is proposed herein that the Upper Florida Class I price be effective only for the first 18 months in which the order is fully effective. It is appropriate that the Class I price structure be reexamined at a public hearing after the accumulation of at least 1 year's data on milk supplies and sales. At that time, sufficient experience under the order would be available to determine whether the Class I price should be adjusted. Also, sufficient data would be available to determine whether a supply-demand adjuster should be incorporated into the order to automatically vary the Class I price in relation to current supply-sales relationships.

(2) *Class II price.* The Class II price should be established by adding \$1.00 to the basic formula price. This price, which is the same as provided in the nearby Tampa Bay order, averaged \$4.27 in 1965.

In supporting the proposed Class II price, handlers emphasized the importance of having the same Class II price in both this and the Tampa Bay order. There was no opposition at the hearing to the proposed Class II price.

Locally produced milk is not always adequate to meet handlers' total needs. When local supplies are short, handlers obtain concentrated dairy products from other sources for further processing into Class II products at their plants.

The cost of such supplies are affected by transportation over long distances. Local producer milk supplies used in Class II compete directly with these concentrated products delivered to the marketing area. The Class II price under the order must be maintained in close alignment with the cost of these alternative supplies.

The proposed Class II price approximates the price level for Class II milk provided under the past regulations of the Florida Milk Commission and that now provided in the Southeastern Florida order.

(3) *Class III price.* The Class III price should be established by adding 15 cents to the basic formula price.

The basic formula price reflects the value of manufacturing milk in the major milk production areas of the United States. Because manufactured milk products compete on a national basis, it

is important that the price for surplus uses in the market be in close alignment with similar uses nationally. Both producers and handlers supported the Class III price that is herein proposed and which is the same as that provided in the nearby Tampa Bay order.

Negligible quantities of milk for Class III uses are produced in Florida. Handlers depend on shipments of products in manufactured form for most of their Class III requirements. On these manufactured products, they incur transportation charges, although at relatively low rates in terms of dollars per hundredweight of milk equivalent.

The Class III price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I and Class II needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to seek milk supplies solely for the purpose of converting them into Class III products.

The pricing of reserve milk as herein proposed should reflect the competitive value of reserve milk utilized for manufacturing purposes in the area and will reflect the competitive value of manufacturing milk on a national basis. It provides approximately the same price level for products included in Class III which has prevailed in this market.

(4) *Butterfat differentials.* Because of variations in the butterfat content of milk delivered by individual producers and in milk and milk products sold by different handlers, it is necessary to provide "butterfat differentials" to insure equitable payments for such variations in butterfat.

The Class I and Class II butterfat differentials should be established at 7.5 cents for each one-tenth of 1 percent variation in butterfat above or below 3.5 percent. The Class III butterfat differential should be determined by multiplying the Chicago butter price by 0.115.

The proposed Class I and Class II butterfat differentials, which are the same as those in the Tampa Bay and Southeastern Florida orders, are representative of the value of butterfat when disposed of in the fluid items included in these classes. These differentials were proposed by handlers, who emphasized the importance of maintaining the same butterfat differentials in Upper Florida as in the other Florida orders.

Producers proposed a Class I butterfat differential of 12.5 percent times the Chicago butter price. This differential, which would have averaged 7.5 cents in 1965, varied in that year from 7.2 cents in February and March to 7.9 cents in December. Historically, the Class I butterfat differential in the Florida markets has been maintained at a constant rate from month to month, as is now provided in the Tampa Bay and Southeastern Florida orders. It was not shown that the differential proposed by producers would be advantageous to them economically or would otherwise be more appropriate than the Class I butterfat differential that had been found acceptable by handlers and producers throughout Florida in the past.

The proposed Class III butterfat differential of 11.5 percent of the Chicago butter price, which is the same as that contained in the Tampa Bay order, is likewise comparable with its counterpart in other orders throughout the country. It will vary from month to month as the price of butter varies. Hence, it will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets.

The Class II and Class III prices and the Class III butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II and Class III milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy production prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I, Class II, and Class III butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the orders.

(5) *Solids-not-fat differentials.* In the hearing notice, producers proposed solids-not-fat (SNF) differentials. These would be applied (in the same manner as butterfat differentials) on producer milk containing more or less than 8.47 pounds of SNF per hundredweight of milk; a hundredweight of 3.5 percent milk contains about 8.47 pounds of SNF. As proposed, class prices would be adjusted for each one-tenth percent SNF above or below 8.47 pounds by 4.1 cents on Class I and 1.7 cents on Class II. These differentials were arrived at by subtracting the applicable butterfat value from each class price and dividing the remainder by the pounds of SNF in a hundredweight of 3.5 percent milk.

At the hearing, producers withdrew their proposal for SNF differentials, but asked instead that they be applied on a "dry run" basis during the first 6 months of the order. In this period, producer milk would be tested for SNF content and the market administrator would make calculations and announce what the individual producer prices would have been if the SNF differentials had been applicable. Although producers claim that testing for SNF has been perfected and is now practicable, a trial period was requested to obtain experience in the operation of an SNF program. Handlers opposed making provision in the order for an SNF differential on a dry run or any other basis.

SNF tests are not commonly made or applied in paying dairy farmers for their deliveries. No Federal order, currently or in the past, has provided for the adjustment of Class I prices or payments to producers on the basis of the SNF content of milk. The State of California was the only place cited in which some milk was paid for on the basis of its SNF content. However, no testimony was presented concerning the experience in

California and whether its use there had any application to conditions in the Upper Florida market.

At least two research projects have been conducted to test consumer acceptance of milk with varying amounts of SNF. These projects, it was claimed, tended to establish that consumers found milk with a high SNF content more palatable and desirable than milk of a low or normal SNF content. None of these research projects were conducted in the Upper Florida market.

The amount of SNF in milk is generally related to the amount of butterfat in the milk. Milk with a high butterfat content contains a greater percentage of SNF than low testing milk. However, the SNF in milk does not increase directly in proportion to the increases in butterfat.

The returns of producers of high test milk are enhanced by the butterfat differentials provided in the order, which were supported by both producers and handlers. In effect, the portion of the increased returns obtained through the butterfat differentials on milk with a high butterfat content might reasonably be considered as representing compensation for the greater SNF content of such milk. If there is an even greater value for high butterfat milk than that represented by the butterfat differentials proposed, it was not established at the hearing. Moreover, there is no indication that the demand by handlers and consumers in the Upper Florida market for milk of high butterfat content is such as to justify higher prices for such milk than would be realized by the class prices and butterfat differentials in the proposed order.

It was not shown that the butterfat and SNF content of milk now produced for the market is not meeting the needs of handlers or that there is dissatisfaction among producers with the practice of paying for their deliveries on the basis of stipulated prices adjusted by butterfat differentials. Neither was it shown that it would be to the advantage of producers to provide for SNF differential provisions in the order.

The 6-month trial period for an SNF differential proposed by producers may be a worthwhile project. However, it is more appropriate that the operation of such a project be conducted outside the scope of the order. The experience thus obtained by producers and/or handlers might have some value at a future hearing in considering SNF differentials for the order.

In view of the various considerations mentioned above, no provision should be made in the order at this time to provide for SNF differentials or for instituting a 6-month trial period therefor (as proposed) within the framework of the order.

(6) *Location adjustments.* Location differentials should be incorporated into the order to provide an appropriate adjustment to the Class I and uniform prices based on the location of any plant at which producer milk or other source milk is received.

For milk received at plants outside the State of Florida and 70-85 miles from the nearer of the City Halls in Jacksonville and Tallahassee, the Class I price should be reduced 10 cents. For plants beyond the 85-mile limit, the Class I price should be reduced 10 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such plants are more than 85 miles from the nearer of the City Halls in Jacksonville and Tallahassee. The Class I price should be increased 10 cents at plants south of the Florida counties of Dixie, Gilchrist, Alachua, Putnam, or St. Johns.

Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation cost if such products or the milk used to produce them are moved considerable distances. Milk delivered directly by farmers to plants in or near the urban centers in the defined marketing area, therefore, is worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance, the handler must incur the additional cost of moving that milk to the central market. Under these conditions, the value of producer milk delivered to plants located some distance from the market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the market. Providing location differentials based on the cost of moving milk to the market will insure uniform pricing to all handlers regardless of the location where the milk is procured.

To be equitable to all handlers, the Class I price should not be dependent on the type of plant receiving the milk. To the extent that milk is received at distributing plants from producers at a considerable distance from the market and brought to the market by the handler, he has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted at such plants to reflect the cost of hauling milk to market.

The cost of obtaining milk from alternative sources of supply in the major milk production areas of the country (all of which are necessarily to the north) is an important factor in establishing Class I prices in the Florida order markets. Because of this, the structure of Class I pricing within the State is one of increasing prices from north to south. It would be inappropriate, therefore, to provide for downward adjustments in the Class I price for milk received at plants south of the major points of distribution in the marketing area. Moreover, it is unnecessary to establish a downward location adjustment applicable to any plant in Florida. This is because the points, Jacksonville and Tallahassee, from which location differentials are measured are sufficiently near the northern border of the State so that plants at which location adjustments would appropriately be applicable would necessarily be outside the State.

The Class I price at plants in the southern part of the marketing area should be 10 cents over the announced Class I price for the market. Distributing plants at Orlando, the major distribution center in the southern part of the area, compete with Tampa Bay order plants for milk supplies and sales. Also, Orlando handlers have some competition for sales with Southeastern Florida order handlers. The Tampa Bay and Southeastern Florida Class I prices f.o.b. Orlando are about the same as the proposed Upper Florida Class I price at that point. This pricing scheme will provide a price alignment with respect to Orlando area handlers and handlers to the north and south of that vicinity commensurate with the prevailing competitive situation.

Producers excepted to the plus 10-cent location differential applicable in the Orlando vicinity. Instead, they proposed that no location differential be applicable to the Class I price at any plant in the marketing area. The Class I price provided in this decision is applicable at Jacksonville, the major center of population and principal distribution point in the marketing area. The Tampa Bay and Southeastern Florida Class I prices f.o.b. Jacksonville are about the same as the proposed Upper Florida Class I price at Jacksonville. To adopt the producers' proposal of providing the same Class I price throughout the marketing area would tend to disregard some of the basic factors (e.g., price alignment, cost of obtaining milk from alternative sources of supply) used in determining the Class I prices in the Upper Florida, Tampa Bay and Southeastern Florida orders. Accordingly, the producers' proposal for the elimination of the plus 10-cent location adjustment in the Orlando vicinity is denied.

Upper Florida plants located south of the Florida counties of Dixie, Gilchrist, Alachua, Putnam or St. Johns distribute their milk primarily in the Orlando vicinity. The proposed geographical delineation of the area in which the plus 10-cent adjustment would apply thus would result in uniform pricing for those plants in a generally comparable competitive situation.

Uniform prices paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No adjustment should be made in the Class II and Class III prices because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for these uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products or the concentrated products which may be used in Class II products.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such

credit, fluid milk products received from pool plants shall be assigned to any Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment would be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Jacksonville, Orlando, or Tallahassee. This sequential assignment of milk based on these locations will provide an equitable basis for facilitating the movement of milk between pool plants for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk between pool plants for other than Class I purposes at the expense of producers.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby will prevent any unnecessary interruption in the operation of the order.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the proposed order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying the order market a return based on his pro rata share of the total Class I sales of such market. The "blend" that a producer receives for each month's deliveries will be a price based on the overall utilization of all producer milk received at the pool plants of all regulated handlers during such month.

The uniformity of payments to producers provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blended prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle little or no surplus milk, some plants which would be subject to the order handle milk for manufacturing purposes. Under these conditions, a marketwide pool in the Upper Florida marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for producer associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all pro-

ducers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Payments to producers. Each handler under the order should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price. Provision also is made for partial payments for milk received during each half of the month.

Producers in the Upper Florida area historically have received partial payments, and the proposed payments adopted herein were supported by both producers and handlers. The first partial payment, for milk delivered during the first 15 days of the month will be required on or before the 20th day of the month at not less than 85 percent of the uniform price of the preceding month. On or before the second day of the following month for milk received from the 16th to the last day of the month, a second partial payment will be required at the same rate as the first partial payment. Final payment to producers will be required on or before the 15th day of the month at the applicable uniform price for the preceding month, less partial payments and authorized deductions.

During the first month the pricing provisions are effective, there will be no previous month's uniform price on which to base partial payments. For this reason, a minimum partial payment rate of \$5.00 per hundredweight is provided for such month. This amount will approximate the Class II price.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative in discharging its responsibility to its members and to the market.

The Act provides for the payment by handlers to cooperatives for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with its members authorize the principal cooperatives in the markets to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make payments to the cooperative association for milk received during the month on or before the second day prior to the date payments are due individual producers.

At the time settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. This statement should show the

unds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. All producers will receive payment at the rate of the marketwide uniform price each month. Because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during each month is greater than the amount he is required to pay producers for such milk at the applicable uniform prices should pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price would receive payment of the difference from the fund. Provision for the establishment and maintenance of a producer-settlement fund as set forth in the attached order is similar to that contained in other Federal orders for marketwide pools.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, should be established in the attached order at not less than 4 nor more than 5 cents per hundredweight of producer milk in the pool for the month.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money so deposited would be included in the uniform price computation and thereby distributed to all producers on the market.

Marketing services. Provisions should be made in the order for furnishing marketing services to producers, such as specifying the tests and weights of proper milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing marketing services for its member-producers it is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

Milk produced on a handler's own farm should be exempt from marketing service deductions, even though it is subject to the other provisions of the order. There are no payments to producers to offset on such milk and, therefore, no need to provide the same marketing services as are provided other producers.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly

marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries reported by the handler are accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization, and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 4 cents per hundredweight with respect to receipts of milk from producers for whom he renders such marketing services. Producers' proposal for marketing services would provide a maximum deduction of 6 cents per hundredweight. Southeastern Florida and Tampa Bay, however, contain a maximum deduction of 4 cents. Comparison of the number of producers involved and the expected volume of milk with that of other markets indicates that a 4-cent rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, on producer milk (including milk of such handler's own production) and on other source milk allocated to Class I (except milk so assessed under another Federal order).

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. A principal function of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

The order specifies minimum performance standards that must be met to obtain regulated status. Operators of plants not meeting such standards are required to either (1) make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk, or (2) otherwise pay into such fund and/or to dairy farmers an amount not less than the classified use value of his receipts from dairy farmers computed as though such plant were a fully regulated plant.

The market administrator, in administering an order as it applies to the non-pool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. However, the order is not applicable to such distributor to the same extent as to regulated handlers. Hence, payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the case of unregulated milk which enters the market through a regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. Hence, it is appropriate that the regulated handler be responsible for payment of the administrative assessment on such unregulated milk.

The order is designed so that the cost of administration is shared equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

Interest payments on overdue accounts. Provision is made for the payment of interest on amounts due to the market administrator for each month or portion thereof that such obligation is overdue.

Prompt payment of amounts due to the market administrator is essential to the operation of order provisions. Interest charges will encourage payment of amounts due on or before the specified date. The rate provided herein is reasonable to compensate for the cost of borrowing money in accord with normal business practices.

Administrative provisions. Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision, which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requir-

ing handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Such reports are necessary for the computation of the uniform price and determination of each plant's continuing status under the order. The maintenance of adequate records is necessary to enable the market administrator to verify receipts and utilization as reported by the handlers and to verify that the several financial obligations arising under the order are fully discharged.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

A cooperative association having authority to market milk for member producers should have available to it information on the use of such milk by individual handlers in order that member milk may be directed to those handlers needing Class I milk. This will promote orderly marketing by enabling the efficient allocation among handlers of available milk supplies, permit the market to be serviced with smaller reserve supplies and assist producers in maximizing their returns. A provision therefore should be included to authorize the market administrator to provide this information when it is requested by such an association. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical

in principle with the general amendment (made to all milk orders which were in operation on July 30, 1947), following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Upper Florida Marketing Area," and "Order Regulating the Handling of Milk in the Upper Florida Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached

order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Upper Florida marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of August 1966 is hereby determined to be the representative period for the conduct of such referendum.

A. E. LaLiberte is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on October 7, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

*Order¹ Regulating the Handling of Milk
in the Upper Florida Marketing Area*

DEFINITIONS

Sec.	
1006.1	Act.
1006.2	Secretary.
1006.3	Department.
1006.4	Person.
1006.5	Cooperative association.
1006.6	Upper Florida marketing area.
1006.7	Fluid milk product.
1006.8	Distributing plant.
1006.9	Supply plant.
1006.10	Pool plant.
1006.11	Nonpool plant.
1006.12	Route.
1006.13	Handler.
1006.14	Producer-handler.
1006.15	Producer.
1006.16	Producer milk.
1006.17	Other source milk.
1006.18	Chicago butter price.
1006.19	Class II product.
MARKET ADMINISTRATOR	
1006.20	Designation.
1006.21	Powers.
1006.22	Duties.

REPORTS, RECORDS, AND FACILITIES

1006.30	Reports of receipts and utilization.
1006.31	Producer payroll reports.
1006.32	Other reports.
1006.33	Records and facilities.
1006.34	Retention of records.

CLASSIFICATION OF MILK

1006.40	Skim milk and butterfat to be classified.
1006.41	Classes of utilization.
1006.42	Shrinkage.
1006.43	Transfers.
1006.44	Computation of skim milk and butterfat in each class.
1006.45	Allocation of skim milk and butterfat classified.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

MINIMUM PRICES

Sec.	
1006.50	Basic formula price.
1006.51	Class prices.
1006.52	Butterfat differentials to handlers.
1006.53	Location differentials to handlers.
1006.54	Use of equivalent prices.

APPLICATION OF PRICES

1006.60	Computation of the net pool obligation of each handler.
1006.61	Computation of uniform price.
1006.62	Obligations of handler operating a partially regulated distributing plant.

PAYMENTS

1006.70	Time and method of payment.
1006.71	Butterfat differential to producers.
1006.72	Location differentials to producers and on nonpool milk.
1006.73	Producer-settlement fund.
1006.74	Payments to the producer-settlement fund.
1006.75	Payments from the producer-settlement fund.
1006.76	Marketing services.
1006.77	Expense of administration.
1006.78	Adjustment of accounts.
1006.79	Interest payments.
1006.80	Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1006.90	Effective time.
1006.91	Suspension or termination.
1006.92	Continuing power and duty of the market administrator.
1006.93	Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1006.100	Separability of provisions.
1006.101	Agents.

AUTHORITY: The provisions of this Part 1006 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1006.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Upper Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing

agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production); (ii) other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (9) and the corresponding steps of § 1006.45(b); and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Florida marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

The provisions of §§ 1006.1 to 1006.101, both inclusive, of the proposed order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 25, 1966 (31 F.R. 11465; F.R. Doc. 66-9452), shall be and are the terms and conditions of this order and are set forth in full herein subject to the revisions made in §§ 1006.17(b), 1006.41(c) (1), and 1006.60 (d).

DEFINITIONS

§ 1006.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1006.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1006.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1006.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1006.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Cap-
per-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

§ 1006.6 Upper Florida marketing area.

The "Upper Florida marketing area", hereinafter called the "marketing area", means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Alachua.	Lafayette.
Baker.	Lake.
Bay.	Leon.
Bradford.	Levy.
Brevard.	Liberty.
Calhoun.	Madison.
Citrus.	Marion.
Clay.	Nassau.
Columbia.	Orange.
Dixie.	Osceola.
Duval.	Putnam.
Flagler.	St. Johns.
Franklin.	Seminole.
Gadsden.	Sumter.
Gilchrist.	Suwannee.
Gulf.	Taylor.
Hamilton.	Union.
Holmes.	Volusia.
Jackson.	Wakulla.
Jefferson.	Washington.

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

§ 1006.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1006.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1006.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

§ 1006.11 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1006.10 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

(d) "Partially regulated distributing plant" means a nonpool plant that is a distributing plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

(e) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

§ 1006.12 Route.

"Route" means a delivery (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1006.41(a) (1).

§ 1006.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(f) A producer-handler.

§ 1006.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

§ 1006.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act or the operator of an exempt distributing plant, who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1006.16 from a pool plant to a nonpool plant.

§ 1006.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1006.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1006.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1006.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the plant to which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the plant to which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from member-producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the

aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1006.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1006.33.

§ 1006.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1006.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

MARKET ADMINISTRATOR**§ 1006.20 Designation.**

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1006.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1006.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part,

including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1006.77 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1006.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1006.30 through 1006.32 or payments pursuant to §§ 1006.70, 1006.74, 1006.76, 1006.77, and 1006.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, and by such investigation as the market administrator deems necessary.

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month;

(2) The 5th day of each month the Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(3) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the

milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1006.45(a)(10) and the corresponding step of § 1006.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1006.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such reports; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1006.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1006.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (or, in the case of handlers pursuant to § 1006.13(b), Grade A milk received from dairy farmers);

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1006.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1006.31 Producer payroll reports.

(a) Each handler pursuant to § 1006.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1006.62(b) shall report to the market administrator on or before the 20th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. In such report, payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

§ 1006.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1006.13 (d) shall report to the market administrator, in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1006.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1006.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1006.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1006.30 shall be classified each month pursuant to the provisions of §§ 1006.41 through 1006.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1006.41 Classes of utilization.

Subject to the conditions set forth in § 1006.43, the classes of utilization shall be as follows:

(a) *Class I milk*. Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2) and (c) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk*. Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraph (c) (2), (3), and (4) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk*. Class III milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and sterilized products in hermetically sealed containers;

(2) Skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1006.16) but not in excess of:

(i) 2 percent of producer milk (except that received from a handler pursuant to § 1006.13 (d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1006.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1006.42(b) (2).

§ 1006.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1006.41(c) (5); and

(2) Other source milk exclusive of that specified in § 1006.41(c) (5).

§ 1006.43 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to

the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.45(a) (10) and the corresponding step of § 1006.45 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.45(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1006.45(a) (9) or (10) and the corresponding steps of § 1006.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a Class II product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted pursuant to § 1006.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product or Class II product to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1006.41.

(d) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants

and sufficient Class III utilization is available in the transferee plant.

(e) As Class I milk if transferred or diverted in the form of a fluid milk product, and as Class II milk if transferred in the form of a Class II product, from a pool plant to an exempt distributing plant.

§ 1006.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1006.30 and from such reports, shall compute for each handler the total pounds of skim milk and butterfat in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1006.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1006.44, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1006.41(c) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1006.41(c) (4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from an exempt distributing plant;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(5) Subtract from the pounds of skim milk remaining in Class II and Class III, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (4) of this paragraph;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants:

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from another order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (6) (i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6) (ii) of this paragraph:

(i) In series beginning with Class III, and thereafter from Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1006.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers ac-

cording to the classification of such products pursuant to § 1006.43(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1006.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

§ 1006.51 Class prices.

Subject to the provisions of §§ 1006.52 and 1006.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus \$2.80.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus \$1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

§ 1006.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents;

(b) Class II price, 7.5 cents; and

(c) Class III price, 0.115 times the Chicago butter price for the month.

§ 1006.53 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a location south of Dixie, Gilchrist, Alachua, Putnam or St. Johns Counties, Fla., shall be increased 10 cents and at a plant outside the State of Florida and 70 miles or more from the nearer of the City Halls in Jacksonville and Tallahassee, Fla., shall be reduced 10 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 85 miles from the nearer of the Jacksonville and Tallahassee City Halls.

(b) For the purpose of calculating location differentials, receipts of fluid milk

products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Jacksonville, Orlando or Tallahassee, Fla.

§ 1006.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

APPLICATION OF PRICES

§ 1006.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1006.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1006.45(e) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1006.45(a) (12) and the corresponding step of § 1006.45 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a) (7) and the corresponding step of § 1006.45 (b);

(d) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a) (3) and the corresponding step of § 1006.45 (b);

(e) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a) (9) and the corresponding step of § 1006.45 (b).

§ 1006.61 Computation of uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1006.60 for all handlers who filed the reports pursuant to § 1006.30 for the month, except those in default of payments required pursuant to § 1006.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat

differential pursuant to § 1006.71 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1006.72(a);

(d) Subtract an amount equal to the total value of the plus location differential computed pursuant to § 1006.72(a);

(e) Add an amount equal to one-half the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1006.60(e); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1006.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1006.30 and 1006.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1006.60(e) and a credit in the amount specified in § 1006.74(b) (2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in

the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, deduct the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher.

PAYMENTS

§ 1006.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, not less than 85 percent of the uniform price for the preceding month (not less than \$5 for the first month this provision is in effect) per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer;

(2) On or before the 5th day of the following month to each producer who had not discontinued shipping milk to such handler before the last day of the month, not less than 85 percent of the uniform price for the preceding month (not less than \$5 for the first month this provision is in effect) per hundredweight of milk received from the 16th through the last day of the month, less proper deductions authorized in writing by such producer; and

(3) On or before the 15th day of each month to each producer for milk received during the preceding month, not less than the uniform price per hundredweight, adjusted pursuant to §§ 1006.71, 1006.72, and 1006.76, subject to the following:

(i) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less proper deductions authorized in writing by such producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1006.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, together with a written promise of such association to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, such handler on or before the second day prior to the date on which payments are due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount not less than the total due such producer-members pursuant to paragraph (a) of this section, subject to the following:

(1) Payment pursuant to this paragraph shall be made for milk received from any producer beginning on the first day of the month following receipt from the cooperative association of its certification that such producer is a member, and continuing through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) Copies of the written request of the cooperative association to receive payments on behalf of its members, together with its promise to reimburse and its certified list of members shall be submitted simultaneously both to the handler and to the market administrator and shall be subject to verification by the market administrator at his discretion, through audit of the records of the cooperative association. Exceptions, if any, to the accuracy of such certification claimed by any producer or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1006.71 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk, is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1006.45 by the respective butterfat differential for each class.

§ 1006.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced or increased according to the location of the pool plant at the rates set forth in § 1006.53; and

(b) For purposes of computations pursuant to §§ 1006.74 and 1006.75, the uniform price shall be adjusted at the rates set forth in § 1006.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1006.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1006.62 and 1006.74 and out of which he shall make all payments from such fund pursuant to § 1006.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1006.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation pursuant to § 1006.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) of other source milk for which a value is computed pursuant to § 1006.60(e).

§ 1006.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1006.74(b) exceeds the amount computed pursuant to § 1006.74(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1006.76 Marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 4 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and

to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1006.77 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (9) and the corresponding steps of § 1006.45(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1006.78 Adjustment of accounts.

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1006.79 Interest payments.

The unpaid obligation of a handler pursuant to §§ 1006.74, 1006.76, 1006.77, and 1006.78 shall be increased one-half of 1 percent for each month or portion thereof that such obligation is overdue.

§ 1006.80 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1006.90 Effective time.

The provisions of this part or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1006.91 Suspension or termination.

The Secretary shall suspend or terminate any or all provisions of this part whenever he finds that they obstruct or do not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1006.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions

of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1006.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1006.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1006.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 66-11145; Filed, Oct. 12, 1966; 8:48 a.m.]

FEDERAL REGISTER

VOLUME 31 • NUMBER 200

Friday, October 14, 1966 • Washington, D.C.

Pages 13299-13376

Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Agriculture Department
Atomic Energy Commission
Business and Defense Services
Administration
Census Bureau
Civil Aeronautics Board
Comptroller of the Currency
Consumer and Marketing Service
Defense Department
Engineers Corps
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Interior Department
International Commerce Bureau
Interstate Commerce Commission
Justice Department
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

**Order from: Superintendent of Documents,
U.S. Government Printing Office,
Washington, D.C. 20402**



Area Code 202 Phone 963-3261

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Continental sugar requirements, 1966; correction.....	13313
Cotton, upland; 1967 crop acreage allotments and marketing quotas	13303

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Notices

North Carolina and South Carolina; designation of areas for emergency loans.....	13356
--	-------

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

Notices

Southern California Edison Co., et al.; proposed issuance of provisional operating license.....	13365
State of Washington; proposed agreement for assumption of certain AEC regulatory authority	13360

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Notices

Assistant Secretary of Defense for Installations and Logistics; delegation of authority.....	13360
--	-------

CENSUS BUREAU

Notices

Annual surveys in manufacturing area; notice of consideration..	13356
---	-------

CIVIL AERONAUTICS BOARD

Notices

National Airlines, Inc., et al.; order denying petition.....	13367
--	-------

COMMERCE DEPARTMENT

See Business and Defense Services Administration; Census Bureau; International Commerce Bureau.

COMPTROLLER OF THE CURRENCY

Notices

Crocker-Anglo National Bank and Citizens National Bank; notice of hearing in connection with merger	13354
---	-------

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Filberts grown in Oregon and Washington; proposed expenses and rate of assessment.....	13346
--	-------

DEFENSE DEPARTMENT

See also Engineers Corps.

Rules and Regulations

Miscellaneous amendments to subchapter	13326
--	-------

ENGINEERS CORPS

Rules and Regulations

Certain reservoir areas; public use	13313
---	-------

FEDERAL AVIATION AGENCY

Rules and Regulations

Aircraft registration; assignment of identification numbers.....	13313
Alterations:	
Control zones and transition areas; corrections (2 documents).....	13315
Federal airways (2 documents)	13314, 13315
Transition area.....	13315
Standard instrument approach procedures; miscellaneous amendments	13316

Proposed Rule Making

Careless or reckless ground use of aircraft not incident to flight..	13352
--	-------

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:	
Gulf/United Kingdom Conference.....	13369
Nippon Yusen Kaisha and Yamashita-Shinnihon Steamship Co., Ltd.....	13369
Sea-Land Service, Inc., and Portnica Shipping Co., Inc..	13369

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Florida Gas Transmission Co..	13374
Johnson Oil & Gas Co., et al..	13371
Kuhn, Walter F., et al.....	13373
Public Utility District No. 1 of Chelan County, Washington..	13375

FEDERAL TRADE COMMISSION

Rules and Regulations

Ship 'n Shore, Inc.; prohibited trade practices.....	13337
--	-------

Proposed Rule Making

Textile fiber content of special types of products.....	13353
---	-------

FISH AND WILDLIFE SERVICE

Rules and Regulations

Modoc National Wildlife Refuge, California; hunting; correction..	13342
---	-------

FOOD AND DRUG ADMINISTRATION

Proposed Rule Making

New drugs; applications and experience reporting.....	13347
---	-------

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Equal opportunity in employment..	13337
-----------------------------------	-------

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service.

Notices

Statements of changes in financial interests:	
Broadus, James S.....	13354
Chamberlain, Alexander S.....	13354
Hieronymus, John W.....	13354
Hrubesky, George F.....	13354
Hunt, Lowell E.....	13354
Innis, Joe T.....	13354
Kincannon, Layton E.....	13354
Livingood, Howard Lester.....	13355
McKnight, Maxwell S.....	13355
Millen, Charles K.....	13355
Millican, George E.....	13355
Porter, George A.....	13355
Remalia, William R.....	13355
Sewell, Kenneth I.....	13355
Timme, Elwyn Frank.....	13355
Welch, Edward W.....	13356

INTERNATIONAL COMMERCE BUREAU

Notices

Scientific Supply Co., and C. J. Rawlins; order denying export privileges for an indefinite period	13357
Tokyo Seldensha Co., Ltd., and Takeo Sakamoto; order denying export privileges for an indefinite period.....	13358
Woodham Trading Ltd., and Glovet Traders, Ltd.; order further extending temporary denial of export privileges.....	13359

(Continued on next page)

**INTERSTATE COMMERCE
COMMISSION****Notices**

Fourth section applications for relief	13371
Lawrence, John V.; statement of changes in financial interests ..	13369
Motor carrier:	
Temporary authority applications	13370
Transfer proceedings	13370

JUSTICE DEPARTMENT**Proposed Rule Making**

Administration and enforcement of the Foreign Agents Registration Act	13343
---	-------

**SECURITIES AND EXCHANGE
COMMISSION****Notices**

Canadian International Growth Fund Ltd.; notice of application	13368
--	-------

**SMALL BUSINESS
ADMINISTRATION****Proposed Rule Making**

Small business size standards; correction	13353
---	-------

Notices

Ohio; declaration of disaster area ..	13368
---------------------------------------	-------

TREASURY DEPARTMENT

See Comptroller of the Currency.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

7 CFR

722	13303
811	13313

PROPOSED RULES:

982	13346
-----------	-------

13 CFR**PROPOSED RULES:**

121	13353
-----------	-------

14 CFR

47	13313
71 (5 documents)	13314, 13315
97	13316

PROPOSED RULES:

91	13352
----------	-------

16 CFR

13	13337
----------	-------

PROPOSED RULES:

303	13353
-----------	-------

21 CFR**PROPOSED RULES:**

130	13347
-----------	-------

28 CFR**PROPOSED RULES:**

5	13343
---------	-------

32 CFR

1	13326
2	13329
3	13329
4	13330
7	13331
8	13332
11	13332
13	13336
15	13336
18	13337

36 CFR

311	13313
-----------	-------

41 CFR

5-12	13337
------------	-------

50 CFR

32	13342
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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVE AND COUNTY ALLOTMENT

Basis and purpose. Section 722.469 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.) and in accordance with the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended). This section establishes the State reserve and its allocation among uses for the 1967 crop of upland cotton. It also allocates the State's share of the national reserve among counties and establishes the county allotments. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

Since the allocations under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.469 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.469 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.469 State reserve and county allotment for the 1967 crop of upland cotton.

(a) **State reserve.** Pursuant to the authority provided in § 722.408 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 11011), the 1967 State acreage reserves for Arkansas, Louisiana, Mississippi, Oklahoma, South Carolina, and

Tennessee have been approved by the Deputy Administrator, State and County Operations, to be in excess of 2 percent of the State allotment available for distribution to counties in the State. The

State reserve for each State shall be established and allocated among uses as shown in the following table for the 1967 crop of upland cotton pursuant to § 722.408:

State	Total State reserve	Allocations from State reserve for:			
		Trends	Small farms	Inequity and hardship cases	New farms and set aside for errors
	<i>Acres</i>	<i>Acres</i>	<i>Acres</i>	<i>Acres</i>	<i>Acres</i>
Alabama.....	100				100
Arizona.....	10				10
Arkansas.....	78,000	78,000			
California.....	50				50
Florida.....	314				314
Georgia.....	500				500
Illinois.....	50			40	10
Kansas.....					
Kentucky.....	136				136
Louisiana.....	55,047	55,047			
Mississippi.....	152,440	152,386			54
Missouri.....	3,500			3,487	13
Nevada.....					
New Mexico.....	350			300	50
North Carolina.....	8,700			8,500	200
Oklahoma.....	111,251	110,251			1,000
South Carolina.....	66,104	46,273		19,631	200
Tennessee.....	53,000	52,860			140
Texas.....	12,008	11,008			1,000
Virginia.....	310		150	150	10
U.S. Total.....	541,870	505,825	150	32,108	3,787

(b) **Explanation of allocations of State reserve among uses—(1) State reserve for minimum farms.** It is hereby determined that the State's share of the national reserve will meet the requirements for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the Act and accordingly, the State committee is not required to establish a State reserve for minimum farm allotments.

(2) **State reserve for abnormal conditions.** It is hereby determined that no State reserve for abnormal conditions is required.

(3) **State reserve for trends.** It is hereby determined that State reserves in substantial amounts are required for trend adjustments in applicable counties of Arkansas, Louisiana, Mississippi, Oklahoma, South Carolina, and Tennessee. Cotton producers in such counties generally plant the entire farm allotment each year and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments because of a trend away from cotton production. Relatively small amounts of State reserve are required for trend adjustments in applicable counties of Texas to support allotments transferred by sale in 1966 which did not have adequate history acreage for the 5 years base available for transfer along with the allotments. Trend adjustments in county allotments for the following States shall be made as follows:

(i) **Arkansas.** An average decimal ratio shall be computed for each county

by dividing the total preliminary county allotments for each of the 4 years, 1963, 1964, 1965, and 1966 by the preceding year's county allotment. Each county with a ratio of 0.984 or more shall be eligible for a trend adjustment from the State reserve. A trend base acreage for apportioning the State reserve for trend adjustments shall be determined for each eligible county by multiplying the 1961-65 average history acreage for each eligible county according to the following weights:

County average decimal ratio	Weight
0.984-0.989	1.00
0.990-0.995	1.30
0.996-0.997	1.40
0.998 and over	1.70

(ii) **Louisiana.** The State reserve for trends shall be allocated to those parishes which shared in the 1966 State reserve. The cotton producers in the parishes sharing in State reserve generally plant each year the farm allotments established for these farms. The size of available farm allotments is the limiting factor on the acreage planted to cotton in such parishes. In allocating the State reserve, adjustments shall be made for farm allotments transferred by sale and owner from other parishes into the parishes in this group.

(iii) **Mississippi.** Counties for which trend adjustments were made in 1966 shall receive allocation from the State reserve on the basis of maintaining trend adjustments in county allotments that have been made in 1966 in order to prevent reduction in cotton allotments in such counties.

(iv) *Oklahoma.* Each county in which cotton acreage is determined not to be trending upward shall be allocated a portion of the State acreage reserve equal to an acreage determined by subtracting the sum of the 1967 computed allotment and the allocation from the national reserve from the 1966 allotment as adjusted for transfers by sales, owner, reconstitutions, and eminent domain. Each county determined to be trending upward shall be allocated a portion of the State acreage reserve as a trend adjustment which, together with the computed allotment and allocation from the national reserve, shall be a uniform percentage, not to exceed 100 percent, of the 1966 allotment as adjusted for transfers by sale, owner, reconstitution, eminent domain and for farms ineligible for a 1967 allotment.

(v) *South Carolina.* A decimal ratio for each county shall be computed by dividing the total 1967 preliminary farm base acreage by the total 1966 county allotment. Each county with a decimal ratio of 0.989900 or more shall be eligible for a trend adjustment from the State reserve. The State reserve for trends shall be apportioned to eligible counties on the basis of trend base acreages computed by multiplying the average county history acreages for the 3 years, 1963-65 by the following weights:

County decimal ratio	Weight
0.989900-0.997675	1.0
0.997676-0.998500	3.0
0.998501-1.000000	4.0

(vi) *Tennessee.* The State reserve for trends shall be apportioned to counties on the basis of the acreage obtained by subtracting the sum of the 1966 computed county allotment and the allocation to the county from the State's share of the national reserve from the county total of the 1967 preliminary farm allotment bases.

(4) *State reserve to correct inequities and prevent hardship.* It is hereby determined that State reserves are required to correct inequities in farm allotments and to prevent hardships in applicable counties of Illinois, Missouri, New Mexico, North Carolina, South Carolina, and Virginia as shown in paragraph (c) of this section. Cotton producers in such counties generally plant the entire farm allotment each year and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments. In addition, in certain areas of these States, the reduction of the number of farms eligible for allotments as old cotton farms has resulted in inequitable increases in allotments on the remaining old cotton farms in such areas. Allocation of State reserves for inequities and hardships so as to reduce excessive farm allotments in such areas will also tend to eliminate inequities in farm allotments between

areas of these States and between farms within the areas.

(5) *State reserve for new farms, missed and reconstituted farms and correction of errors.* It is hereby determined that a State reserve for new farms shall be established only for Kentucky and Oklahoma. Such reserve is included with the State reserve for missed and reconstituted farms and correction of errors.

(c) *County allotment.* The county allotment is established for the 1967 crop of upland cotton in accordance with § 722.409 of the Regulations for Acreage Allotments for 1966 and Succeeding

Crops of Upland Cotton (31 F.R. 5300). The county allotment consists of the computed county allotment, allocation from the State's share of the national reserve and allocation from the State reserve for trends. The following table sets forth the county allotment, allocations from the State's share of the national reserve and allocations from the State reserve. The table also sets forth the allotment in the State productivity pool which shall not be allocated to counties and farms as required under § 722.409(a) of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 11011).

ALABAMA

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acrea	Acrea	Acrea	Acrea	Acrea
Autauga	8,606	237	0	8,843	0
Baldwin	2,709	87	0	2,796	0
Barbour	13,680	491	0	14,171	0
Bibb	3,747	83	0	3,830	0
Blount	16,550	297	0	16,847	0
Bullock	8,465	116	0	8,581	0
Butler	9,154	222	0	9,376	0
Calhoun	6,518	128	0	6,646	0
Chambers	8,883	219	0	9,102	0
Cherokee	20,924	904	0	21,828	0
Chilton	9,310	304	0	9,614	0
Choctaw	6,166	186	0	6,352	0
Clark	5,708	59	0	5,767	0
Clay	2,493	0	0	2,493	0
Cleburne	2,043	0	0	2,043	0
Coffee	17,510	419	0	17,929	0
Colbert	20,636	479	0	21,115	0
Conecuh	11,983	347	0	12,330	0
Coosa	1,296	0	0	1,296	0
Covington	15,296	459	0	15,755	0
Crenshaw	9,489	237	0	9,726	0
Cullman	31,648	986	0	32,634	0
Dale	7,978	207	0	8,185	0
Dallas	25,280	746	0	26,026	0
De Kalb	30,342	1,512	0	31,854	0
Elmore	14,134	346	0	14,480	0
Escambia	10,024	298	0	10,322	0
Etowah	11,485	476	0	11,961	0
Fayette	8,515	249	0	8,764	0
Franklin	12,729	270	0	12,999	0
Geneva	19,409	706	0	20,115	0
Greene	12,375	443	0	12,818	0
Hale	14,487	405	0	14,892	0
Henry	15,002	464	0	15,466	0
Houston	25,234	861	0	26,095	0
Jackson	23,308	974	0	24,282	0
Jefferson	3,503	0	0	3,503	0
Lamar	10,236	253	0	10,489	0
Lauderdale	26,438	608	0	27,046	0
Lawrence	37,266	1,652	0	38,918	0
Lee	8,959	171	0	9,130	0
Limestone	50,277	2,031	0	52,308	0
Lowndes	10,008	227	0	10,235	0
Macon	15,745	540	0	16,285	0
Madison	56,943	1,954	0	58,897	0
Marengo	15,505	285	0	15,791	0
Marion	12,470	314	0	12,784	0
Marshall	28,356	1,133	0	29,489	0
Mobile	3,161	116	0	3,277	0
Monroe	16,969	552	0	17,521	0
Montgomery	10,192	147	0	10,339	0
Morgan	26,947	520	0	27,467	0
Perry	10,461	290	0	10,751	0
Pickens	14,320	323	0	14,643	0
Pike	15,871	336	0	16,207	0
Randolph	6,489	315	0	6,804	0
Russell	9,620	249	0	9,869	0
St. Clair	4,436	0	0	4,436	0
Shelby	5,747	90	0	5,846	0
Sumter	13,326	299	0	13,625	0
Talladega	11,904	399	0	12,303	0
Tallapoosa	6,544	154	0	6,708	0
Tuscaloosa	15,545	323	0	15,868	0
Walker	6,799	0	0	6,799	0
Washington	2,338	95	0	2,433	0
Wilcox	10,987	227	0	11,214	0
Winston	6,905	194	0	7,099	0
Productivity pool	5,590	0	0	0	0

ARIZONA

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
Cochise	Acres 13,728	Acres 94	Acres 0	Acres 13,822	Acres 0
Gila	8,388	0	0	8,388	0
Graham	8,810	31	0	8,841	0
Greenlee	1,744	36	0	1,780	0
Maricopa	122,559	263	0	122,822	0
Mohave	24,176	2	0	24,178	0
Pima	129,456	33	0	129,489	0
Pinal	1,104	0	0	1,104	0
Santa Cruz	1,120	0	0	1,120	0
Yavapai	30,250	98	0	30,348	0
Yuma	170	0	0	170	0
Productivity pool					

ARIZONA

Ariz.	9,167	58	396	9,621	0
Asheley	23,198	170	1,304	24,672	0
Baxter	18	0	0	18	0
Boone	4	0	0	4	0
Bradley	4,694	0	0	4,694	0
Calhoun	3,403	0	0	3,403	0
Chicot	27,927	50	2,053	30,030	0
Clark	3,699	0	0	3,699	0
Clay	36,523	9	2,685	39,217	0
Cleburne	1,519	0	0	1,519	0
Cleveland	2,246	0	0	2,246	0
Columbia	9,554	0	0	9,554	0
Conway	5,675	0	0	5,675	0
Craighead	74,870	113	5,504	80,487	0
Crawford	295	0	0	295	0
Crittenden	88,943	390	6,538	95,871	0
Cross	34,382	0	2,527	36,909	0
Dallas	1,828	0	0	1,828	0
Deshia	39,714	160	2,919	42,793	0
Drew	13,032	81	564	13,677	0
Faulkner	9,958	107	0	10,065	0
Franklin	399	0	0	399	0
Fulton	618	2	0	620	0
Garland	380	0	0	380	0
Grant	35,247	501	2,134	37,882	0
Greene	4,977	0	0	4,977	0
Hempstead	398	0	0	398	0
Hot Spring	1,917	2	0	1,919	0
Howard	5,238	49	0	5,287	0
Independence	39,871	224	2,931	43,026	0
Izard	63,281	213	4,652	68,146	0
Jackson	13,119	76	567	13,762	0
Johnson	18,490	140	1,119	19,749	0
Lawrence	53,604	30	3,940	57,574	0
Lee	30,954	402	1,874	33,230	0
Lincoln	4,717	107	0	4,824	0
Little River	1,296	10	0	1,306	0
Logan	45,192	250	1,954	47,396	0
Loneoke	27	0	0	27	0
Marion	8,850	0	0	8,850	0
Miller	166,302	715	12,225	179,242	0
Mississippi	35,570	144	2,615	38,329	0
Monroe	65	0	0	65	0
Montgomery	1,885	0	0	1,885	0
Nevada	33	0	0	33	0
Newton	2,355	0	0	2,355	0
Ouachita	74,448	945	0	75,393	0
Perry	342	415	5,473	6,230	0
Phillips					
Pike					

ARKANSAS—Continued

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
Poinsett	Acres 78,784	Acres 96	Acres 5,792	Acres 84,672	Acres 0
Polk	2,402	0	0	2,402	0
Pope	18,822	0	0	18,822	0
Prairie	18,822	0	0	18,822	0
Pulaski	18,822	164	862	19,848	0
Randolph	18,822	109	379	19,310	0
St. Francis	61,127	0	4,483	65,610	0
Saline	184	0	0	184	0
Scott	143	0	0	143	0
Searcy	143	0	0	143	0
Sebastian	143	0	0	143	0
Searcy	143	0	0	143	0
Sevier	341	0	0	341	0
Sharp	1,332	0	0	1,332	0
Stone	60	0	0	60	0
Union	1,077	0	0	1,077	0
Van Buren	310	0	0	310	0
Washington	17,858	195	0	18,053	0
White	34,005	0	2,500	36,505	0
Woodruff	5,640	0	0	5,640	0
Yell	8,184	0	0	8,184	0
Productivity pool					

CALIFORNIA

Fresno	188,295	757	0	189,052	0
Imperial	46,833	123	0	46,956	0
Kern	173,698	119	0	173,817	0
Kings	95,276	193	0	95,469	0
Los Angeles	44,640	156	0	44,796	0
Madera	36,009	59	0	36,068	0
Merced	18,371	78	0	18,449	0
Riverside	347	0	0	347	0
San Benito	211	0	0	211	0
San Bernardino	138,410	552	0	138,962	0
San Diego	59	0	0	59	0
Stanislaus	1,081	0	0	1,081	0
Tulare	1,081	0	0	1,081	0
Productivity pool					

FLORIDA

Alachua	101	16.0	0	117.0	0
Baker	7	5.0	0	12.0	0
Bay	49	5.0	0	54.0	0
Calhoun	561	1.5	0	562.5	0
Clay	6	7.5	0	13.5	0
Columbia	307	57.8	0	364.8	0
Dixie	13	37.5	0	50.5	0
Escambia	1,360	69.6	0	1,429.6	0
Gadsden	180	30.0	0	210.0	0
Gilchrist	1	1.0	0	2.0	0
Hamilton	1,164	71.7	0	1,235.7	0
Holmes	4,483	504.7	0	4,987.7	0
Jackson	7,315	998.8	0	8,313.8	0
Jefferson	1,325	171.3	0	1,496.3	0
Lafayette	232	232.0	0	464.0	0
Leon	497	50.0	0	547.0	0
Levy	6	6.0	0	12.0	0
Liberty	15	3.6	0	18.6	0
Madison	2,740	364.1	0	3,104.1	0
Nassau	3	3.0	0	6.0	0
Okaloosa	1,307	35.9	0	1,342.9	0

FLORIDA—Continued

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
Santa Rosa.....	Acres 5,715	Acres 359.7	Acres 0	Acres 6,074.7	Acres 0
Suwannee.....	681	169.5	0	850.5	0
Taylor.....	28	14.0	0	42.0	0
Union.....	21	14.0	0	35.0	0
Walton.....	2,138	131.3	0	2,269.3	0
Washington.....	833	166.0	0	999.0	0
Productivity Pool.....	21	0	0	0	0

GEORGIA

Appling	4,218	49.3	4,257.3	0
Atkinson	936	0	836.0	0
Bacon	2,298	71.6	2,289.6	0
Baker	2,970	73.6	3,043.6	0
Baldwin	2,282	98.5	2,380.5	0
Banks	2,545	0	2,545.0	0
Barrow	5,148	107.9	5,255.9	0
Bartow	18,303	597.0	16,900.0	0
Ben Hill	4,969	113.9	5,072.9	0
Berrien	3,365	115.8	3,471.8	0
Bibb	8,952	0	8,952.0	0
Blackley	6,574	168.0	6,742.0	0
Brantley	42	0	42.0	0
Brooks	8,561	352.0	8,913.0	0
Bryan	202	0	202.0	0
Bulloch	13,890	637.9	14,527.9	0
Burke	33,711	494.1	34,205.1	0
Butts	4,162	86.2	4,248.2	0
Candler	5,293	140.0	5,433.0	0
Carroll	6,239	243.8	6,482.8	0
Catoosa	7,382	0	7,382.0	0
Charlton	936	0	936.0	0
Chatham	12	0	12.0	0
Chattoahoochee	45	0	45.0	0
Cherokee	99	0	99.0	0
Cherokee	4,269	85.7	4,354.7	0
Clarke	425	0	425.0	0
Clay	1,571	78.0	1,649.0	0
Clayton	3,340	74.0	3,414.0	0
Cobb	3,579	0	3,579.0	0
Cobb	133	0	133.0	0
Coffey	673	0	673.0	0
Colquitt	6,779	251.3	7,030.3	0
Columbia	20,066	630.1	20,696.1	0
Cook	1,673	0	1,673.0	0
Coweta	3,763	166.3	3,929.3	0
Crawford	5,959	73.0	6,032.0	0
Crisp	1,587	115.8	1,702.8	0
Dade	9,834	419.2	10,253.2	0
Dawson	384	0	384.0	0
Decatur	158	0	158.0	0
De Kalb	3,951	0	3,951.0	0
Dodge	2,571	324.5	2,895.5	0
Dooly	22,783	1,341.4	24,124.4	0
Dougherty	1,987	0	1,987.0	0
Douglas	602	0	602.0	0
Early	13,078	272.8	13,350.8	0
Echols	46	0	46.0	0
Effingham	1,474	64.5	1,538.5	0
Elbert	8,278	321.5	8,599.5	0
Emanuel	15,003	405.0	15,311.0	0
Evans	2,465	106.2	2,571.2	0
Fayette	2,665	0	2,665.0	0
Floyd	7,081	631.7	7,712.7	0
Forsyth	1,102	0	1,102.0	0

GEORGIA—Continued

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
Franklin	Acres 7,008	Acres 298.5	Acres 0	Acres 7,277.5	Acres 0
Fulton	1,115	0	0	1,115.0	0
Gilmer	1	0	0	1.0	0
Glascock	4,650	123.7	0	4,773.7	0
Gordon	9,228	387.4	0	9,615.4	0
Grady	3,588	108.9	0	3,696.9	0
Greene	2,450	78.0	0	2,528.0	0
Gwinnett	3,263	168.1	0	3,431.1	0
Habersham	281	0	0	281.0	0
Hall	1,588	0	0	1,588.0	0
Hancock	8,145	270.5	0	8,415.5	0
Harrison	1,630	0	0	1,630.0	0
Harris	1,405	43.6	0	1,448.6	0
Hart	10,882	421.5	0	11,283.5	0
Heard	1,614	0	0	1,614.0	0
Henry	8,525	342.6	0	8,867.6	0
Houston	5,210	0	0	5,210.0	0
Irwin	9,452	195.9	0	9,647.9	0
Jackson	6,632	178.5	0	6,804.5	0
Jasper	3,573	143.3	0	3,716.3	0
Jeff Davis	2,188	81.0	0	2,269.0	0
Jefferson	18,432	665.8	0	19,097.8	0
Jenkins	11,269	212.1	0	11,481.1	0
Johnson	15,026	301.3	0	15,327.3	0
Jones	234	0	0	234.0	0
Lamar	2,289	90.8	0	2,379.8	0
Lanier	634	26.3	0	660.3	0
Laurens	27,717	541.0	0	28,258.0	0
Lee	3,523	126.7	0	3,649.7	0
Liberty	125	0	0	125.0	0
Lincoln	1,755	0	0	1,755.0	0
Long	494	0	0	494.0	0
Lowndes	3,172	111.8	0	3,283.8	0
Lumpkin	54	0	0	54.0	0
McDuffie	5,814	247.9	0	6,061.9	0
McIntosh	1	0	0	1.0	0
Macon	11,243	239.0	0	11,482.0	0
Madison	9,488	336.5	0	9,824.5	0
Marion	3,582	82.7	0	3,664.7	0
Meriwether	10,808	239.9	0	11,047.9	0
Miller	5,714	98.6	0	5,812.6	0
Mitchell	11,900	247.3	0	12,147.3	0
Monroe	926	0	0	926.0	0
Montgomery	3,740	159.8	0	3,899.8	0
Morgan	13,463	233.5	0	13,696.5	0
Murray	3,215	72.2	0	3,287.2	0
Muscogee	68	0	0	68.0	0
Newton	6,236	215.2	0	6,451.2	0
Oconee	7,503	275.6	0	7,778.6	0
Oglethorpe	6,819	384.9	0	7,203.9	0
Paulding	1,592	0	0	1,592.0	0
Peach	2,178	56.0	0	2,234.0	0
Pickens	196	0	0	196.0	0
Pierce	2,117	0	0	2,117.0	0
Pike	5,744	108.5	0	5,852.5	0
Polk	5,755	157.2	0	5,912.2	0
Pulaski	8,690	240.6	0	8,930.6	0
Putnam	905	0	0	905.0	0
Quitman	1,390	0	0	1,390.0	0
Randolph	5,577	185.6	0	5,762.6	0
Richmond	2,232	78.6	0	2,310.6	0
Rockdale	2,149	0	0	2,149.0	0
Schley	3,680	74.6	0	3,754.6	0
Screven	15,641	436.6	0	16,077.6	0
Seminole	4,529	93.8	0	4,622.8	0
Spalding	2,266	88.3	0	2,354.3	0
Stephens	688	0	0	688.0	0
Stewart	2,716	75.9	0	2,790.9	0

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hard-ship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Sumter.....	10,170	214.4	0	10,384.4	0
Talbot.....	1,273	0	0	1,273.0	0
Taliaferro.....	1,184	0	0	1,184.0	0
Tattnall.....	4,929	217.2	0	5,146.2	0
Taylor.....	6,863	172.2	0	7,035.2	0
Telfair.....	4,508	131.1	0	4,639.1	0
Terrell.....	12,210	406.2	0	12,616.2	0
Thomas.....	5,722	125.7	0	5,847.7	0
Tift.....	6,553	250.3	0	6,803.3	0
Toombs.....	7,239	286.6	0	7,525.6	0
Treutlen.....	3,229	96.1	0	3,325.1	0
Troup.....	1,696	73.0	0	1,769.0	0
Turner.....	7,588	141.6	0	7,729.6	0
Twigs.....	3,254	122.3	0	3,376.3	0
Upson.....	1,043	0	0	1,043.0	0
Walker.....	1,694	0	0	1,694.0	0
Walton.....	18,146	395.0	0	18,541.0	0
Ware.....	774	0	0	774.0	0
Warren.....	10,312	322.2	0	10,634.2	0
Washington.....	16,343	312.7	0	16,655.7	0
Wayne.....	2,134	0	0	2,134.0	0
Webster.....	1,635	42.3	0	1,677.3	0
Webster.....	3,258	133.8	0	3,391.8	0
White.....	448	0	0	448.0	0
Whitfield.....	1,217	0	0	1,217.0	0
Wilcox.....	10,657	240.4	0	10,897.4	0
Wilkes.....	3,333	101.5	0	3,434.5	0
Wilkinson.....	2,264	118.9	0	2,382.9	0
World.....	17,992	326.8	0	18,318.8	0
Productivity pool.....	7,816	0	0	0	0

ILLINOIS

Alexander.....	1,586	6	0	1,592	22
Massac.....	3	0	0	3	0
Pulaski.....	1,106	15	0	1,121	18
Productivity pool.....	45	0	0	0	0

KANSAS

Montgomery.....	13.0	2.0	0	15.0	0
Productivity pool.....	0	0	0	0	0

KENTUCKY

Ballard.....	7	2.3	0	9.3	0
Calloway.....	59	4.0	0	63.0	0
Carlisle.....	48	2.8	0	50.8	0
Fulton.....	553	233.6	0	786.6	0
Graves.....	150	0.0	0	150.0	0
Hickman.....	857	0.0	0	857.0	0
McCracken.....	4	4.2	0	8.2	0
Marshall.....	10	2.1	0	12.1	0
Productivity pool.....	26	0	0	0	0

LOUISIANA

Parish	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequities and hard-ship cases
(1)	(2)	(3)	(4)	(5)	
Acadia.....	Acres 9,423	Acres 152	Acres 953	Acres 10,528	Acres 0
Allen.....	527	0	0	527	0
Ascension.....	228	0	0	228	0
Assumption.....	3	0	0	3	0
Avoyelles.....	19,735	320	2,008	22,063	0
Beauregard.....	213	19	0	232	0
Bienville.....	2,440	0	0	2,440	0
Bossier.....	16,390	289	1,810	18,489	0
Caddo.....	29,441	528	3,313	33,282	0
Calcasieu.....	91	0	0	91	0
Caldwell.....	7,320	156	975	8,451	0
Cameron.....	75	0	0	75	0
Catahoula.....	10,594	325	2,039	12,958	0
Clabourne.....	3,872	0	0	3,872	0
Concordia.....	8,227	243	1,562	10,032	0
De Soto.....	7,311	51	0	7,362	0
East Baton Rouge.....	406	0	0	406	0
East Carroll.....	28,868	698	4,378	33,944	0
East Feliciana.....	1,244	0	0	1,244	0
Evangeline.....	13,419	211	1,322	14,952	0
Franklin.....	52,018	1,041	6,536	59,595	0
Grant.....	4,032	75	476	4,583	0
Iberia.....	1,185	0	0	1,185	0
Iberville.....	286	0	0	286	0
Jackson.....	610	0	0	610	0
Jackson Davis.....	248	0	0	248	0
Lafayette.....	11,033	0	0	11,033	0
La Salle.....	404	15	93	512	0
Lincoln.....	1,465	0	0	1,465	0
Livinston.....	167	0	0	167	0
Madison.....	19,543	425	2,665	22,633	0
Morehouse.....	31,324	694	4,355	36,373	0
Natchitoches.....	19,616	369	2,312	22,297	0
Nacatoches.....	13,231	279	1,750	15,260	0
Poine Coupee.....	7,710	170	0	7,880	0
Rapides.....	17,717	366	2,294	20,377	0
Red River.....	8,933	126	788	9,847	0
Richland.....	45,318	942	5,911	52,171	0
Sabine.....	820	0	0	820	0
St. Helena.....	1,640	49	0	1,689	0
St. Landry.....	28,202	578	3,630	33,410	0
St. Martin.....	6,307	18	0	6,325	0
St. Tammany.....	124	0	0	124	0
Tangipahoa.....	655	0	0	655	0
Tensas.....	18,910	417	2,578	21,905	0
Union.....	4,340	73	0	4,422	0
Vermilion.....	3,783	0	0	3,783	0
Vernon.....	4,583	0	0	4,583	0
Washington.....	4,404	0	0	4,404	0
Webster.....	2,491	0	0	2,491	0
West Baton Rouge.....	853	16	0	869	0
West Carroll.....	24,628	525	3,299	28,452	0
West Feliciana.....	1,112	0	0	1,112	0
Winn.....	806	0	0	806	0
Productivity pool.....	7,788				

MISSISSIPPI

Adams.....	2,066	47	69	2,172	0
Alcorn.....	11,737	655	1,277	13,719	0
Amite.....	6,781	0	880	7,661	0
Attala.....	11,453	388	911	13,091	0
Benton.....	10,453	338	1,339	12,130	0

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
Walshall-----	Acres 9,705	Acres 307	Acres 427	Acres 10,439	Acres 0
Warren-----	5,302	91	635	6,028	0
Washington-----	73,865	213	9,388	83,466	0
Wayne-----	4,950	96	239	5,285	0
Webster-----	7,073	448	899	8,420	0
Wilkinson-----	1,667	0	0	1,667	0
Winston-----	10,139	692	343	11,174	0
Yalobusha-----	11,104	388	1,327	12,819	0
Yazoo-----	37,956	190	4,822	42,968	0
Productivity pool-----	3,537	0	0	0	0

MISSOURI

Bollinger.....	141	3	0	144	0
Butler.....	18,170	566	0	18,736	112
Cape Girardeau.....	109	0	0	109	0
Carroll.....	10	0	0	10	0
Dunklin.....	77,955	279	0	78,234	636
Howell.....	14	10	0	24	0
Mississippi.....	25,855	49	0	25,904	261
New Madrid.....	84,753	109	0	84,862	837
Oregon.....	57	0	0	57	0
Ozark.....	6	0	0	6	0
Pettis.....	89,464	137	0	89,601	1,122
Ripley.....	2,193	127	0	2,320	14
Scott.....	15,846	80	0	15,926	165
Stoddard.....	38,620	414	0	39,034	320
Vernon.....	4	0	0	4	0
Wayne.....	7	0	0	7	0
Productivity pool.....	183	0	0	0	0

NEVADA

Clark.....	75	26	0	101	0
Nye.....	2,447	974	0	3,421	0
Productivity pool.....	0	0	0	0	0

NEW MEXICO

Bernalillo.....	2	0	0	2	0
Chaves.....	30,550	17	0	30,567	77
Curry.....	1,480	3	0	1,483	11
De Baca.....	38,183	15	0	38,198	0
Dona Ana.....	26,468	332	0	26,800	0
Eddy.....	111	68	0	179	1
Grainger.....	10	0	0	10	0
Grande.....	10	0	0	10	0
Hidalgo.....	6,269	0	0	6,269	10
Lea.....	26,557	11	0	26,568	14
Luna.....	13,257	0	0	13,257	34
Mora.....	2,181	6	0	2,187	9
Otero.....	18,674	4	0	18,678	20
Quay.....	18,674	36	0	18,710	101
Roosevelt.....	2,506	20	0	2,526	23
Sierra.....	1,963	60	0	2,023	0
Socorro.....	8	0	0	8	0
Valencia.....	138	0	0	138	0
Productivity pool.....	0	0	0	0	0

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Bolivar.....	105,539	251	13,394	119,184	0
Cahoun.....	13,912	486	1,977	16,375	0
Carroll.....	12,962	410	1,649	15,021	0
Chickasaw.....	12,044	495	1,464	14,003	0
Choctaw.....	3,287	16	1,142	3,445	0
Claborn.....	3,948	48	178	4,174	0
Clarke.....	3,752	0	182	3,934	0
Clay.....	6,617	407	771	7,795	0
Coahoma.....	78,699	74	9,975	88,748	0
Copiah.....	6,774	53	294	7,121	0
Covington.....	7,504	39	353	7,896	0
De Soto.....	28,062	645	3,717	32,424	0
Forrest.....	745	0	0	745	0
Franklin.....	588	0	0	588	0
Greene.....	942	0	46	988	0
Grenada.....	10,178	185	1,293	11,656	0
Hancock.....	19	0	0	19	0
Harrison.....	3	0	0	3	0
Hinds.....	20,873	463	722	22,058	0
Holmes.....	30,546	614	3,937	35,097	0
Humphreys.....	41,923	90	5,400	47,413	0
Issaquena.....	9,160	56	1,207	10,423	0
Ittawamba.....	9,048	659	1,598	11,305	0
Jackson.....	20	0	0	20	0
Jefferson.....	4,047	0	173	4,220	0
Jasper.....	5,385	0	353	5,738	0
Jefferson Davis.....	12,401	727	403	13,531	0
Jones.....	6,489	0	388	6,877	0
Kemper.....	8,360	545	302	9,207	0
Lafayette.....	14,305	489	1,600	16,394	0
Lamar.....	1,878	0	0	1,878	0
Lauderdale.....	4,495	0	277	4,772	0
Lawrence.....	5,868	48	318	6,234	0
Leake.....	13,819	829	426	15,074	0
Lee.....	22,821	581	2,550	25,952	0
Leflore.....	64,779	120	8,217	73,116	0
Lincoln.....	4,003	0	58	4,061	0
Lowndes.....	13,649	554	1,359	15,562	0
Madison.....	28,393	619	3,286	32,298	0
Marion.....	7,710	61	3,352	8,123	0
Marshall.....	30,563	546	3,872	34,981	0
Monroe.....	25,664	833	2,668	29,165	0
Montgomery.....	6,467	325	807	7,599	0
Neshoba.....	11,605	0	517	12,122	0
Newton.....	6,453	0	533	6,986	0
Noxubee.....	13,401	401	1,590	15,392	0
Oktibbeha.....	3,623	0	3,763	7,386	0
Paula.....	34,879	532	4,489	39,900	0
Pearl River.....	1,505	0	172	1,677	0
Perry.....	3,569	0	61	3,630	0
Pike.....	16,878	0	0	16,878	0
Pontotoc.....	14,515	1,017	2,140	17,672	0
Prentiss.....	53,082	111	6,730	59,923	0
Quitman.....	7,397	120	329	7,846	0
Rankin.....	8,624	0	353	8,977	0
Scott.....	24,497	56	3,115	27,668	0
Sharkey.....	9,710	0	509	10,219	0
Simmons.....	7,893	62	378	8,333	0
Smith.....	65	0	0	65	0
Stone.....	107,858	98	13,687	121,643	0
Sunderland.....	51,845	196	6,637	58,678	0
Tallahatchie.....	21,082	408	2,717	24,207	0
Tate.....	13,535	794	1,719	16,048	0
Tipah.....	7,989	681	9,815	18,485	0
Tishomingo.....	42,360	45	5,381	47,786	0
Tunica.....	15,132	745	1,741	17,618	0
Union.....	0	0	0	0	0

RULES AND REGULATIONS

NORTH CAROLINA—Continued

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hard-ship cases
County	(1)	(2)	(3)	(4)	(5)
Union.....	Acres 13,371	Acres 0	Acres 0	Acres 13,371.0	Acres 0
Vance.....	500	0	0	500.0	244.3
Wake.....	12,008	0	0	12,008.0	4,119.3
Warren.....	7,731	0	0	7,731.0	4,786.0
Washington.....	7,638.7	291.6	0	7,930.3	8,082.7
Wayne.....	3,343	38.5	0	3,381.5	585.0
Wilkes.....	249	0	0	249.0	11,079.4
Wilson.....	3,375	0.1	0	3,375.1	59.0
Yadkin.....	285	2.1	0	287.1	8,727.3
Productivity pool.....	643	0	0	643.0	95.8
Productivity pool.....	643	0	0	643.0	0
OKLAHOMA					
Adair.....	32	0	5	37	0
Adams.....	1,477	17	231	1,725	0
Beaver.....	51,579	240	0	51,819	61
Beckham.....	10,384	418	9,325	12,601	12,601
Blaine.....	13,831	806	2,312	16,949	0
Bryan.....	30,437	1,556	6,815	47,808	0
Caddo.....	10,761	261	1,887	12,909	0
Canadian.....	1,268	24	1,887	3,179	0
Carter.....	1,122	0	274	1,396	0
Cherokee.....	1,627	4	66	1,697	12
Choctaw.....	1,444	0	0	1,444	0
Cimarron.....	1,282	36	213	1,531	0
Cleveland.....	2,739	35	528	3,302	0
Coal.....	10,172	355	1,768	12,295	0
Comanche.....	15,356	329	2,686	18,371	0
Cotton.....	15,564	0	12	15,576	65
Craig.....	1,710	17	80	1,807	0
Creek.....	15,691	483	2,701	18,875	0
Custer.....	19,884	250	1,192	21,326	0
Dewey.....	6,692	29	118	6,939	0
Ellis.....	604	29	0	633	0
Garfield.....	4,593	0	966	5,559	0
Gavin.....	14,311	706	2,667	17,684	0
Grady.....	33,924	0	12	33,936	46
Grant.....	39,648	115	6,196	45,959	0
Greer.....	39,648	115	7,430	47,193	0
Harmon.....	1,866	0	24	1,890	0
Harper.....	3,075	0	305	3,380	0
Haskell.....	47,395	198	8,903	56,496	0
Hughes.....	14,922	219	2,350	17,491	0
Jackson.....	2,145	90	612	2,847	0
Jefferson.....	2,145	90	12	2,347	0
Johnston.....	1,030	0	0	1,030	0
Kay.....	45,262	653	8,232	54,147	0
Kingfisher.....	45,262	653	8,232	54,147	0
Kiowa.....	2,038	0	47	2,085	0
Latimer.....	2,038	0	124	2,162	0
LeFlore.....	2,427	98	1,500	4,025	0
Lincoln.....	6,769	40	1,624	8,433	0
Love.....	7,734	261	1,122	9,117	0
McCain.....	7,734	261	1,122	9,117	0
McClain.....	7,734	261	1,122	9,117	0
McIntosh.....	1,550	5	145	1,700	0
Major.....	2,763	108	633	3,504	0
Marshall.....	2,763	108	633	3,504	0
Martinsburg.....	2,763	108	633	3,504	0
Murray.....	317	9	75	401	0
Muskogee.....	14,771	496	2,112	17,379	0
Noble.....	615	3	133	751	0
Nowata.....	510	5	0	515	648

NORTH CAROLINA

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hard-ship cases
County	(1)	(2)	(3)	(4)	(5)
Alamance.....	Acres 41	Acres 0	Acres 0	Acres 41.0	Acres 0
Alexander.....	500	0	0	500.0	0
Ashe.....	12,008	0	0	12,008.0	0
Beaufort.....	2,001	0	0	2,001.0	0
Bertie.....	2,863	785.7	0	3,648.7	291.6
Bibb.....	3,343	38.5	0	3,381.5	12.4
Brake.....	249	0	0	249.0	0
Burke.....	3,375	0.1	0	3,375.1	0
Caldwell.....	285	2.1	0	287.1	0.7
Carter.....	285	0	0	285.0	0
Catawba.....	1,608	0	0	1,608.0	0
Chatham.....	1,369	0	0	1,369.0	0
Cleveland.....	2,478	0	0	2,478.0	91.9
Columbus.....	29,910	425.0	0	30,335.0	158.0
Craven.....	2,401	0	0	2,401.0	0
Cumberland.....	11,686	738.2	0	12,424.2	273.9
Currituck.....	277	0	0	277.0	0
Davidson.....	750	0	0	750.0	0
Dare.....	1,425	0	0	1,425.0	0
Duplin.....	3,324	0	0	3,324.0	0
Durham.....	13,113	0	0	13,113.0	340.3
Edgecombe.....	101	0	0	101.0	0
Forsyth.....	8,843	1,152.1	0	9,995.1	427.6
Franklin.....	2,523	0	0	2,523.0	0
Gates.....	2,111	106.4	0	2,217.4	39.5
Granville.....	353	48.1	0	401.1	0
Greene.....	3,927	304.2	0	4,231.2	112.9
Guilford.....	64	0	0	64.0	0
Hall.....	23,791	2,449.6	0	26,240.6	909.1
Hart.....	13,566	884.1	0	14,450.1	216.8
Hertford.....	4,894	797.7	0	5,691.7	296.0
Hoke.....	14,926	564.4	0	15,490.4	209.4
Hyde.....	189	0	0	189.0	0
Irwin.....	7,123	0	0	7,123.0	0
Jones.....	19,529	1,183.1	0	20,712.1	441.3
Lee.....	281	0	0	281.0	0
Leech.....	1,015	0	0	1,015.0	0
Lincoln.....	2,086	0	0	2,086.0	0
Madison.....	6,365	0	0	6,365.0	0
Manassas.....	2,885	303.6	0	3,188.6	112.7
Mecklenburg.....	5,181	0	0	5,181.0	0
Montgomery.....	2,677	444.2	0	3,121.2	164.8
Morehead.....	2,509	92.4	0	2,601.4	34.3
Nash.....	14,204	1,411.7	0	15,615.7	524.0
New Hanover.....	4	0	0	4.0	0
Newport.....	21,608	2,550.8	0	24,158.8	946.8
Onslow.....	264	0	0	264.0	0
Orange.....	184	0	0	184.0	0
Pasquotank.....	208	0	0	208.0	0
Pender.....	287	0	0	287.0	0
Perquimans.....	1,123	0	0	1,123.0	0.3
Pitt.....	3	0	0	3.0	0
Polk.....	1,195	462.3	0	1,657.3	171.6
Randolph.....	6,039	60.4	0	6,100.4	0
Richmond.....	48,680	2,874.3	0	51,554.3	22.4
Robeson.....	4,875	0	0	4,875.0	1,066.9
Rowan.....	7,449	0	0	7,449.0	0
Rutherford.....	1,698.3	0	0	1,698.3	630.3
Sampson.....	24,973	1,698.3	0	26,671.3	444.9
Scotland.....	16,775	1,188.7	0	17,963.7	0
Stanly.....	1,030	0	0	1,030.0	0
Tyrrell.....	227	0	0	227.0	0

SOUTH CAROLINA—Continued

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
County	(1)	(2)	(3)	(4)	(5)
Richland.....	Acres 5,207	Acres 431	Acres 0	Acres 5,638	Abres 13
Saluda.....	6,330	176	204	6,710	557
Spartanburg.....	16,067	769	508	16,575	159
Sumter.....	33,999	0	4,623	38,622	854
Union.....	4,010	0	127	4,137	9
Williamsburg.....	28,964	1,875	2,973	33,812	1,680
York.....	12,311	663	386	13,370	30
Productivity pool.....	1,702	0	0	0	0

TENNESSEE

Bedford.....	942	7	25	974	0
Benton.....	2,072	22	75	2,169	0
Bradley.....	2,385	0	0	2,385	0
Cannon.....	21	0	2	23	0
Carroll.....	16,824	596	2,023	19,443	0
Chester.....	9,614	356	1,208	11,078	0
Coffee.....	1,111	17	66	1,184	0
Crockett.....	28,047	1,084	3,710	32,841	0
Davidson.....	2	0	0	2	0
Decatur.....	2,797	20	68	2,885	0
De Kalb.....	3	0	0	3	0
Dyer.....	27,804	1,037	3,520	32,361	0
Fayette.....	36,929	1,378	4,677	42,984	0
Fleming.....	4,086	54	185	4,325	0
Fulton.....	39,097	1,554	5,274	45,925	0
Gibson.....	6,665	68	220	6,953	0
Grundy.....	96	0	0	96	0
Hall.....	196	4	14	214	0
Hamilton.....	18,117	578	1,961	20,656	0
Hardin.....	7,294	131	446	7,871	0
Hartwell.....	36,637	1,405	4,765	42,807	0
Haywood.....	14,802	395	1,340	16,537	0
Henderson.....	4,006	62	211	4,279	0
Henry.....	9	0	0	9	0
Hickman.....	9	0	1	10	0
Humphreys.....	18,052	709	2,404	21,165	0
Lake.....	30,643	1,187	4,026	35,856	0
Laurens.....	16,022	344	1,168	17,534	0
Lawrence.....	10,341	179	607	11,127	0
Lewis.....	3	0	0	3	0
Lincoln.....	207	0	0	207	0
Madison.....	16,423	430	1,459	18,312	0
McClintock.....	28,301	1,047	3,552	32,900	0
Marion.....	280	4	15	289	0
Marshall.....	270	1	5	276	0
Maryland.....	115	0	0	115	0
Meigs.....	249	78	0	327	0
Monroe.....	53	1	5	59	0
Moore.....	8,351	238	807	9,396	0
Obion.....	132	2	5	139	0
Perry.....	474	10	36	520	0
Polk.....	6	0	0	6	0
Rhodes.....	1	0	0	1	0
Robertson.....	3,432	55	186	3,673	0
Rutherford.....	34,631	744	2,525	37,900	0
Shelby.....	40,067	1,627	5,181	46,875	0
Tipton.....	9	0	0	9	0
Van Buren.....	142	0	0	142	0
Warren.....	2,349	20	65	2,434	0
Weakley.....	5,542	302	1,021	6,865	0
White.....	15	0	0	15	0

OKLAHOMA—Continued

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
County	(1)	(2)	(3)	(4)	(5)
Okfuskee.....	Acres 3,825	Acres 53	Acres 298	Acres 4,176	0
Oklahoma.....	384	1	102	487	0
Okmulgee.....	7,765	205	1,338	9,308	0
Ossage.....	2,188	5	380	2,573	0
Pawnee.....	2,600	90	594	3,284	0
Payne.....	1,763	67	466	2,296	0
Pittsburg.....	3,032	0	0	3,032	0
Pontotoc.....	913	7	138	1,058	0
Pottawatomie.....	487	0	40	527	0
Pushmataha.....	264	0	0	264	0
Roger Mills.....	17,618	331	3,366	21,315	0
Rogers.....	602	0	51	653	0
Seminole.....	1,010	0	201	1,211	0
Sequoyah.....	1,167	26	200	1,393	0
Stephens.....	4,813	118	1,051	5,982	0
Texas.....	5	0	4	9	0
Tulsa.....	58,125	275	10,568	68,968	0
Tulsa.....	1,140	133	972	2,245	0
Wagoner.....	6,643	712	11,088	18,443	0
Washington.....	2	0	0	2	0
Washita.....	61,610	11	0	61,621	0
Woodward.....	547	0	0	547	0
Productivity pool.....	2,294	0	0	0	0

SOUTH CAROLINA

Abbeville.....	6,223	562	0	6,785	31
Aiken.....	16,841	611	1,152	18,604	1,178
Allendale.....	8,477	258	557	9,292	0
Anderson.....	20,791	448	686	21,925	0
Bamberg.....	11,014	506	1,122	12,642	606
Barnwell.....	12,312	427	1,670	14,409	50
Beaufort.....	424	0	0	424	0
Berkeley.....	7,015	0	0	7,015	0
Calhoun.....	13,371	391	1,361	15,123	805
Charleston.....	693	0	0	693	0
Cherokee.....	9,392	185	298	9,885	0
Chester.....	8,223	303	264	8,790	131
Chesterfield.....	25,873	885	847	27,585	501
Cherokee.....	29,599	943	4,072	34,614	1,205
Colleton.....	7,513	53	7,566	15,132	17
Darlington.....	26,420	762	2,702	29,884	1,479
Dillon.....	19,523	800	2,685	23,008	683
Dorchester.....	7,610	204	245	8,059	18
Edgefield.....	8,184	0	1,084	9,268	21
Fairfield.....	3,423	0	0	3,423	23
Florence.....	27,452	1,083	925	29,470	3,050
Georgetown.....	2,179	0	0	2,179	6
Greenwood.....	10,375	0	0	10,375	373
Hampton.....	6,576	297	640	7,504	15
Horry.....	6,710	0	0	6,710	187
Jasper.....	2,021	0	0	2,021	0
Kershaw.....	15,376	1,199	492	17,067	38
Laurens.....	6,284	87	0	6,371	85
Lee.....	13,428	411	428	14,267	32
Lexington.....	31,058	1,088	4,276	36,422	1,368
McCormick.....	9,065	0	0	9,065	0
Marion.....	2,750	57	0	2,807	7
Marlboro.....	10,195	529	346	11,070	872
Marlboro.....	34,061	523	4,651	39,235	1,615
Newberry.....	5,983	0	189	6,172	0
Oconee.....	5,263	0	0	5,263	189
Orangeburg.....	49,814	997	6,708	57,544	163
Pickens.....	3,398	0	0	3,398	0

Texas—Continued

FEDERAL REGISTER, VOL. 31, NO. 200—FRIDAY, OCTOBER 14, 1966

TEXAS—Continued

TEXAS—Continued

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (2), and (3)	Allocation from State reserve for inequity and hard-ship cases
County	(1)	(2)	(3)	(4)	(5)
Jeff Davis.....	Acres 340	Acres 0	Acres 0	Acres 340	Acres 0
Jefferson.....	16	0	0	16	0
Jim Hogg.....	825	0	0	825	0
Jim Wells.....	21,798	40	0	21,838	0
Johnson.....	34,131	114	0	34,245	0
Jones.....	104,846	114	0	104,960	0
Karnes.....	28,307	90	0	28,397	0
Kaufman.....	55,246	174	0	55,420	0
Kendall.....	28	0	0	28	0
Kent.....	10,361	24	0	10,385	0
Kerr.....	21	0	0	21	0
Kimble.....	178	4	0	182	0
King.....	9,757	0	0	9,757	0
Kinney.....	260	0	0	260	0
Kleberg.....	8,497	13	0	8,510	0
Knox.....	56,084	87	0	56,171	0
Lamar.....	55,065	159	0	55,224	0
Lamb.....	186,829	1	104	186,934	0
Lampasas.....	1,843	35	0	1,878	0
La Salle.....	2,738	150	0	2,888	0
Lavaca.....	33,893	130	0	34,023	0
Lee.....	9,517	40	0	9,557	0
Leon.....	10,284	100	0	10,384	0
Liberty.....	2,627	0	0	2,627	0
Limestone.....	54,504	250	0	54,754	0
Live Oak.....	18,136	128	0	18,264	0
Llano.....	275	50	0	325	0
Loving.....	488	0	0	488	0
Lubbock.....	217,598	334	320	218,252	0
Lynn.....	179,064	58	901	180,023	0
McCulloch.....	15,927	108	0	16,035	0
McLennan.....	82,313	141	0	82,454	0
McMullen.....	1,205	1	0	1,206	0
Madison.....	4,005	0	0	4,005	0
Marion.....	1,284	0	0	1,284	0
Martin.....	88,691	38	407	89,136	0
Mason.....	1,750	50	0	1,800	0
Matagorda.....	17,349	304	44	17,697	0
Maverick.....	5,464	120	0	5,584	0
Meadow.....	1,708	20	0	1,728	0
Menard.....	905	10	0	915	0
Midland.....	25,979	2	68	26,049	0
Mills.....	49,863	111	0	49,974	0
Mitchell.....	67,056	70	0	67,126	0
Montague.....	3,898	68	43	3,966	0
Montgomery.....	549	0	0	549	0
Moore.....	301	130	0	431	0
Morris.....	929	0	0	929	0
Motley.....	33,017	43	5	33,065	0
Nacogdoches.....	2,705	0	0	2,705	0
Navarro.....	104,398	229	0	104,627	0
Newton.....	373	0	0	373	0
Nolan.....	41,784	0	0	41,784	0
Nueces.....	95,201	295	46	95,542	0
Ochiltree.....	403	70	0	473	0
Oldham.....	53	7	0	60	0
Palo Pinto.....	3,170	1	0	3,171	0
Panola.....	4,506	0	0	4,506	0
Parker.....	3,397	0	0	3,397	0
Parmer.....	43,401	441	179	44,021	0
Pecos.....	24,271	76	0	24,347	0
Polk.....	4,473	40	0	4,513	0
Potter.....	114	60	0	174	0
Presidio.....	Acres 3,091	Acres 31	Acres 0	Acres 3,122	Acres 0
Rains.....	7,997	0	0	7,997	0
Randall.....	2,669	1,300	0	3,969	0
Reagan.....	1,355	4	32	1,391	0
Real.....	8	0	0	8	0
Red River.....	26,145	63	0	26,208	0
Reeves.....	54,244	30	70	54,344	0
Refugio.....	12,435	7	45	12,487	0
Roberts.....	187	120	0	307	0
Robertson.....	25,051	136	13	25,200	0
Rockwall.....	19,176	84	0	19,260	0
Russels.....	81,198	14	0	81,212	0
Rusk.....	10,537	0	0	10,537	0
Sabine.....	1,439	0	0	1,439	0
San Agustine.....	4,232	0	0	4,232	0
San Antonio.....	2,113	0	0	2,113	0
San Patricio.....	77,055	278	19	77,352	0
San Saba.....	5,517	2	0	5,519	0
Schleicher.....	8,737	0	0	8,737	0
Scurry.....	65,163	0	59	65,222	0
Shackelford.....	3,762	20	0	3,782	0
Shelby.....	5,980	0	0	5,980	0
Smith.....	3,530	0	0	3,530	0
Somervell.....	1,305	25	0	1,330	0
Starr.....	24,600	60	0	24,660	0
Stephens.....	1,035	24	0	1,059	0
Sterling.....	416	0	0	416	0
Stonewall.....	25,840	11	0	25,851	0
Sutton.....	16	0	0	16	0
Swisher.....	51,219	37	54	51,310	0
Tarrant.....	9,527	67	0	9,594	0
Taylor.....	33,218	17	0	33,235	0
Terry.....	142,306	80	209	142,595	0
Throckmorton.....	11,170	36	0	11,206	0
Titus.....	1,898	0	0	1,898	0
Tom Green.....	53,024	1	127	53,152	0
Travis.....	34,457	82	0	34,539	0
Trinity.....	2,123	0	0	2,123	0
Tyler.....	289	0	0	289	0
Upshur.....	1,967	0	0	1,967	0
Upton.....	206	17	0	223	0
Uvalde.....	1,151	10	13	1,174	0
Val Verde.....	130	0	0	130	0
Van Zandt.....	21,457	245	0	21,702	0
Victoria.....	23,914	158	8	24,080	0
Walker.....	3,541	0	0	3,541	0
Waller.....	4,924	90	0	5,014	0
Ward.....	3,667	0	0	3,667	0
Washington.....	22,242	350	0	22,592	0
Webb.....	1,731	12	0	1,743	0
Wharton.....	69,964	1,013	602	71,579	0
Wheeler.....	26,897	183	0	27,080	0
Wilbarger.....	5,915	44	0	6,959	0
Willbarger.....	48,713	133	0	48,846	0
Willacy.....	37,906	542	0	38,448	0
Williamson.....	104,476	0	23	104,499	0
Wilson.....	4,095	0	0	4,095	0
Winkler.....	12	24	0	36	0
Wise.....	2,365	50	0	2,415	0
Wood.....	2,651	0	0	2,651	0
Yoakum.....	35,927	41	756	36,724	0
Young.....	11,498	47	0	11,545	0

TEXAS—Continued

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
Zapata.....	<i>Acres</i> 1,078	<i>Acres</i> 50	<i>Acres</i> 0	<i>Acres</i> 1,128	<i>Acres</i> 0
Zavala.....	8,528	24	0	8,552	0
Productivity pool.....	60,212	0	0	0	0

VIRGINIA

Brunswick.....	1,794	188.5	0	1,982.5	17.7
Charlotte.....	5	4.3	0	9.3	0
Chesapeake.....	11	0	0	11.0	0
Dinwiddie.....	213	29.2	0	242.2	2.1
Franklin.....	3	0	0	3.0	0
Greensville.....	4,040	358.0	0	4,398.0	40.0
Isle of Wight.....	236	43.7	0	279.7	2.4
Lunenburg.....	173	18.7	0	191.7	1.7
Mecklenburg.....	1,694	170.8	0	1,864.8	16.8
Nansemond.....	1,346	201.2	0	1,547.2	13.3
Prince Edward.....	4	1.6	0	5.6	0
Prince George.....	34	9.8	0	43.8	0.3
Southampton.....	4,153	386.6	0	4,539.6	41.2
Surry.....	5	1.4	0	6.4	0
Sussex.....	1,458	162.2	0	1,620.2	14.5
Productivity pool.....	10	0	0	0	0

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 5, 1966.

E. A. JAENKE,
Acting Administrator, Agricultural
Stabilization and Conservation Service.

[F.R. Doc. 66-11000; Filed, Oct. 10, 1966; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1966

Correction

In F.R. Doc. 66-9757 appearing in the issue for Wednesday, September 7, 1966, at page 11711, the following changes should be made in the table for § 811.43 (c):

1. In column 4:
 - a. Opposite "Nicaragua" the figure should read "—31,040".
 - b. Opposite "Panama" the figure should read "—17,590".
2. In column 5:
 - a. Opposite "Nicaragua" the figure should read "—970".
 - b. Opposite "Panama" the figure should read "—595".

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Reservoirs Added to List

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944 (76 Stat. 1195), adding six reservoirs to the list in § 311.1 and one reservoir to the list in § 311.6(b), as follows:

§ 311.1 Areas covered.

* * * * *

Kansas

Milford Reservoir Area, Republican River

New York

Almond Reservoir Area, Canacadea Creek

Ohio

Shenango River Reservoir Area, Shenango River

Pennsylvania

Curwensville Reservoir Area, West Branch Susquehanna River

Shenango River Reservoir Area, Shenango River

Texas

Pat Mayse Reservoir Area, Sanders Creek

§ 311.6 Hunting and fishing.

(b) * * *

Pennsylvania

Shenango River Reservoir Area, Shenango River

[Regs., Sept. 26, 1966, ENGOW-ON] (sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11181; Filed, Oct. 13, 1966; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7412; Amdt. 47-1]

PART 47—AIRCRAFT REGISTRATION

Assignment of Identification Numbers

The purpose of this amendment is to centralize the issuance of all U.S. aircraft registration numbers in the FAA Aircraft Registry at Oklahoma City in order to reduce costs and improve control of U.S. identification numbers. It was proposed by notice of proposed rule making 66-22 of June 2, 1966 (31 F.R. 8077). The proposed changes only affect those persons (other than aircraft manufacturers) who need to obtain U.S. registration numbers for aircraft not previously registered anywhere. These numbers are now obtained from the FAA District Offices. Under the amendment they will be obtained by mail from the FAA Registry.

All comments received on the notice have been fully considered. The only unfavorable comment stated that the new procedure would place an additional burden on amateur aircraft builders. However, FAA District Offices from which the registration number was formerly obtained are still available to the amateur builder for assistance, in any case in which it is needed, in obtaining registration numbers from the FAA Registry. In the ordinary case, the amateur builder will have ample time to attend to this matter during the building of his aircraft. Any additional burden on the amateur builder would therefore be so slight that, on balance, the public interest is furthered by adoption of this proposal.

A comment suggesting that the term "identification number" be changed is not germane to this project but will be given consideration in the future.

In consideration of the foregoing, Part 47 of the Federal Aviation Regulations (14 CFR Part 47) is hereby amended, effective November 13, 1966, by amending § 47.15(a) to read as follows:

§ 47.15 Identification number.

(a) Number required: Except when he applies under § 47.37, an applicant for Aircraft Registration must place a U.S. identification number ("registration mark") on his Application for Aircraft Registration, FAA Form 8050-1, and on any evidence submitted with the application. There is no charge for the assignment of numbers provided in this paragraph. This paragraph does not apply to an aircraft manufacturer who applies for a group of U.S. identification numbers under paragraph (c) of this section, or to a person who applies for a special identification number under paragraphs (d) through (g) of this section.

(1) *Aircraft not previously registered anywhere.* The applicant must obtain the U.S. identification number from the FAA Registry by request in writing describing the aircraft by make, type, model, and serial number (or, if it is amateur-built, as provided in § 47.33(b)) and stating that the aircraft has not previously been registered anywhere. If the aircraft was brought into the United States from a foreign country, the applicant must submit evidence that the aircraft has never been registered in a foreign country.

(2) *Aircraft last previously registered in the United States.* Unless he applies for a different number under paragraphs (d) through (g) of this section, the applicant must place the U.S. identification number that is already assigned to the aircraft on his application and the supporting evidence.

(3) *Aircraft previously registered in a foreign country.* The applicant must comply with § 47.37. The identification number is issued with the Certificate of Aircraft Registration.

(Secs. 307(c), 313(a), 501, 503, 505, 1102, Federal Aviation Act of 1958 (49 U.S.C. 1348 (c), 1354(a), 1401, 1403, 1405, 1502); Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830))

Issued in Washington, D.C., on October 7, 1966.

WILLIAM F. McKEE,
Administrator.

[F.R. Doc. 66-11184; Filed, Oct. 13, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65-SO-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On June 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9008), stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of airway segments in the Miami, Fla., Air Route Traffic Control Center area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all comments received. The Air Transport Association of America concurred with the proposal provided that where cardinal altitudes could be preserved, the minimum en route altitudes be established at no more than 1,500 feet above terrain. No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

1. Section 71.109 (31 F.R. 2007, 5285) is amended as follows:

Blue 19 and Blue 48 are amended to read as follows:

a. Blue 19 From Key West, Fla., RBN 12 AGL INT Key West RBN 037° and Perrine, Fla., RBN 232° bearings; 12 AGL Perrine RBN.

b. Blue 48 From INT Bimini, Bahamas, RBN 216° and Miami, Fla., RBN 145° bearings; 12 AGL Miami RBN.

2. Section 71.123 (31 F.R. 2009, 3230, 3231, 5055, 5285, 6297, 6487, 6960, 7171, 7279, 7505, 7556, 7610, 8046, 8492, 8747, 10026, 10516) is amended as follows:

a. In V-3 all before "12 AGL INT Daytona Beach 344°" is deleted and "From Key West, Fla., 12 AGL INT Key West 086° and Miami, Fla., 205° radials; 12 AGL INT Miami 205° and Biscayne Bay, Fla., 262° radials; 12 AGL Biscayne Bay; 12 AGL Palm Beach, Fla., including a 12 AGL E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials; 12 AGL Vero Beach, Fla., including a 12 AGL E alternate via INT Palm Beach 358° and Vero Beach 143° radials; 12 AGL Daytona Beach, Fla.;" is substituted therefor.

b. In V-7 all before "12 AGL Lakeland, Fla.;" is deleted and "From Miami, Fla., 12 AGL Fort Myers, Fla.;" is substituted therefor.

c. In V-35 all before "12 AGL St. Petersburg, Fla.;" is deleted and "From Key West, Fla., 12 AGL INT Key West 086° and Bimini, Bahamas, 215° radials; 12 AGL INT Bimini 215° and Miami, Fla., 147° radials; 12 AGL Miami; 12 AGL INT

Miami 269° and Fort Myers, Fla., 137° radials, including a 12 AGL W alternate from INT Miami 147° radial and Miami International Airport Runway 9 left ILS localizer W course to INT Miami 269° and Fort Myers 137° radials via INT Miami International Airport Runway 9 left ILS localizer W course and Fort Myers 137° radial; 12 AGL Fort Myers;" is substituted therefor.

d. In V-51 all before "12 AGL INT Daytona Beach 344°" is deleted and "From Key West, Fla., 12 AGL INT Miami, Fla., 222° and Biscayne Bay, Fla., 262° radials; 12 AGL Biscayne Bay; 12 AGL Miami; 12 AGL Pahoake, Fla.; 12 AGL INT Pahoake 009° and Vero Beach, Fla., 193° radials; 12 AGL Vero Beach, including a 12 AGL E alternate from Biscayne Bay to Vero Beach via INT Biscayne Bay 346° and Vero Beach 178° radials; 12 AGL Daytona Beach, Fla.;" is substituted therefor.

e. In V-97 all before "12 AGL St. Petersburg, Fla.;" is deleted and "From Miami, Fla., 12 AGL La Belle, Fla.;" is substituted therefor.

f. V-152 is amended to read as follows:

V-152 From St. Petersburg, Fla., 12 AGL Orlando, Fla., including a 12 AGL N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also a 12 AGL S alternate via Lakeland, Fla.; 12 AGL Daytona Beach, Fla., including a 12 AGL S alternate via INT Orlando 049° and Daytona Beach 161° radials.

g. In V-157 all before "12 AGL Gainesville, Fla.;" is deleted and "From Key West, Fla., 12 AGL Miami, Fla.; 12 AGL La Belle, Fla., including a 12 AGL W alternate from INT Miami 222° and Fort Myers, Fla., 137° radials to La Belle via INT Fort Myers 137° and La Belle 162° radials; 12 AGL Lakeland, Fla.; 12 AGL Ocala, Fla.;" is substituted therefor.

h. In V-159 all before "12 AGL Gainesville, Fla.;" is deleted and "From Miami, Fla., 12 AGL INT Miami 346° and Palm Beach, Fla., 219° radials; 12 AGL Palm Beach, including a 12 AGL E alternate from Miami direct to Palm Beach; 12 AGL INT Palm Beach 314° and Vero Beach, Fla., 178° radials; 12 AGL Vero Beach; 12 AGL Orlando, Fla., including a 12 AGL E alternate via INT Vero Beach 341° and Orlando 123° radials; 12 AGL Ocala, Fla., including a 12 AGL W alternate via INT Orlando 283° and Ocala 156° radials;" is substituted therefor.

1. V-225 is amended to read as follows:

V-225 From Key West, Fla., 30 miles, 12 AGL, 72 miles, 17 AGL, 12 AGL, Fort Myers, Fla., including an E alternate from Key West, 30 miles 12 AGL, 77 miles 17 AGL 12 AGL to Fort Myers; 12 AGL La Belle, Fla.; 12 AGL Vero Beach, Fla. The portion of the E alternate outside the United States has no upper limit.

j. In V-267 all before "12 AGL INT Jacksonville 334°" is deleted and "From Biscayne Bay, Fla., 12 AGL Miami, Fla.; 12 AGL Pahoake, Fla., including a 12 AGL E alternate from Biscayne Bay to Pahoake via INT Biscayne Bay 346° and Pahoake 143° radials; 12 AGL Orlando, Fla.; 12 AGL Jacksonville, Fla., including a 12 AGL E alternate from Orlando to INT Daytona Beach, Fla., 308° and

Jacksonville 174° radials via Daytona Beach;" is substituted therefor.

k. V-295 is amended to read as follows:

V-295 From Biscayne Bay, Fla., 12 AGL INT Biscayne Bay 021° and Vero Beach, Fla., 143° radials; 12 AGL Vero Beach, 12 AGL INT Vero Beach, 296° and Orlando, Fla., 161° radials; 12 AGL Orlando, including a 12 AGL E alternation from Vero Beach to Orlando via INT Vero Beach 341° and Orlando 099° radials; 12 AGL INT Orlando 283° and Cross City, Fla., 150° radials; 12 AGL Cross City. The portion outside the United States has no upper limit.

l. V-441 is amended to read as follows:

V-441 From St. Petersburg, Fla., 12 AGL INT St. Petersburg 010° and Ocala, Fla., 213° radials; 12 AGL Ocala, including a 12 AGL E alternate via INT St. Petersburg 040° and Ocala 171° radials.

m. V-492 is amended to read as follows:

V-492 From St. Petersburg, Fla., 12 AGL La Belle, Fla.; 12 AGL Pahokee, Fla.; 12 AGL Palm Beach, Fla., including a 12 AGL S alternation from La Belle to Palm Beach via INT La Belle 112° and Palm Beach 252° radials, and also a 12 AGL N alternation from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 314° radials.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 7, 1966.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[F.R. Doc. 66-11185; Filed, Oct. 13, 1966;
8:45 a.m.]

[Airspace Docket No. 65-CE-124]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On August 26, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11319) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a segment of V-430 from the relocated Minot, N. Dak., VOR to the Devils Lake, N. Dak., VOR. It was also stated that the airway would be reduced in width and would have a floor of 1,200 feet above the surface.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all comments received. The Air Transport Association of America endorsed the proposal. No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 1009, 5823, 8117) is amended as follows: In V-430 all before "From Duluth, Minn.," is deleted and "From Williston, N. Dak., via Minot, N. Dak.; 35 miles, 7 miles wide (4 miles N and 3 miles S of center line) 12 AGL INT

Minot 097° and Devils Lake, N. Dak., 273° radials; 12 AGL Devils Lake; to Grand Forks, N. Dak." is substituted therefor. (Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 7, 1966.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[F.R. Doc. 66-11186; Filed, Oct. 13, 1966;
8:45 a.m.]

[Airspace Docket No. 66-WE-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10538) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area in the vicinity of Crescent City, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In the consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Crescent City, Calif., transition area is amended to read:

CRESCENT CITY, CALIF.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Crescent City VOR 180° and 360° radials, extending from 8 miles N to 20 miles S of the VOR; within 5 miles each side of the Crescent City VOR 234° radial, extending from the VOR to 20 miles SW of the VOR; and within 5 miles NE and 8 miles SW of the Crescent City VOR 325° radial, extending from the VOR to 12 miles NW of the VOR.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 7, 1966.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[F.R. Doc. 66-11187; Filed, Oct. 13, 1966;
8:45 a.m.]

[Airspace Docket No. 66-WE-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On September 22, 1966, F.R. Doc. 66-10400 was published in the FEDERAL REGISTER (31 F.R. 12516). It contained

amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the Pasco, Wash., terminal area.

These amendments inadvertently showed the longitude of the Tri-Cities Airport as 109°06'55" W., instead of 119°06'55" W. Action is taken herein to reflect the correct geographical coordinate.

Since this amendment is editorial in nature and will impose no additional burden on any person, notice and public procedure herein are unnecessary, and the effective date of the final rule, as initially adopted, may be retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 66-10400 (31 F.R. 12516) is amended by deleting " * * * longitude 109°06'55" W. * * * " where it appears in the text, and substituting " * * * longitude 119°06'55" W. * * * " therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on October 6, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-11188; Filed, Oct. 13, 1966;
8:45 a.m.]

[Airspace Docket No. 66-SO-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On September 2, 1966, F.R. Doc. No. 66-9573 was published in the FEDERAL REGISTER (31 F.R. 11595), amending the Myrtle Beach, S.C., transition area, and the Crescent Beach/Myrtle Beach, S.C., control zone. These actions will become effective November 10, 1966.

Subsequent to the publication of the document, it has been determined that the official name of the "Crescent Beach/Myrtle Beach, S.C., Airport" is "Myrtle Beach, S.C., Airport." Accordingly, corrective action is taken herein. Since this amendment is editorial in nature, the Administrator has determined that notice and public procedure thereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, F.R. Doc. No. 66-9573 (31 F.R. 11595) is amended, effective immediately as hereinafter set forth.

Delete "Crescent Beach/Myrtle Beach" and "Myrtle Beach/Crescent Beach" wherever they appear, and substitute therefor "Myrtle Beach".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in Washington, D.C., on October 7, 1966.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[F.R. Doc. 66-11189; Filed, Oct. 13, 1966;
8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7649; Amdt. 505]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BHM VORTAC.....	LOM.....	Direct.....	2800	T-dn.....	300-1	300-1	*200-1½
Lewis Int.....	LOM.....	Direct.....	2800	C-dn.....	800-1	900-1	900-1½
Bessemer Int.....	LOM (final).....	Direct.....	2000	S-dn-5#.....	600-1	600-1	600-1
				A-dn.....	1000-2	1000-2	1000-2

Radar available.

Procedure turn N side of crs, 232° Outbnd, 052° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 052°—4.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000' on crs of 052° within 15 miles, or when directed by ATC, turn left, climb to 3000' and proceed to BHM VORTAC.

NOTE: VASI Runway 23.

* Runways 5 and 23 only.

Reduction not authorized.

MSA within 25 miles of facility: 000°-360°—2900'.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643'; Fac. Class., LOM; Ident., BHM; Procedure No. 1, Amdt. 18; Eff. date, 5 Nov. 66; Sup. Amdt. No. 17; Dated, 4 June 66

BHM VORTAC.....	ROE RBn.....	Direct.....	2800	T-dn.....	300-1	300-1	*200-1½
Lewis Int.....	ROE RBn.....	Direct.....	2800	C-dn.....	900-1	900-1	900-1½
Helena Int.....	ROE RBn.....	Direct.....	2800	S-dn-23#.....	900-1	900-1	900-1
Bessemer Int.....	ROE RBn.....	Direct.....	2800	A-dn.....	1000-2	1000-2	1000-2
Trussville Int.....	ROE RBn (final).....	Direct.....	1900	If aircraft is equipped with dual ADF and crs guidance is provided by receiving ROE RBn and LOM simultaneously, following minimums apply:			
				S-dn-23#.....	700-1	700-1	700-1

Radar available.

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2800' within 10 miles.

Minimum altitude over facility on final approach crs, 1900'.

Crs and distance, facility to airport, 232°—4.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing ROE RBn, climb to 3000' on crs, 232° within 20 miles.

NOTE: VASI Runway 23.

CAUTION: Tower 1375', 1.6 miles S of final approach crs.

* Runways 5 and 23 only.

Reduction not authorized.

MSA within 25 miles of facility: 000°-360°—2900'.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643'; Fac. Class., MHW; Ident., ROE; Procedure No. 2, Amdt. 5; Eff. date, 5 Nov. 66; Sup. Amdt. No. 4; Dated, 4 June 66

OMA VOR.....	LOM.....	Direct.....	2900	T-dn.....	300-1	300-1	200-1½
Neola VOR.....	LOM.....	Direct.....	2900	C-dn.....	700-1	700-1	700-1½
				C-n.....	700-1½	700-1½	700-1½
				S-dn-14.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 316° Outbnd, 136° Inbnd, 2900' within 10 miles.

Minimum altitude over facility on final approach crs, 2200'.

Crs and distance, facility to airport, 136°—4.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2800' on crs, 136° from LOM, proceed to OMA VOR, or when directed by ATC, climb to 2900' on crs, 136° from LOM, turn left and proceed direct to EOL VOR.

NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.

CAUTION: Bluff 1339', 1.3 miles E; Towers: 1739', 4 miles WNW; 1746', 3 miles SW; and 2549', 6 miles W of airport.

* Unless radar vectored after takeoff, climb to 2600' before proceeding in a westerly direction.

MSA within 25 miles of facility: 000°-090°—2700'; 090°-360°—3600'.

City, Omaha; State, Nebr.; Airport name, Eppley Airfield; Elev., 983'; Fac. Class., H-SAB; Ident., OM; Procedure No. 1, Amdt. 16; Eff. date, 5 Nov. 66; Sup. Amdt. No. 15; Dated, 18 June 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d*-----	500-1	500-1	500-1
				C-d-----	1000-2	1000-2	1000-2
				A-d-----	1500-3	1500-3	1500-3

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 9000' within 10 miles.

Minimum altitude over facility on final approach crs, 8300'.

Crs and distance, facility to airport, 254°—5.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing SIR RBN, climb to 10,000' on crs of 248° from SIR RBN to CKW VOR.

NOTES: (1) High unlighted terrain surrounding airport. (2) Final approach from holding pattern not authorized; procedure turn required.

*IFR departures: Climb direct to SIR RBN, then climb on crs.

MSA within 25 miles of the facility: 000°—180°—12,400'; 180°—270°—10,500'; 270°—360°—11,300'.

City, Rawlins; State, Wyo.; Airport name, Rawlins Municipal; Elev., 6784'; Fac. Class., SBH; Ident., SIR; Procedure No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 11 July 64

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AEX VOR-----	ESF VOR-----	Direct-----	1700	T-dn-----	300-1	300-1	200-1½
AEX RBN-----	ESF VOR-----	Direct-----	1700	C-dn-----	400-1	500-1	500-1½
Boyce Int-----	ESF VOR-----	Direct-----	1700	S-dn-32-----	400-1	400-1	400-1
Larto Int-----	ESF VOR-----	Direct-----	2000	A-dn-----	800-2	800-2	800-2
V-114-----	Marks Int-----	AEX 119/ESF-----	1700				
		148-----					
Marks Int-----	Salt Int-----	Direct-----	1700				
Salt Int-----	Cox Int (final)-----	Direct-----	1300				

Radar available.

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600' within 10 miles of Cox Int.

Minimum altitude over Cox Int on final approach crs, 1300'.

Crs and distance, Cox Int to airport, 328°—3.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Cox Int, climb to 1700' and proceed to ESF VOR. Hold NW on ESF R 331°, left turns.

MSA within 25 miles of facility: 000°—090°—1600'; 090°—180°—1400'; 180°—270°—2800'; 270°—360°—1600'.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Fac. Class., T-BVOR; Ident., ESF; Procedure No. 2, Amdt. 6; Eff. date, 5 Nov. 66; Sup. Amdt. No. 5; Dated, 9 Apr. 66

R 117°, EVV VOR clockwise-----	R 237°, EVV VOR-----	Via 8-mile arc-----	2400	T-dn*-----	300-1	300-1	200-1½
R 357°, EVV VOR counterclockwise-----	R 237°, EVV VOR-----	Via 8-mile arc-----	2100	C-d-----	1100-1	1100-1	1100-1½
8-mile DME Fix, R 237°-----	EVV VOR (final)-----	Direct-----	2100	C-n-----	1100-2	1100-2	1100-2
				A-dn-----	1500-2	1500-2	1500-2
				Minimums with DME:			
				C-d-----	600-1	600-1	600-1½
				C-n-----	600-2	600-2	600-2

Procedure turn S side of crs, 237° Outbnd, 057° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 2100'; over 10-mile DME Fix, 1489'.

Crs and distance, facility to airport, 057°—12.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.4 miles after passing EVV VOR, climb to 2100' on EVV VOR R 057°, make right turn and return to EVV VOR, or when directed by ATC, climb to 2000' and proceed to EV LOM.

CAUTION: 933' tower in final approach area.

*300-1 required on Runways 9-27.

MSA within 25 miles of facility: 000°—090°—2100'; 090°—180°—2500'; 180°—270°—1900'; 270°—360°—2700'.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 389'; Fac. Class., H-BVORTAC; Ident., EVV; Procedure No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 1 June 63

				T-d-----	300-1	300-1	NA
				C-d-----	1200-1	1200-1	NA
				A-d-----	NA	NA	NA
				If Conrad Int is received the following minimums apply:			
				C-d-----	700-1	700-1	NA

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 4000' within 10 miles.

Minimum altitude over facility approach crs, 3600'; minimum altitude over Conrad Int, 3600'.

Crs and distance, facility to airport, 045°—11.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.3 miles after passing Slate Run VOR or 5.1 miles after passing Conrad Int, make climbing left turn to 4000', return to Slate Run VOR, hold SW, 1-minute right turns, 045° Inbnd.

NOTE: Communications with Bradford radio via Slate Run VOR. Use Bradford, Pa., altimeter setting.

MSA within 25 miles of facility: 270°—090°—3800'; 090°—270°—3500'.

City, Galeton; State, Pa.; Airport name, Cherry Springs; Elev., 2330'; Fac. Class., H-BVORTAC; Ident., SLT; Procedure No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 5 Feb. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 66 knots	
				T-dn-----	300-1	300-1	200-1½
				C-dn-----	700-1	700-1	700-1½
				S-dn-13#-----	600-1	600-1	600-1
				A-dn-----	800-2	800-2	800-2
				DME minimums—DME equipment required:			
				S-dn-13#-----	400-1	400-1	400-1

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 600' (400' if Lyman 4-mile DME Fix is identified).

Facility on airport. Bearing and distance, breakpoint point to Runway 13, 130°—0.3 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of GPT VORTAC, turn left, climb to 1500' on R 320° GPT VORTAC within 20 miles.

CAUTION: 429' tower, 1.1 miles SSW of airport.

NOTE: When authorized by ATC, DME may be used within 10 miles at 1800' to position aircraft for straight-in approach with the elimination of procedure turn.

*Reduction not authorized.

#400-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojet aircraft.

MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—1500'; 180°-270°—1500'; 270°-360°—2600'.

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Fac. Class., L-BVORTAC; Ident., GPT; Procedure No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 26 May 66

Evans Creek FM, V23 ..	MFR VOR (final)-----	Direct-----	4300	T-dn%------	300-1	300-1	200-1½
Evans Creek FM, V23W.	MFR VOR (final)-----	Direct-----	4300	C-d*------	1200-1	1200-1	1200-1½
				C-n*------	1200-2	1200-2	1200-2
				A-dn-----	1200-2	1200-2	1200-2
				*If Table Int is positively identified, the following minimums apply:			
				C-dn-----	700-1	700-1	700-1½

Procedure turn E side of crs, 342° Outbnd, 162° Inbnd, 6300' within 10 miles of MFR VOR.

Minimum altitude over MFR VOR on final approach crs, 4300'.

Crs and distance, MFR VOR to airport, 146°—6.3 miles; Table Int to airport, 146°—4.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or 4.5 miles after passing Table Int, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6300' in a 1-minute right turn, holding pattern S of MFR VOR on R 157°.

NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 342° MFR VOR within 14 miles at 6300', to position aircraft for straight-in approach with elimination of procedure turn.

CAUTION: High terrain in all quadrants.

*ADF equipment required to execute this procedure to the reduced minimums.

%All IFR departures must comply with published Medford SID's.

MSA within 25 miles of facility: 000°-090°—9900'; 090°-180°—8600'; 180°-270°—7400'; 270°-360°—6300'.

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 9; Eff. date, 5 Nov. 66; Sup. Amdt. No. 8; Dated, 4 June 66

5-mile DME Fix, R 036° or 5-mile Radar Fix.	EWT VORTAC (final)-----	Direct-----	2000	T-dn-----	300-1	300-1	NA
				C-d-----	1000-1	1000-1	NA
				C-n-----	1000-2	1000-2	NA
				A-dn-----	NA	NA	NA
				*If Kirkwood Int or 7-mile DME Fix received, the following minimums apply:			
				C-dn-----	500-1	500-1	NA

Radar available.

Procedure turn W side of crs, 036° Outbnd, 216° Inbnd, 2000' within 10 miles.

Minimum altitude over 5-mile Radar/DME Fix R 036° on final approach crs, 2000'; EWT VORTAC, 2000'; 7-mile DME Fix R 216°, 1065'.

Crs and distance, facility to airport, 216°—10.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.2 miles, make climbing left turn to 1600' direct to Wilmington LOM, hold S, 014° bearing Inbnd, 1-minute right turns.

NOTE: Procedure turn must be authorized by ATC.

*Aircraft must be equipped with Dual VOR, or VOR and DME receivers.

MSA within 25 miles of facility: 180°-270°—1600'; 270°-180°—2100'.

City, Middletown; State, Del.; Airport name, Summit Airpark; Elev., 71'; Fac. Class., L-BVORTAC; Ident., EWT; Procedure No. 1, Amdt. Orig.; Eff. date, 5 Nov. 66

Tarzan Int.	MAF VOR-----	Direct-----	4400	T-dn-----	300-1	300-1	*200-1½
17-mile DME Fix, R 001°-----	5-mile DME Fix, R 001°-----	Direct-----	4500	C-dn-----	400-1	500-1	500-1½
5-mile DME Fix, R 001°-----	MAF VOR (final)-----	Direct-----	3900	S-dn-16R-----	400-1	400-1	400-1
				A-dn-----	800-2	800-2	800-2

Procedure turn E side of crs, 001° Outbnd, 181° Inbnd, 4400' within 10 miles.

Minimum altitude over facility on final approach crs, 3900'.

Crs and distance, facility to airport, 181°—3.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing MAF VOR, climb to 4500' on R 150° within 20 miles.

NOTE: When authorized by ATC, DME may be used to orbit at 17 miles at 4500' to position aircraft for final approach with elimination of procedure turn.

*300-1 required on Runways 16L and 34R.

MSA within 25 miles of facility: 000°-180°—4300'; 180°-360°—5100'.

City, Midland; State, Tex.; Airport name, Midland Air Terminal; Elev., 2870'; Fac. Class., L-BVORTAC; Ident., MAF; Procedure No. 1, Amdt. 14; Eff. date, 5 Nov. 66; Sup. Amdt. No. 13; Dated, 13 Nov. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
EOL VOR.....	OMA VOR.....	Direct.....	2900	T-dn*..... C-d..... C-n..... A-dn.....	300-1 700-1 700-1½ 800-2	300-1 700-1 700-1½ 800-2	200-½ 700-1½ 700-1½ 800-2

Radar available.
 Procedure turn E side of crs, 130° Outbnd, 310° Inbnd, 2800' within 10 miles.
 Minimum altitude over facility on final approach crs, 2800'; over Bluff Int, 2500'; over Dodge Int, 1900'; Bluff Int to Dodge Int, final.
 Crs and distance, facility to airport, 310°—10.2 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.2 miles after passing OMA VOR, or 3 miles after passing Dodge Int, climb to 2900' on OMA R 310° within 20 miles of OMA VOR, turn right, return to OMA VOR, or when directed by ATC, make right turn, climbing to 2900', proceed to EOL VOR.
 CAUTION: 1339' bluff, 1.3 miles E; Towers: 1739', 4 miles WNW; 1746', 3 miles SW; and 2549', 6 miles W of airport. Lighted airport 5 miles SE of Eppley Airfield.
 * Unless radar vectored after takeoff, climb to 2600' before proceeding in a westerly direction.
 MSA within 25 miles of facility: 000°—270°—2700'; 270°—360°—3600'.

City, Omaha; State, Nebr.; Airport name, Eppley Airfield; Elev., 983'; Fac. Class., H-BVORTAC; Ident., OMA; Procedure No. 1, Amdt. 2; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 5 Feb. 66

R 072°, RAP VOR clockwise.....	R 142°, RAP VOR.....	Via 6-mile DME Arc.....	4600	T-dn..... C-dn..... S-dn..... A-dn.....	300-1 600-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2
R 238°, RAP VOR counterclockwise.....	R 142°, RAP VOR.....	Via 6-mile DME Arc.....	5500	S-dn-32°..... A-dn.....	400-1 800-2	400-1 800-2	400-1 800-2
6-mile DME Fix, R 142°.....	RAP VOR (final).....	Direct.....	4300				

Radar available.
 Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4600' within 10 miles.
 Minimum altitude over facility on final approach crs, 4300'.
 Crs and distance, facility to airport, 322°—4 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing RAP VOR, make a left-climbing turn to 4600' on R 142° within 10 miles of RAP VOR.
 CAUTION: Runways 1-19 unlighted.
 * 400-¾ authorized with operative HIRL, except for 4-engine turbojets. Reduction not authorized for nonstandard REIL.
 MSA within 25 miles of the facility: 000°—090°—4500'; 090°—180°—4500'; 180°—270°—8300'; 270°—360°—6600'.

City, Rapid City; State, S. Dak.; Airport name, Rapid City Municipal; Elev., 3181'; Fac. Class., H-BVORTAC; Ident., RAP; Procedure No. 1, Amdt. 12; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 23 June 66

				T-dn..... C-dn..... A-dn.....	300-1 600-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2
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Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 1800' within 10 miles.
 Minimum altitude over facility on final approach crs, 679'.
 Crs and distance, facility to airport, 067°—0.5 mile; breakoff point to runway, 0 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of EWT VOR, make left-climbing turn to 2000' on EWT R 270° and proceed to Elkton Int. Hold W EWT R 270°, 1-minute right turns.
 MSA within 25 miles of facility: 270°—180°—2100'; 180°—270°—1600'.

City, Wilmington; State, Del.; Airport name, Greater Wilmington; Elev., 79'; Fac. Class., L-BVORTAC; Ident., EWT; Procedure No. 1, Amdt. 2; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 31 Mar. 62

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bowle Int..... Bodkin Int.....	BAL VOR..... 5-mile Radar Fix (final).....	Direct..... Direct.....	2000 1900	T-dn..... C-dn..... S-dn-28°..... A-dn.....	300-1 600-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2

Radar required.
 Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900' within 10 miles of BAL VOR.
 Minimum altitude over 5-mile Radar Fix on final approach crs, 1900'.
 Crs and distance, breakoff point to approach end of runway, 284°—0.9 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BAL VOR, climb to 2000', proceed direct to BA LOM. Hold W, 102° Inbnd, 1-minute right turns.
 CAUTION: Procedure turn not authorized when restricted area R-4001 in use.
 * 400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft.
 MSA within 25 miles of facility: 000°—090°—2400'; 090°—360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., L-BVORTAC; Ident., BAL; Procedure No. TerVOR-28, Amdt. 10; Eff. date, 5 Nov. 66; Sup. Amdt. No. 9; Dated, 30 Apr. 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, Colorado Springs; State, Colo. Airport name, Peterson Field; Elev., 6172'; Fac. Class., L-VORW; Ident., PEF; Procedure No. TerVOR-30, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 13 Mar. 65

RULES AND REGULATIONS

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pineo Int.-----	Fountain Int.-----	Direct-----	7300	T-dn%-----	300-1	300-1	200-1½
Fountain Int.-----	CO LOM (final)-----	Direct-----	7100	C-dn-----	600-1	600-1	600-1½
Colorado Springs VORTAC-----	Peterson VOR-----	Direct-----	8200	S-dn-35#-----	500-1	500-1	500-1
				A-dn-----	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 7300' within 10 miles.

Procedure turn not authorized when R-2601 in use.

Minimum altitude over facility on final approach crs, 6672'.

Facility on airport. Breakoff point to runway, 347°—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over PEF VOR, make right-climbing turn to 8000' on PEF R 075° within 20 miles.

CAUTION: Sharply rising terrain W of airport.

% Westbound (210° through 315°) IFR departures climb on PEF VOR R 075° and V19 to Peyton Int, then climb between Peyton Int and COS VORTAC to cross COS VORTAC westbound at or above 14,100'; or comply with radar vectors.

#500-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets. 500-1½ authorized with operative ALS, except for 4-engine turbojets.

MSA within 25 miles of facility: 000°-090°—9200'; 090°-180°—8000'; 180°-270°—16,100'; 270°-360°—15,500'.

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172'; Fac. Class., L-VORW; Ident., PEF; Procedure No. Ter VOR-35, Amdt. Orig.; Eff. date, 5 Nov. 66

				T-dn%-----	2200-2	2200-2	2200-2
				C-dn-----	2700-2	2700-2	2700-2
				A-dn-----	3000-3	3000-3	3000-3

Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 10,200' within 10 miles.

Minimum altitude over facility on final approach crs, 9000'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing ELY VOR, right turn, climb to 11,000' on R 150° within 18 miles of ELY VOR.

No turns authorized prior to reaching 10,500'.

% Takeoff all runways: Climb clear of clouds over the ELY airport to 8500', continue climb on R 286° of ELY VOR within 10 miles to minimum altitude required for direction of flight. All turns S of crs.

Direction of flight		MCA
N, V269-----		9500
NW, V293-----		9500
SE, R 144°-----		10,000

MSA within 25 miles of facility: 000°-090°—13,100'; 090°-180°—14,100'; 180°-270°—11,900'; 270°-360°—11,300'.

City, Ely; State, Nev.; Airport name, Ely (Yelland Field); Elev., 6255'; Fac. Class., L-BVOR; Ident., ELY; Procedure No. VOR R-286, Amdt. 2; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 19 June 65

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
38-mile fix, R 105°-----	10-mile fix, R 105°-----	Direct-----	1900	T-dn-----	300-1	300-1	200-1½
10-mile fix, R 090°-----	6-mile fix, R 096° (final)-----	Direct-----	1900	C-dn-----	500-1	500-1	500-1½
				S-dn-28°-----	400-1	400-1	400-1
				A-dn-----	800-2	800-2	800-2

Radar available.

Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900' to be accomplished between 6-mile DME Fix and 15-mile DME Fix. DME may be used within 10 miles from 270° clockwise to 030° at 2000'; 030° clockwise to 140° at 1900'; to position aircraft for a straight-in approach.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon passing 0.5-mile DME Fix, climb to 2000', proceed direct to BA LOM, hold W 102° Inbnd, 1-minute right turns.

CAUTION: Procedure turn not authorized when restricted area R-4001 in use.

*400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft.

MSA within 25 miles of facility: 000°-090°—2400'; 090°-360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., L-BVORTAC; Ident., BAL; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 5 Nov. 66; Sup. Amdt. No. 2; Dated, 15 May 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME Fix, R 343°	10-mile DME Fix, R 306° (final)	Via 10-mile CCW Arc.	1600	T-dn%-----	300-1	300-1	200-½
10-mile DME Fix, R 306°	4-mile DME Fix, R 306°	Direct-----	556	C-dn-----	500-1	500-1	500-1½
				S-dn-11-----	500-1	500-1	500-1
				A-dn-----	800-2	800-2	800-2
				DME minimums-----	*DME equipment required:		
				S-dn-11-----	400-1	400-1	400-1

Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1600' within 10 miles.

Minimum altitude *4-mile DME Fix, 556'.

Facility on airport. Breakoff point to runway, 113°—0.8 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of CEC VOR, turn right, climb to 2000' on R 161° within 15 miles.

CAUTION: High terrain E.

%Takeoff all runways. Climb on the CEC VOR R 215° within 10 miles so as to cross the CEC VOR, at or above the following MCA's, N, V-27, 1500'; NE, V-122, 3000';

E, V-27, climb on crs satisfactory.

MSA within 25 miles of facility: 000°-090°—7500'; 090°-180°—6200'; 180°-270°—1300'; 270°-360°—5300'.

City, Crescent City; State, Calif.; Airport name, Jack McNamara; Elev., 56'; Fac. Class., L-BVORTAC; Ident., CEC; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 22 Oct. 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 389'; Fac. Class., BVORTAC; Ident., EVV; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 27 Apr. 63

15-mile DME Fix, R 333°	7.8-mile DME Fix, R 333°	Direct-----	6000	T-dn%-----	300-1	300-1	200-½
7.8-mile DME Fix, R 333°	3.5-mile DME Fix, R 333°	Direct-----	3900	C-dn-----	700-1	700-1	700-1½
3.5-mile DME Fix, R 333°	0-mile DME Fix, R 333°	Direct-----	3300	S-dn-14#-----	500-1	500-1	500-1
10-mile DME Fix, R 138°	MFR VOR	Direct-----	6000	A-dn-----	1000-2	1000-2	1000-2
10-mile DME Fix, R 157°	MFR VOR	Direct-----	6000				

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 5700' within 12 miles.

Minimum altitude over 3.5-mile DME Fix, R 333° on final approach crs, 3900'; over MFR VOR, 3300'; over 2.4-mile DME Fix, R 146°, 2500'.

Crs and distance, facility to airport, 146°—6.3 miles; 2.4-mile DME Fix, R 146° to airport, 146°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000' in a 1-minute right turn, holding pattern S of MFR VOR on R 157°.

CAUTION: High terrain all quadrants.

NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 14 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.

%All IFR departures must comply with published Medford SID's.

#Sliding scale not authorized. Visibility reduction not authorized.

MSA within 25 miles of facility: 000°-090°—9900'; 090°-180°—8600'; 180°-270°—7400'; 270°-360°—6300'.

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 5 Nov. 66; Sup. Amdt. No. 3; Dated, 4 June 66

15-mile DME Fix, R 316°	8.7-mile DME Fix, R 316°	Direct-----	6000	T-dn%-----	300-1	300-1	200-
8.7-mile DME Fix, R 316°	3.5-mile DME Fix, R 316°	Direct-----	3900	C-dn-----	700-1	700-1	700-1½
3.5-mile DME Fix, R 316°	0-mile DME Fix, R 316°	Direct-----	3300	S-dn-14#-----	500-1	500-1	500-1½
				A-dn-----	1000-2	1000-2	1000-2

Procedure turn not authorized.

Minimum altitude over 8.7-mile DME Fix, R 316° on final approach crs, 6000'; over 3.5-mile DME Fix, R 316°, 3900'; over MFR VORTAC, 3300'; over 2.4-mile DME Fix, R 146°, 2500'.

Crs and distance, facility to airport, 146°—6.3 miles; 2.4-mile DME Fix, R 146° to airport, 146°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000' in a 1-minute right turn, holding pattern S of MFR VOR on R 157°.

NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 14 miles at 6500' to position aircraft for straight-in approach.

CAUTION: High terrain all quadrants.

%All IFR departures must comply with published Medford SID's.

#Sliding scale not authorized. Visibility reduction not authorized.

MSA within 25 miles of facility: 000°-090°—9900'; 090°-180°—8600'; 180°-270°—7400'; 270°-360°—6300'.

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 4 June 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, Midland; State, Tex.; Airport name, Midland Air Terminal; Elev., 2870'; Fac. Class., L-BVORTAC; Ident., MAF; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 13 Nov. 65

RULES AND REGULATIONS

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
17-mile DME Fix, R 175°	Odle DME Fix (final)	Direct	4400	T-dn	300-1	300-1	*200-1½
MAF VOR	Odle DME Fix	Direct	4400	C-dn	400-1	500-1	500-1½
				S-dn-34L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 175° Outbnd, 355° Inbnd, 4400' within 10 miles of Odle DME Fix.

Minimum altitude over Odle DME Fix on R 175° on final approach crs, 4400'.

Crs and distance, Odle DME Fix to 4.7-mile DME Fix R 175°, 355°—5.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.7-mile DME Fix on R 175°, proceed direct to MAF VOR.

Climbing to 4500', continue on R 355° within 15 miles.

NOTE: When authorized by ATC, DME may be used to orbit at 17 miles at 4500' to position aircraft for final approach with elimination of procedure turn.

*300-1 required on Runways 16L and 34R.

MSA within 25 miles of facility: 000°-180°—4300'; 180°-360°—5100'.

City, Midland; State, Tex.; Airport name, Midland Air Terminal; Elev., 2870'; Fac. Class., L-BVORTAC; Ident., MAF; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 13 Nov. 65

20-mile DME Fix, R 003°	OTH VORTAC	Direct	3000	T-dn	300-1	300-1	200-1½
15-mile DME Fix, R 024°	OTH VORTAC	Direct	3000	C-dn	800-1	800-1	800-1½
10-mile DME Fix, R 091°	OTH VORTAC	Direct	3000	A-dn	1000-2	1000-2	1000-2
20-mile DME Fix, R 162°	OTH VORTAC	Direct	3000				
20-mile DME Fix, R 344°	OTH VORTAC	Direct	3000				

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 2000' within 13 miles.

Minimum altitude over 3.5-mile DME Fix on final approach crs, 800'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.5-mile DME Fix R 250° (Inbnd 070°) turn left, intercept and climb on R 250° to 2000' within 13 miles.

NOTE: When authorized by ATC, DME may be used between OTH R 162° and R 003° clockwise within 10 miles at 2000' with elimination of procedure turn.

%Takeoffs, Runways 4, 31, and 34 turn left; takeoffs, Runways 13, 16, and 22 turn right; intercept R 250° and climb westbound on R 250° to 500', thence return to VOR via R 250° climbing to cross VOR at or above 1000'.

ADF Departure: Runways 31, 34, and 4 turn left; Runways 16, 22, and 13 turn right; intercept bearing 250° from OBN RBN and climb westbound on bearing 250° to 500', thence return to OBN RBN via bearing 070° to OBN RBN at or above 1000'.

MSA within 25 miles of facility: 000°-090°—3400'; 090°-180°—4000'; 180°-270°—2600'; 270°-360°—2100'.

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14'; Fac. Class., L-BVORTAC; Ident., OTH; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated 8, Oct. 66

EOL VOR	OMA VOR	Direct	2900	T-dn*	300-1	300-1	200-1½
OMA VOR	5-mile DME Fix, R 310°	Direct	2500	C-d	700-9	700-1	700-1½
5-mile DME Fix, R 310°	8.5-mile DME Fix, R 310°	Direct	1900	C-n	700-1½	700-1½	700-1½
R 072°, OMA VOR clockwise	R 130° OMA VOR	Via 10-mile DME Arc	2900	A-dn	800-2	800-2	800-2
10-mile DME Fix, R 130°	OMA VOR (final)	Direct	2800				

Radar available.

Procedure turn E side of crs, 130° Outbnd, 310° Inbnd, 2800' within 10 miles.

Minimum altitude over facility on final approach crs, 2800'; 5-mile DME Fix, 2500'; 8.5-mile DME Fix, 1900'.

Crs and distance, facility to airport, 310°—10.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 10.2-mile DME Fix R 310°, climb to 2900' on OMA VOR.

R 310° within 20 miles of OMA VOR, turn right and return to OMA VOR, or when directed by ATC, make right turn, climbing to 2900', proceed to EOL VOR.

CAUTION: 1339' bnd, 1.3 miles E; Towers: 1739', 4 miles WNW; 1746' 3 miles SW, and 2549' 6 miles W of airport. Lighted airport 5 miles SE of Eppler Airfield.

*Unless radar vectored after takeoff, climb to 2600' before proceeding in a westerly direction. MSA within 25 miles of facility: 000°-270°—2700'; 270°-360°—3600'.

City, Omaha; State, Nebr.; Airport name, Eppler Air Field; Elev., 983'; Fac. Class., H-BVORTAC; Ident., OMA; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 5 Nov. 66; Sup. Amdt. No. 2; Dated, 5 Feb. 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., BVORTAC; Ident., IRL; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 26 Dec. 64; Sup. Amdt. No. 1; Dated, 16 Mar. 63

RAP VOR	10-mile DME Fix, R 321°	Direct	4900	T-dn	300-1	300-1	200-1½
R 275°, RAP VOR clockwise	R 300°, RAP VOR	Via 16-mile DME Arc	6600	C-dn	600-1	600-1	600-1½
				S-dn-14	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
R 300°, RAP VOR clockwise	R 321°, RAP VOR	Via 16-mile DME Arc	5500				
R 072°, RAP VOR counterclockwise	R 321°, RAP VOR	Via 16-mile DME Arc	4900				
16-mile DME Fix, R 321°	10-mile DME Fix, R 321° (final)	Direct	4600				

Radar available.

Procedure turn N side of crs, 321° Outbnd, 141° Inbnd, 4900' between 10- and 20-mile DME Fix, R 321°.

Minimum altitude over 10-mile DME Fix R 321° on final approach crs, 4600'.

Crs and distance, 10-mile DME Fix, R 311° to airport, 141°—5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5-mile DME Fix, R 321°, climb to 4600' on R 142° within 10 miles of RAP VOR.

CAUTION: Runways 1-19 unlighted.

*Reduction not authorized.

MSA within 25 miles of facility: 000°-090°—4500'; 090°-180°—4500'; 180°-270°—8300'; 270°-360°—6600'.

City, Rapid City; State, S. Dak.; Airport name, Rapid City Municipal; Elev., 3181'; Fac. Class., H-BVORTAC; Ident., RAP; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 5 Nov. 66; Sup. Amdt. No. 2; Dated, 19 Feb. 66

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BHM VORTAC	LOM	Direct	2300	T-dn%	300-1	300-1	*200-1½
Lewis Int	LOM	Direct	2800	C-dn	800-1	900-1	900-1½
Bessemer Int	LOM (final)	Direct	2000	S-dn-5#	200-1½	200-1½	200-1½
				A-dn	900-2	900-2	900-2

Radar available.

Procedure turn N side of SW crs, 232° Outbnd, 052° Inbnd, 2500' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2000'.

Altitude of glide slope and distance to approach end of runway at OM, 2000'—4.5 miles; at MM, 815'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000' on crs of 052° via ROE RBN to Trussville Int. Hold NE, 1-minute right turns, or when directed by ATC, turn left, climb to 3000' and proceed to BHM VORTAC.

Notes: (1) VASI Runway 23. (2) Back crs unusable.

%RVR 2400', authorized Runway 5.

#RVR 2400'. Descent below 843' not authorized unless approach lights are visible.

*400-¾ (RVR 4000'), required when glide slope not utilized. 400-½ (RVR 2400'), authorized with operative ALS, except for 4-engine turbojets.

*Runways 5/23 only.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643'; Fac. Class., ILS; Ident., I-BHM; Procedure No. ILS-5, Amdt. 21; Eff. date, 5 Nov. 66; Sup. Amdt. No. 20; Dated, 4 June 66

Wolcottsville Int	LOM (final)	Direct	2100	T-dn	300-1	300-1	200-1½
Buffalo VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
				S-dn-23	200-1½	200-1½	200-1½
				A-dn	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-23#	400-1	400-1	400-1

Radar available.

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2000' within 10 miles of LOM.

Minimum altitude at glide slope interception Inbnd, 2000'.

Altitude of glide slope and distance to approach end of runway at OM, 1921'—4 miles; at MM, 923'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LOM, climb to 2500' on SW crs, ILS, intercept BUF VOR R 250°, proceed to Crystal Beach Int. Hold W, right turns, 1 minute, 070° Inbnd, or as directed by ATC, climb to 2000' on SW crs, ILS within 10 miles. Make left turn, proceed direct to BU LOM, hold NE BU LOM, right turns, 1 minute, 232° Inbnd.

CAUTION: 1349' TV tower, 5 miles WNW of airport.

#400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojets; 400-½ authorized with operative ALS, except for 4-engine turbojets.

City, Buffalo; State, N. Y.; Airport name, Greater Buffalo International; Elev., 722'; Fac. Class., ILS; Ident., I-BUF; Procedure No. ILS-23, Amdt. 14; Eff. date, 5 Nov. 66; Sup. Amdt. No. 13; Dated, 13 Nov. 65

COS VORTAC, R 012°/7-mile DME Fix	Localizer back crs	7-mile DME Arc	9000	T-dn%	300-1	300-1	200-1½
counter-clockwise.				C-dn	600-1	600-1	600-1½
Vincent Int	Black Forest Int	Direct	9000	A-dn	800-2	800-2	800-2
Black Forest Int	Fannin Int (final)	Direct	7500				
COS VORTAC	Black Forest Int	Direct	9000				
CO LOM	Black Forest Int	Direct	9000				

Radar available.

Procedure turn E side of crs, 347° Outbnd, 167° Inbnd, 9000' within 10 miles of Black Forest Int. Nonstandard due to terrain.

Minimum altitude over Black Forest Int on final approach crs, 9000'; over Fannin Int on final approach crs, 7500'.

Crs and distance, Fannin Int to airport, 166°—2.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing Fannin Int, make a left-climbing turn E to 8000' on R 075° of PEF VOR within 20 miles, or when directed by ATC, left-climbing turn to 8000' on COS VOR R 152° within 20 miles.

CAUTION: Sharply rising terrain W of airport; 7190' tower, 8 miles N of airport; 7923' tower, 14 miles N of airport.

%Westbound (210° through 315°) IFR departures climb on PEF VOR, R 075° and V-19 to Peyton Int, then climb between Peyton Int and COS VORTAC to cross COS VORTAC westbound at or above 14,100'; or comply with radar vectors.

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172'; Fac. Class., ILS; Ident., I-COS; Procedure No. ILS-17 (back crs.) Amdt. 4; Eff. date, 5 Nov. 66; Sup. Amdt. No. 3; Dated, 13 Mar. 65

Black Forest Int	LOM	Direct	8300	T-dn%	300-1	300-1	200-1½
Hanover Int	LOM	Direct	7300	C-dn	600-1	600-1	600-1½
Security Int	LOM (final)	Direct	7100	S-dn-35	200-1½	200-1½	200-1½
Pinon Int	Security Int	Direct	7300	A-dn	600-2	600-2	600-2
COS VOR	LOM	Direct	8200				

Radar available.

*Procedure turn E side S crs, 167° Outbnd, 347° Inbnd, 7300' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 7100'.

Altitude of glide slope and distance to approach end of runway at OM, 7061'—3.3 miles; at MM, 6272'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a right-climbing turn to 8000' on R 075° of PEF VOR within 20 miles, or when directed by ATC, make right-climbing turn and climb to 8000' on COS VOR, R 152° within 20 miles of VOR.

NOTE: When authorized by ATC, DME may be used from 24 to 19 miles at 7300' from COS, R 140° clockwise to R 178° to position aircraft on localizer for straight-in approach.

CAUTION: 7190' tower, 8 miles N of airport; 7923' tower, 14 miles N of airport; sharply rising terrain W of airport.

*Procedure turn not authorized when R-2601 in use.

%Westbound (210° through 315°) IFR departures climb on PEF VOR, R 075° and V-19 to Peyton Int, then climb between Peyton Int and COS VORTAC to cross COS VORTAC westbound at or above 14,100'; or comply with radar vectors.

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172'; Fac. Class., ILS; Ident., I-COS; Procedure No. ILS-35, Amdt. 20; Eff. date, 5 Nov. 66; Sup. Amdt. No. 19; Dated, 3 Apr. 65

RULES AND REGULATIONS

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					55 knots or less	More than 65 knots	
Medford VOR.....	MF LOM.....	Direct.....	6500	T-dn%.....	300-1	300-1	200-½
Gold Hill Int.....	MF LOM.....	Direct.....	6500	C-dn.....	700-1	700-1	700-1½
Klamath Junction Int.....	MF LOM.....	Direct.....	8000	S-dn-14.....	200-½	200-½	200-½
Talent Int.....	MF LOM.....	Direct.....	8000	A-dn.....	1000-2	1000-2	1000-2
15-mile DME Fix and N crs MFR localizer.....	Evans Creek FM (final).....	Direct.....	*6500				

Procedure turn E side N crs, 320° Outbnd, 140° Inbnd, 6500' within 10 miles of Evans Creek FM.
 Minimum altitude at glide slope interception Inbnd, 6000'.
 Altitude of glide slope and distance to approach end of runway at Evans Creek, 6000'—14.6 miles; at OM, 2882'—4.7 miles; at MM, 1550'—0.6 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MF OM, make immediate climbing right turn, climbing direct to MF OM thence continue climb to 6500' in a 1-minute right turn, holding pattern S of MF LOM on the localizer crs.
 NOTES: (1) Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach. Evans Creek FM and procedure turn may be eliminated provided VFR on-top is maintained to MF LOM, and further, the aircraft must be able to arrive over MF LOM at 2882' on-top. (2) When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 14 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
 CAUTION: High terrain all quadrants.
 *Descent on glide slope to cross Evans Creek FM at 6000' is authorized.
 %All IFR departures must comply with published Medford SID's.
 City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Fac. Class., ILS; Ident., I-MFR; Procedure No. ILS-14, Amdt. 10; Eff. date, 5 Nov. 66; Sup. Amdt. No. 9; Dated, 30 Oct. 65

Searsdale Int.....	UR LOM (final).....	Direct.....	2000	T-dn.....	300-1	300-1	200-½
				C-dn.....	700-1	700-2	700-2
				S-dn-22.....	200-½	200-½	200-½
				A-dn.....	800-2	800-2	800-2
				*Glide slope inoperative minimums become:			
				S-dn-22.....	500-1	500-1	500-1

Radar available.
 Procedure turn N side of crs, 043° Outbnd, 223° Inbnd, 2000' within 10 miles.
 Minimum altitude at glide slope interception Inbnd, 1922'.
 Altitude of glide slope and distance to approach end of runway at OM, 1910'—5.7 miles; at MM, 233'—0.5 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on crs of 223° to Prospect Int. Hold SW of Prospect Int, 1-minute left turns, Inbnd crs, 040°.
 NOTES: (1) Bridge Tower 383' 2.5 miles NE and tank 422', 1.7 miles N of airport. (2) Localizer back crs unusable for missed approach guidance.
 *Do not descend below 700' until passing Castle FM.
 City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., ILS; Ident., I-URD; Procedure No. ILS-22, Amdt. 4; Eff. date, 5 Nov. 66; Sup. Amdt. No. 3; Dated, 15 Oct. 66

OMA VOR.....	LOM.....	Direct.....	2900	T-dn*.....	300-1	300-1	200-½
Neola VOR.....	LOM.....	Direct.....	2900	C-d.....	700-1	700-1	700-1½
				C-n.....	700-1½	700-1½	700-1½
				S-dn-14@.....	200-½	200-½	200-½
				A-dn.....	700-2	700-1	700-2

Radar available.
 Procedure turn E side of crs, 316° Outbnd, 136° Inbnd, 2900' within 10 miles.
 Minimum altitude at glide slope interception Inbnd, 2200'.
 Altitude of glide slope and distance to approach end of runway at OM, 2156'—4.1 miles; at MM, 1180'—0.5 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2800' on SE crs, ILS, proceed direct OMA VOR, or when directed by ATC, climb to 2900' on SE crs, ILS, turn left direct EOL VOR.
 NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
 CAUTION: Bluff 1339', 1.3 miles E; Towers: 1739', 4 miles WNW; 1746', 3 miles SW, and 2549', 6 miles W of airport.
 *Unless radar vectored after takeoff, climb to 2600' prior to proceeding in a westerly direction. 2400' RVR, authorized Runway 14.
 @2400' RVR. Descent below 1183' not authorized unless approach lights are visible. 500-½ required when glide slope not utilized and 500-½ authorized with operative A1S except for 4-engine turbojets.
 City, Omaha; State, Nebr.; Airport name, Eppley Airfield; Elev., 983'; Fac. Class., ILS; Ident., I-OMA; Procedure No. ILS-14, Amdt. 16; Eff. date, 5 Nov. 66; Sup. Amdt. No. 15; Dated, 18 June 66

Neola VOR.....	Keg Int.....	Direct.....	2900	T-dn*#.....	300-1	300-1	200-½
OM LOM.....	Keg Int.....	Direct.....	2800	C-d.....	700-1	700-1	700-1½
OMA VOR.....	Keg Int (final).....	Direct.....	2500	C-n.....	700-1½	700-1½	700-1½
Keg Int.....	Stack Int.....	Direct.....	1800	S-dn-32@.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar available.
 Procedure turn E side of crs, 136° Outbnd, 316° Inbnd, 2800' within 10 miles of Keg Int.
 Minimum altitude over Keg Int on final approach crs, 2500'; over Stack Int, 1800'.
 Crs and distance Keg Int to airport, 316°—5.5 miles; Stack Int to airport, 316°—3 miles.
 No glide slope.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Stack Int, climb to 2900' on crs of 316° to LOM, or when directed by ATC, make right turn, climbing to 2900' direct to EOL VOR.
 CAUTION: 1339' Bluff, 1.3 miles E; Towers: 1739', 4 miles WNW; 1746', 3 miles SW; and 2549', 6 miles W of airport. Lighted airport 5 miles SE of Eppley Airfield.
 *Unless radar vectored after takeoff, climb to 2600' prior to proceeding in a westerly direction.
 #RVR 2400', authorized Runway 14.
 @Reduction below 1 mile visibility not authorized. If SALS inoperative at night 500-1½ minimums apply.
 City, Omaha; State, Nebr.; Airport name, Eppley Airfield; Elev., 983'; Fac. Class., ILS; Ident., I-OMA; Procedure No. ILS-32 (back crs.), Amdt. 8; Eff. date, 5 Nov. 66; Sup. Amdt. No. 7; Dated, 5 Feb. 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.
 City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. IL-S3, Amdt. 23; Eff. date, 23 July 66; Sup. Amdt. No. 22; Dated, 4 Sept. 65

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.
 City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS-21 (back crs.), Amdt. 16; Eff. date, 9 July 66; Sup. Amdt. No. 15; Dated, 5 Sept. 64

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
000°	360°	Within: 10 miles	2400	T-d	600-1½	NA	NA
040°	125°	20 miles	2500	C-d	1000-1½	NA	NA
125°	195°	15 miles	4000	S-d	NA	NA	NA
125°	195°	20 miles	5600	A-d	NA	NA	NA
195°	040°	20 miles	3200	A-d	NA	NA	NA

Minimum altitude over 5-mile Radar Fix on final approach crs, 2400'.
 Crs and distance, 5-mile Radar Fix to airport, 076°—5 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 3000' proceed direct to HARRISBURG VORTAC. Hold W, R 281°, 1-minute right turns.
 City, Hershey; State, Pa.; Airport name, Hershey Air Park; Elev., 415'; Fac. Class. and Ident., Harrisburg Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 5 Nov. 66

				Precision approach			
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-11	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-18 and 36	500-1	500-1	500-1
				S-dn-11 and 29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 11—Climb to 2000' on R 111° AKN VORTAC within 15 miles. Runway 29—Turn left, climb to 2000' on R 111° AKN VORTAC within 15 miles. Runway 18—Turn left, climb to 2000' on R 111° AKN VORTAC within 15 miles. Runway 26—Turn right, climb to 2000' on R 111° AKN VORTAC within 15 miles.
 CAUTION: Antennae: 262', 0.5 mile NW; and 185', 1.1 miles W of airport.

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57'; Fac. Class. and Ident., King Salmon Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 5 Nov. 66

				Surveillance approach			
045°	230°	25 miles	*2000'				
230°	045°	10 miles	2200'				
230°	045°	15 miles	2500'	T-dn	300-1	300-1	200-½
230°	045°	25 miles	3000'	C-dn#	400-1	500-1	500-1½
				S-dn*#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Bearings are from radar antenna site with sector azimuths progressing clockwise.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 12, 17, and 21—Climb to 3000' via SAT R 158° within 20 miles. Runways 3, 30, and 35—Climb to 3300' on R 353° SAT VOR within 20 miles.
 *Radar control must provide 1000' vertical or 3-mile horizontal separation from the following obstructions. Towers: 2049', 19 miles SE; 1241', 5 miles SSE; 1190', 10 miles SE; 1107', 3.5 miles SE; and 1230', 7.5 miles S; and 1326', 6.8 miles WSW of airport.
 **400-½ authorized for Runways 12 and 3 with operative ALS, except for 4-engine turbojet aircraft.
 **400-½ authorized for Runways 21 and 30 with operative high-intensity runway lights except for 4-engine turbojet aircraft.
 #Radar control must restrict descent to 1400' until aircraft is past 1120' water tower located 2.1 miles W of approach end of Runway 12.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class. and Ident., San Antonio Radar; Procedure No. 1, Amdt. 8; Eff. date, 5 Nov. 66; Sup. Amdt. No. 7; Dated, 1 Oct. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 29, 1966.

W. E. ROGERS,
 Acting Director, Flight Standards Service.

[F.R. Doc. 66-10766; Filed, Oct. 13, 1966; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Sections 1.201-14 and 1.307-1(b) are revised; a new § 1.307-3 is added; new paragraph (g) is added to § 1.314; and § 1.319(f) is revised, as follows:

§ 1.201-14 Procuring activity.

Procuring activity includes for the Army: U.S. Army Materiel Command and its subordinate commands; U.S. Continental Army Command and its subordinate commands consisting of Zone of Interior Armies and Military District of Washington, U.S. Army; U.S. Army, Alaska; U.S. Forces Southern Command; U.S. Army Communications Zone, Europe; U.S. Army, Hawaii; U.S. Army, Japan; National Guard Bureau; Office of the Chief of Engineers; Strategic Communications Command; Office of the Chief of Support Services; Office of The Surgeon General; U.S. Army Security Agency; and Military Traffic Management and Terminal Service; for the Navy: Each Bureau; the Naval Materiel Command; the Office of the Deputy Chief of Naval Materiel (Procurement); the Naval Air Systems Command; the Naval Electronic Systems Command; the Naval Facilities Engineering Command; the Naval Ordnance Systems Command; the Naval Ship Systems Command; the Naval Supply Systems Command; the Office of Naval Research; the Navy Aviation Supply Office; the Military Sea Transportation Service; and the U.S. Marine Corps; for the Air Force: The Air Force Logistics Command and the Air Force Systems Command; for the Defense Supply Agency: the Office of the Deputy Director for Contract Administration Services; the Office of the Executive Director, Procurement and Production; the Defense Supply Centers; and the Defense Personnel Support Center; for the Defense Communications Agency: The Headquarters, Defense Communications Agency, and the Defense Commercial Communications Office; for the Defense Atomic Support Agency: Headquarters, Defense Atomic Support Agency. It also includes any other procuring activity hereafter established. The number and designation of particular procuring activities of any Military Department may be changed by directive of the Secretary.

§ 1.307-1 General.

(b) *Operating responsibility.* In accordance with § 1.403, the Military Departments shall comply with the priorities and allocations program, including the Defense Materials System, as set forth in the Priorities and Allocations Manual and in the rules and regulations published by the Business and Defense Services Administration.

§ 1.307-3 Inadequate response to solicitations.

(a) In accordance with the policies and procedures of the Priorities and Allocations System rated contracts and purchase orders or Authorized Controlled Material Orders may be placed on selected suppliers when adequate response to a solicitation is not received. Therefore, when there are no bids or proposals received as a result of a solicitation or if the bids or proposals received do not cover the entire requirement, normal procurement procedures shall be followed in attempting to locate sources, to the extent exigencies of the procurement will permit. If such efforts are unsuccessful, and it is determined at this point in time that the procurement must be accomplished, then rated orders in the form of rated contracts, rated purchase orders or an Authorized Controlled Material Order shall be presented, to one or more (as appropriate) selected suppliers or manufacturers qualified to produce the item or material. This will be accomplished by a cover letter signed by the contracting officer, citing the requirements of the Defense Production Act and BDSA Regulation 2, and requesting timely acceptance thereof by the contractor. The letter shall also request that any reasons for rejection be promptly furnished in writing, as required by the BDSA Regulations. Rated orders will be placed pursuant to appropriate negotiation authority. Contracts and purchase orders shall contain, as a minimum, the following information in addition to normal contractual requirements to be a valid rated order:

- (1) DO or DX rating on contracts or purchase orders as appropriate.
- (2) DMS allotment number on Authorized Controlled Material Orders.
- (3) Certification "Certified for National Defense Use Under DMS Regulation 1 or BDSA Regulation 2 (as appropriate)."
- (4) Delivery schedule.
- (5) Signature.

(b) Rated orders or Authorized Controlled Material Orders which are rejected by suppliers shall be forwarded to BDSA, through established Departmental priorities assistance channels, for such action as BDSA considers appropriate.

§ 1.314 Disputes and appeals.

(g) Decisions of the Armed Services Board of Contract Appeals constitute decisions of the Head of the Department as

referenced in the Disputes clause standard in all Government contracts. It is expected that decisions favorable to the appellant in whole or in part will be promptly implemented by payment at the contracting officer level. In cases where the question of entitlement only has been decided by the Board and the matter of amount has been remanded to the parties for negotiation, if agreement is not reached, appellant will be afforded a prompt decision and opportunity to appeal on the matter of amount.

§ 1.319 Renegotiation performance reports.

(f) *Advanced-development, engineering-development, and operational-systems-development and production contracts.* Upon request of the renegotiation Board, the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics) (see § 4.215) shall furnish Contractor Performance Evaluation Reports on advanced-development contracts, engineering-development contracts, and operational-systems-development contracts and production contracts which follow or are concurrent with the development contracts that are evaluated.

2. Paragraph (a) of § 1.701-1 is revised, and new footnote added; and in § 1.701-4, the item 2026, Milk, fluid, is added to the list under Major Group 20, as follows:

§ 1.701-1 Small business concern.

(a) (1) *General definition.* A small business concern is a concern that is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and with its affiliates, can further qualify under the criteria set forth in subparagraphs (2) and (3) of this paragraph. "Concern" means any business entity organized for profit with a place of business in the United States, its possessions or Puerto Rico, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of a procurement of a product classified into two or more industries with different size standards, the smallest of such size standards shall be used in determining a bidder's size status.

(2) *Industry small business size standards.* In addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet the criteria established for the industries set forth below. Annual sales or annual receipts, as used throughout this subpart, means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(1) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings,

bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed \$7,500,000, except that if the concern is located in Alaska, such receipts must not exceed \$9,375,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed \$5 million, except that if the concern is located in Alaska, such receipts must not exceed \$6,250,000.

(ii) *Manufacturing industries—(a) Food canning and preserving industry.* For food canning and preserving, the number of employees of the concern and its affiliates must not exceed 500 persons, exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(k).

(b) *Petroleum industry.* For petroleum, other than lubricants and miscellaneous petroleum products, the number of employees of the concern and its affiliates must not exceed 1,000, and it must not have more than 30,000 barrels-per-day crude oil capacity from owned or leased facilities. ("Crude oil capacity" means the maximum daily average crude throughput of a refinery in complete operation with allowances for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.) A small petroleum refining concern may furnish the refined petroleum product (excluding a lubricant or miscellaneous petroleum product) of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered, provided that the exchange agreement requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes any monetary settlement, and provided, further, that the products exchanged for the products offered and to be delivered to the Government are manufactured by the bidder or offeror.

(c) *Manufacturing industries listed in § 1.701-4.* For a product classified within an industry listed in § 1.701-4, the number of employees of the concern and its affiliates must not exceed the small business size standard established therein for that industry.

(d) *Manufacturing industries not listed in § 1.701-4.* For a product classified within an industry not set forth in this section or in § 1.701-4, the number of employees of the concern and its affiliates must not exceed 500 persons.

(iii) *Nonmanufacturing industries.* For a product not manufactured by the concern submitting a bid or proposal, other than for a construction or service contract, the number of employees of that concern must not exceed 500 persons, and in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.407-6), or otherwise involving the preferential treatment of small business, it must agree to furnish in the performance of

the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns. However, if the goods to be furnished are wool, worsted, knitwear, duck, or webbing, nonmanufacturers (dealers and converters), shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher. If the product to be furnished is thread, nonmanufacturers (dealers and converters) shall furnish thread which has been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specification, but excluding mercerizing, spinning, throwing, or twisting operations.")

(iv) *Service industries.* (a) For services not elsewhere defined in this part, the average annual sales or receipts of the concern and its affiliates for the preceding 3 fiscal years must not exceed \$1 million (\$1,250,000 if located in Alaska).

(b) Any concern bidding on a contract for engineering services, naval architectural services, motion picture production or motion picture services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed \$5 million (\$6,250,000 if located in Alaska).

(c) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed \$3 million (\$3,750,000 if located in Alaska).

(d) Any concern bidding on a contract for¹ base maintenance is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed \$5 million (\$6,250,000 if located in Alaska).

(v) *Transportation industries—(a) General.* Except as provided in (b) and (c) of this subdivision, for passenger or freight transportation the number of employees of the concern and its affiliates must not exceed 500 persons.

(b) *Air transportation.* For air transportation, the number of employees of the concern and its affiliates must not exceed 1,000 persons.

(c) *Trucking (local and long distance), warehousing, packing and crating, and/or freight forwarding.* For trucking (local and long distance), warehousing, packing and crating, and/or

¹ Base maintenance is defined as janitorial and custodial services, protective guard services, commissary services, fire prevention services, refuse collection services, safety engineering services, messenger services, ground maintenance and landscaping services, and air conditioning and refrigeration maintenance: *Provided*, That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

freight forwarding, the annual receipts of the concern and its affiliates must not exceed \$3 million except that if the concern is located in Alaska, such receipts must not exceed \$3,750,000. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line if (1) the concern's annual receipts have not exceeded \$3 million during its most recently completed fiscal year (\$3,750,000 if located in Alaska), and (2) not more than fifty percent (50%) of such annual receipts are directly attributable to the concern's relationship with an interstate van line.

(vi) *Research, development, or testing industries.* For research, development, or testing, which requires delivery of a manufactured product, a concern must (a) qualify as a small business manufacturer within the meaning of b above for the industry in which the product is classified, or (b) qualify as a small business nonmanufacturer within the meaning of subdivision (iii) of this subparagraph. For research, development, or testing, which does not require delivery of a manufactured product, the number of employees of the concern and its affiliates must not exceed 500 persons.

(3) *Small business subcontractors.* In connection with subcontracts of \$2,500 or less, any concern will be considered a small business concern if it, with its affiliates, employs not more than 500 employees. In connection with subcontracts exceeding \$2,500, any concern shall be considered a small business concern if it qualifies as such under subparagraphs (1) and (2) of this paragraph.

§ 1.701-4 Manufacturing industry employment size standards.

Classification Code	Industry	Employment size standard (number of employees) ¹
MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS		
2026	Milk, fluid.....	750

3. Sections 1.702(c), 1.703, and 1.903-1(c) and the introductory text of § 1.1103 are revised, as follows:

§ 1.702 General policy.

(c) The extent of small business participation in defense procurement shall be accurately measured, reported, and publicized. All solicitations shall require each prospective supplier to represent whether he is a small business concern for purposes of the specific procurement (see §§ 1.701 and 1.703). Records of the total value of contracts and subcontracts placed with small business concerns during each fiscal year shall be maintained by the use of DD Form 350 (Individual Procurement Action Report), DD Form 1057 (Monthly Procurement Summary by Purchasing Office) (see § 1.110), and DD Form 1140-1 (Defense Small Business Subcontracting Program Quarterly Report of Participating Large Company on Subcon-

tract Commitments to Small Business Concerns) (see § 1.707).

§ 1.703 Determination of status as small business concern.

(a) *General.* Except as provided in paragraph (b) of this section, the contracting officer shall accept at face value for the particular procurement involved, a representation by the bidder or offeror that it is a small business concern (see § 7.701-1).

(b) *Representation by a bidder or offeror.* Representation by a bidder or offeror that it is a small business concern shall be effective, even though questioned in accordance with the terms of this paragraph, unless the SBA, in response to such question and pursuant to the procedures in subparagraph (3) of this paragraph, determines that the bidder or offeror in question is not a small business concern. The controlling point in time for a determination concerning the size status of a questioned bidder or offeror shall be the date of award, except that no bidder or offeror shall be eligible for award as a small business concern unless he has in good faith represented himself as small business prior to the opening of bids or closing date for submission of offers (but see § 2.405 with respect to minor informalities and irregularities in bids).

(1) *Protest of small business status.* Any bidder or offeror may, in connection with a contract involving small business set-aside or otherwise involving small business preferential consideration, question the small business status of any apparently successful bidder or offeror by sending a written protest to the contracting officer responsible for the particular procurement. The protest shall contain the basis for the protest together with specific detailed evidence supporting the protestant's claim that such bidder or offeror is not a small business. Such protest must be received by the contracting officer prior to the close of business on the fifth working day exclusive of Saturday, Sunday, and Federal Legal Holidays (hereinafter referred to as working day) after bid opening date or closing date for the receipt of proposals. A protest received after such time shall be considered timely, if in the case of a mailed protest, it is sent by registered or certified mail and the postmark thereon indicates that it would have been delivered within the time limit except for delays beyond the control of the protestant, or a telegraphic protest, the telegram date and time line indicates that it would have been delivered within the time limit except for delays beyond the control of the protestant. The following procedures shall apply:

(i) *Timely protest received prior to award.* When the contracting officer receives a timely protest prior to award, he shall forward the protest record to the Small Business Administration regional office serving the area in which the protested concern is located. The Small Business Administration will promptly notify the contracting officer of the date of its receipt of any such pro-

test and will advise the bidder or offeror in question that his small business status is under review;

(ii) *Untimely protests received prior to award.* A protest which is not timely, even though received before award, shall be forwarded to the Small Business Administration regional office serving the area in which the protested concern is located, with a notation thereon that the protest is not timely. The protestant shall be notified that his protest cannot be considered on the instant procurement but has been referred to SBA for its consideration in any future actions;

(iii) *Action on protests received after award.* A protest received after award of a contract shall be forwarded to the Small Business Administration regional office serving the area in which the protested concern is located with a notation thereon that award has been made. The protestant shall be notified that award has been made and that his protest has been forwarded to SBA for its consideration in future actions.

(2) *Questioning of status by contracting officer.* A contracting officer may, any time prior to award, question the small business status of the apparently successful bidder or offeror by sending a written notice to the SBA regional office of the region in which the bidder or offeror has his principal place of business. Such notice shall contain a statement of the basis for the question, together with available supporting facts. SBA will advise the bidder or offeror in question that his small business status is under review.

(3) *Determination by SBA Regional Director.* The SBA Regional Director will determine the small business status of the questioned bidder or offeror and notify the contracting officer and the bidder or offeror of his determination, and award may be made on the basis of that determination. This determination is final unless it is appealed in accordance with subparagraph (4) of this paragraph, and the contracting officer is notified of the appeal prior to award. If an award was made prior to the time the contracting officer received notice of the appeal, the contract shall be presumed to be valid. Action to be taken on SBA determinations shall be as follows:

(i) If the SBA Regional Director's determination is not received by the contracting officer 10 working days after SBA's initial receipt of a protest or notice questioning the Small Business status of a bidder or offeror, it shall be presumed that the questioned bidder or offeror is a small business concern. This presumption will not be used as a basis for making an award to the questioned bidder or offeror without first ascertaining when a size determination can be expected from SBA, and where practicable, waiting for such determination, unless further delay in award would be disadvantageous to the Government.

(ii) If an appeal from the SBA Regional Director's determination is made, pursuant to subparagraph (4) of this paragraph, to the Chairman, Size Appeals Board, Small Business Administra-

tion, Washington, D.C. 20416, and the contracting officer is notified prior to award, an additional 20 working days (i.e., 30 working days inclusive from the time of initial receipt of the case in the SBA Regional Office) shall be allowed for receipt of the SBA size determination.

(iii) If the determination of the Chairman, Size Appeals Board, Small Business Administration, on the appeal is not received by the contracting officer within the 30-working-day period, it shall be presumed that the SBA Regional Director's size determination has been sustained.

(iv) Until receipt of the SBA determination of the size status, or expiration of the 10-day period (30 days in case of an appeal to the Chairman, Size Appeals Board), whichever occurs first, procurement action shall be suspended; however, this suspension shall not apply to any urgent procurement action which the contracting officer determines in writing must be awarded without delay to protect the public interest. The contracting officer's determination shall be placed in the contract file.

(4) *Appeal from size determination.* An appeal from a size determination made by an SBA Regional Director may be taken before the close of business on the fifth working day after the receipt of such decision. Unless such written notice of appeal is received by the SBA Size Appeals Board, Washington, D.C., within this time and the contracting officer has been notified of such appeal prior to award, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(c) *Product classification.*—(1) *Determination by contracting officer.* The contracting officer shall determine the appropriate classification of a product establishing the small business definition to be used in a specific procurement. This classification and the applicable size standard, pursuant to § 1.701, shall be set forth in the schedule of the solicitation. The contracting officer's determination shall be final unless appealed in accordance with subparagraph (2) of this paragraph.

(2) *Appeal from classification.* An appeal from a product classification determination by a contracting officer must be taken:

(i) Not less than 10 working days before the bid opening date or the deadline for submitting proposals or quotations where this date or deadline is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations; or

(ii) Not less than 5 working days before the bid opening date or the deadline for submitting proposals or quotations where this date or deadline is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations.

Such appeals shall be directed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Action of Size Appeals Board.* The Size Appeals Board will promptly notify the contracting officer of the receipt of a valid appeal and, if possible, will inform the contracting officer prior to the date set for opening of the solicitation of its ruling on the appeal. The SBA decision, if received prior to the opening date, shall be considered final, and solicitations will be modified to reflect such decision, if necessary. Where appropriate, opening dates may be extended. SBA rulings received after the opening date shall not apply to the current procurement but shall apply in future procurements of the product.

§ 1.903-1 General standards.

(c) Have a satisfactory record of performance (contractors who are seriously deficient in current contract performance, when the number of contracts and the extent of deficiency of each are considered, shall, in the absence of evidence to the contrary or circumstances properly beyond the control of the contractor, be presumed to be unable to meet this requirement). Past unsatisfactory performance, due to failure to apply necessary tenacity or perseverance to do an acceptable job, shall be sufficient to justify a finding of nonresponsibility and in the case of small business concerns, shall not require submission of the case to the Small Business Administration; see §§ 1.705-4(c) (5) and 1.905-2;

§ 1.1103 Justification for inclusion of qualification requirements.

Subject to approval by: In case of the Army, the Directorate of Procurement and Production, AMC; in the Navy, the Chief of Naval Material; and in the Air Force, the Directorate of Procurement Policy (AFSPPE), Standardization Group, Headquarters, USAF; and in the Defense Supply Agency, the Executive Director, Procurement and Production; a qualification requirement may be included in a specification when one or more of the following conditions exist:

PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. In § 2.201, a new subparagraph (40) is added to paragraph (a); and in § 2.502, paragraph (b) (4) is revised, as follows:

§ 2.201 Preparation of invitation for bids.

(40) Invitation for bid which will result in the placement of rated orders or Authorized Controlled Material Orders shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

§ 2.502 Conditions for use.

(4) A total small business set-aside is involved (see § 1.706-5(b) and § 1.706-2). A total small business set-aside would not be appropriate in a procurement of a highly technical and complex item where it is anticipated that, in order to obtain adequate competition (i) a significant number of acceptable technical proposals must be received from firms with prior testing, developmental, and production experience of the item, or major components thereof, and (ii) the restriction of such procurement to small business firms would seriously limit the number of qualified firms eligible to submit proposals.

PART 3—PROCUREMENT BY NEGOTIATION

5. In § 3.501, the introductory text of paragraph (b) is revised, and new subparagraphs (63) and (64) are added to the same paragraph, and a new paragraph (c) is added to the section, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

(b) Generally, requests for proposals or quotations shall be in writing. However, in appropriate cases as prescribed in paragraph (c) of this section, proposals or quotations may be solicited orally. Solicitations shall contain the information necessary to enable a prospective offeror to prepare a proposal or quotation properly. Written requests shall be as complete as possible and normally should contain the following information if applicable to the procurements involved:

(63) A request that prospective offerors state whether, to their knowledge, the procurement involves the acquisition of Government production and research property, the disposal of which may be restricted by patent or other rights (see § 13.307(b)); and

(64) Requests for Proposal which will result in the placement of rated orders or Authorized Controlled Material Orders shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

(c) Oral solicitations shall be in accordance with the following:

(1) Oral solicitations are authorized for small purchases (see Subpart F, Part 3 of this chapter) and for the procurement of perishable subsistence.

(2) Oral solicitations, other than those described in subparagraph (1) of this paragraph, also are authorized in cases where the processing of a written solicitation would delay the furnishing of the supplies or services to the detriment of

the Government. Examples of such circumstances may include those listed in § 3.202-2. However, oral solicitation is not to be considered justified solely because a high Issue Priority Designator has been assigned to the requirement. In addition to other applicable documentation requirements (see § 1.308), the record of contract actions above shall include a resume of the circumstances which justified use of an oral solicitation, item description, quantity, deliveries required, sources solicited, prices quoted (including name of individual contacted), date and time contacted, and the solicitation number provided the prospective sources. Should the issuance of the resulting contractual instrument be unduly delayed, the contract file shall be documented to describe the reasons for the delay and justify award based upon the oral solicitation. The oral method of solicitation, pursuant to this subparagraph, shall not be used without prior approval at a level higher than the contracting officer.

(3) Use of oral solicitation does not relieve the contracting officer from complying with other applicable portions of this subchapter, e.g., the appropriate requirements of paragraph (b) of this section, post-award notice of offerors (see § 3.508-3), price negotiation policies and techniques (see Subpart H, Part 3 of this subchapter), and submission of same terms and conditions to all offerors.

6. Sections 3.605-5, 3.608-2(b) (1) (i), and 3.608-4 are revised; new paragraph (d) is added to § 3.608-6; in § 3.808-5(d), subparagraph (2) is revised; and in § 3.902-3(a), subparagraphs (4), (5), and (6) are revised, and new subparagraphs (7), (8), and (9) are added, as follows:

§ 3.605-5 Calls against blanket purchase agreements.

Calls against blanket purchase agreements generally will be made orally, except that informal correspondence may be used when ordering against agreements outside the local trade area. Written calls may be executed on DD Form 1155. Documentation of calls shall be limited to essential information. Forms may be developed for this purpose locally.

§ 3.608-2 Order for Supplies or Services (DD Forms 1155, 1155r, 1155r-1, 1155c, 1155c-1, and 1155s).

(b) *Conditions for use.* (1) * * * (i) The procurement is unclassified, except that DD Form 1155 may be used for classified procurements if:

(a) The procuring contracting officer retains responsibility for complete administration of the contract, including compliance with the requirements of the Industrial Security Regulation (DOD 5220.22-R);

(b) The Military Security Requirements clause in § 7.104-12 is inserted in the schedule;

(c) DD Form 254 (Security Requirements Check List) (see § 16.811) is incorporated in the purchase order; and

(d) The contractor's acceptance of the purchase order is obtained by use of DD Form 1155s at the time of issuance of the order.

* * * * *

§ 3.608-4 Use of DD Form 1155s with DD Form 1155, DD Form 1155r, and DD Form 1155r-1.

(a) DD Form 1155s (Additional General Provisions, Modification and Acceptance) used with DD Form 1155 and 1155r in accordance with § 3.608-2(b)(1), or with DD Forms 1155 and 1155r-1 in accordance with § 3.608-2(b)(2) in negotiated procurement provides:

- (1) Additional general provisions;
- (2) A block for modifications;
- (3) A block for the contracting officer to mark if the contractor's written acceptance is requested; and
- (4) A space for the contractor's signature when a written acceptance is requested.

(b) DD Form 1155s is authorized for use in conjunction with DD Form 1155 when it is desired to:

- (1) Consummate a binding contract between the parties before the contractor undertakes performance, in which case the contracting officer shall mark the block requiring acceptance by the contractor and shall attach the DD Form 1155s to the DD Form 1155;

(2) Modify the purchase order by action authorized under the Changes clause, in which case the contracting officer shall mark the block requiring acceptance by the contractor; that block need not be marked, however, if the contractor has previously executed such an acceptance on a DD Form 1155s issued under that purchase order;

(3) Modify the purchase order by making administrative changes such as the correction of typographical errors, changes in the paying office and changes in the accounting and appropriation data, in which case acceptance by the contractor is not required; or

(4) Otherwise modify the purchase, order, in which case the contracting officer shall mark the block requiring acceptance by the contractor.

(c) DD Form 1155s shall be used in conjunction with DD Forms 1155 and 1155r-1 for all purchases in excess of \$2,500 which are made in accordance with § 3.608-2(b)(2).

(d) No additional clauses are authorized except as provided in § 3.608-2(b). A superseding DD Form 1155 shall not be used to issue a change to an outstanding purchase order.

* * * * *

§ 3.608-6 Use of DD Form 1155 as a delivery order.

(d) Within the monetary limitations of § 3.605-2, the DD Form 1155 may be used to order against a blanket purchase agreement.

* * * * *

§ 3.808-5 Assignment of values to specific factors.

(d) *Record of contract performance.*

(2) Contracting officers should insure that an adequate review is made of contractor's past performance in order that an objective evaluation of this performance may be accomplished. For assistance in determining fee or profit for an advanced-development, engineering-development, operational-systems-development or production contract in excess of \$1 million, the contracting officer shall obtain from the Defense Documentation Center, Attention: DDC-OSB, Cameron Station, Alexandria, Va. 22314 (see § 4.215), a transcript of the performance evaluation of the contractor with whom negotiations are being conducted or a statement that there is no record on file. This transcript or statement may be obtained for a procurement below \$1 million. This information shall be furnished within 3 working days from receipt of the request by the Defense Documentation Center. Reports of cost reduction monitors, small business, labor surplus, and other specialists involved in the evaluation of the various aspects of contractor performance should be obtained.

* * * * *

§ 3.902-3 Procedure.

(a) * * *

(4) Identification to the maximum extent possible of components, subsystems, etc., which will be procured on a single or sole source basis, citing the reasons therefor and including plans for converting such items to competitive procurement (e.g., through synopsisizing pursuant to § 1.1003-6(b), etc.);

(5) The proposed subcontractors, if known;

(6) Designation of the plants and divisions in which the contractor proposes to make the item;

(7) Sufficient information to permit the contracting officer to evaluate the proposed program in accordance with paragraph (b) of this section;

(8) A statement that those items which are recommended as "buy" as identified in subparagraph (2) of this paragraph will be synopsisized in accordance with § 1.1003-6(b); and

(9) A statement that any additional Government production and research property as defined in § 13.101-9, required to produce "make" items prior to fabrication or acquisition, will be synopsisized in accordance with § 1.1003-6(b).

* * * * *

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

7. Sections 4.205-4(d) and 4.215 are revised; in § 4.303-10, items 20, 21, 28, and 29 are revised; and paragraph (c) of § 4.901-5 is revised, as follows:

* * * * *

§ 4.205-4 Evaluation for award.

(d) In evaluating proposals for contracts in excess of \$1 million for advanced-development, engineering-development, operational-systems-development, and follow-on or concurrent

production contracts, the Source Selection Advisory Council or any other person or group acting in a similar capacity shall obtain from the Defense Documentation center, Attention: DDC-OSB, Cameron Station, Alexandria, Va. 22314 (see § 4.215), a transcript of the performance evaluations of all contractors submitting acceptable proposals, or a statement that there is no record on file. This transcript or statement may be obtained for a procurement below \$1 million. This information shall be furnished within 3 working days from receipt of the request by the Defense Documentation Center.

§ 4.215 Contractor Performance Evaluation Program.

The Contractor Performance Evaluation Program is a procedure for determining and recording the effectiveness of advanced-development (with measurable contractual commitments), engineering-development, and operational-systems-development and production contractors in meeting the performance, schedule, and cost provisions of their contracts. The program requires project managers within the Military Departments to submit periodic Contractor Performance Evaluation Reports (see DD Form 1446 series) for all such development contracts whose projected cost for a single year will exceed \$2 million or whose projected overall cost will exceed \$10 million and for all production contracts that follow or are concurrent with the development contracts evaluated (until firm specifications susceptible to price competition are in use), if the projected cost exceeds \$5 million for a single year or if the projected overall cost exceeds \$20 million. After review or certification by the appropriate Departmental Contractor Performance Evaluation Group (see DD Form 1447 series), the report is submitted to the contractor and then transmitted, with the contractor's comments, to the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), for storage in a central data bank and use by Source Selection Advisory Councils or other persons or groups acting in similar capacity, contracting officers in determining fees or profits and the Renegotiation Board. The central data bank is maintained at the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va. 22314. Detailed procedures for this program are set forth in the Department of Defense Guide to Contractor Performance Evaluation (Development and Production).

§ 4.303-10 Schedule of items.

* * * * *

Item 20. *Drayage (when other services are performed).* Service provided under this item shall include drayage as required beyond the zone(s) of performance included in the item specified in the order for service. Drayage shall be paid for at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route.

Zone ----- (provide for additional zones as appropriate).

- a. Unit price per gross cwt. per mile (dollars)-----
- b. Estimated average gross cwt. per trip-----
- c. Estimated total miles per trip-----
- d. Estimated total number of trips-----
- Total amount (dollars)-----

(The total amount bid for this item will be computed on the basis of multiplying $a \times b \times c \times d$.)

Item 21. *Drayage (when other services not required)*. Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route. Service under this item includes the loading and unloading of goods, and placing of same in line-haul carrier terminals or military transportation shipping offices or both. An inventory of individual articles will be prepared when requested by the Contracting Officer.

Zone ----- (provide for additional zones as appropriate).

- a. Unit price per gross cwt. per mile (dollars)-----
- b. Estimated average gross cwt. per trip-----
- c. Estimated total miles per trip-----
- d. Estimated total number of trips-----
- Total amount (dollars)-----

(The total amount bid for this item will be computed on the basis of multiplying $a \times b \times c \times d$.)

* * * * *

Item 28. *Drayage (when other services are performed)*. Service under this item shall include drayage as required beyond the zone(s) of performance included in the item specified in the order for service. Drayage shall be paid for at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route.

Zone ----- (provide for additional zones as appropriate).

- a. Unit price per gross cwt. per mile (dollars)-----
- b. Estimated average gross cwt. per trip-----
- c. Estimated total miles per trip-----
- d. Estimated total number of trips-----
- Total amount (dollars)-----

(The total amount bid for this item will be computed on the basis of multiplying $a \times b \times c \times d$.)

Item 29. *Drayage (when other services not required)*. Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross cwt. of shipment per mile per shipment over the shortest practicable route. Service under this item includes loading and unloading of goods, and placing of same in owner's residence. An inventory of individual articles will be prepared when requested by the Contracting Officer.

Zone ----- (provide for additional zones as appropriate).

- a. Unit price per gross cwt. per mile (dollars)-----
- b. Estimated average gross cwt. per trip-----
- c. Estimated total miles per trip-----
- d. Estimated total number of trips-----
- Total amount (dollars)-----

(The total amount bid for this item will be computed on the basis of multiplying $a \times b \times c \times d$.)

* * * * *

§ 4.901-5 Distribution of contracts.

(c) Headquarters, AFLC (MCAMM), Wright-Patterson AFB, Ohio 45433.

PART 7—CONTRACT CLAUSES

8. New §§ 7.103-14 and 7.103-24 are added; § 7.105-8 is revoked; § 7.205-7 is revised; new § 7.302-27 is added; § 7.304-6 is revoked; § 7.404-5 is revised; and § 7.702-32 is revoked, as follows:

§ 7.103-14 Discounts.

DISCOUNTS (APR. 1966)

In connection with any discount offered, time will be computed from date of delivery of the supplies to carrier when delivery and acceptance are at the point of origin, or from date of delivery at destination or port of embarkation when delivery and acceptance are at either of these points, or from the date the correct invoice or voucher is received in the office specified by the Government, if the latter is later than date of delivery. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

§ 7.103-24 Suspension of work.

(a) The primary purpose of the clause set forth in this section is to establish machinery for administrative settlement on a fair and speedy basis for certain delays and interruptions by the contracting officer in the contract work where other specific provision is not made in the contract for an equitable adjustment because of such delay or interruption (e.g., Government-furnished property, Changes, etc.).

(b) A secondary purpose of the clause is to provide expressly for an actually ordered suspension, delay, or interruption. This secondary use, however, is intended for infrequent use, under strict supervision and for as limited a period as practicable, particularly in the case of commercial type supplies. Inasmuch as an order to suspend work may result in incurred costs to the Government by reason of standby costs, such orders will be issued only with prior approval at a level above the contracting officer.

(c) Generally, use of an order to suspend work will be limited to those situations where it is advisable to suspend work pending a decision by the Government and a supplemental agreement providing for such suspension is not feasible. Although an order to suspend work may be used pending a decision to terminate for convenience, it will not be used pending a decision to terminate for default, nor will it be used in lieu of the issuance of a termination notice after a decision to terminate has been made. However, if a contractor is required to show cause why a contract should not be terminated for default, an order to suspend work may be included in the show cause notice if it has been determined that the contract will be terminated for

convenience if it is not terminated for default.

(d) An order to suspend work should include:

- (1) A clear description of the work to be suspended.
- (2) Instructions as to issuance of further orders by the contractor for material or services.
- (3) Guidance as to action to be taken on subcontracts.

(4) Other suggestions to the contractor for minimizing costs.

(e) Promptly after issuance, the order to suspend work should be discussed with the contractor and should be modified, as necessary, in the light of such discussions. As soon as feasible after an order to suspend work is issued, the order will be canceled or the contract will be terminated for convenience.

(f) Where the contracting officer has notice of an unordered suspension, delay, or interruption, covered by paragraph (b) of the clause, he will act to end it as soon as practicable or terminate the contract for convenience.

(g) The contracting officer shall retain in the file a record of all negotiations leading to the adjustment made under the Suspension of Work clause, including financial and cost data.

(h) The prescribed clause may also be included by amendment in existing fixed-price supply contracts where a delay situation has not yet arisen.

(i) The clause:

SUSPENSION OF WORK (APRIL 1966)

(a) The Contracting Officer may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If the performance of all or any part of the work is, for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of this contract, or by his failure to act within the time specified in this contract (or if no time is specified within a reasonable time), and adjustment shall be made for any increase in the cost of performance of this contract (excluding profit) necessarily caused by such unreasonable suspension, delay, or interruption and the contract modified in writing accordingly. Adjustment shall also be made in the delivery or performance dates and any other contractual provision affected by such suspension, delay, or interruption. However, no adjustment shall be made for any suspension, delay, or interruption to the extent that performance would have been so suspended, delayed, or interrupted by any other cause including the fault or negligence of the Contractor. Also no adjustment shall be made under this clause for any suspension, delay, or interruption for which an equitable adjustment is provided for or excluded under any other provision of this contract.

(c) No claim under this clause shall be allowed (i) for any costs incurred more than 20 days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply as to a claim resulting from a suspension order), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as prac-

licable after the termination of such suspension, delay, or interruption, but not later than the date of final payment under the contract.

(d) If the parties fail to agree upon the existence or extent of a suspension, delay, or interruption, or on the amount of adjustment to be made, the dispute shall be determined as provided in the Disputes clause of this contract; but nothing in this clause shall excuse the Contractor from proceeding with the prosecution of the work in accordance with the contract to the extent possible or as otherwise directed by the Contracting Officer.

§ 7.105-8 Stop work orders. [Revoked]

§ 7.205-7 Stop work orders.

(a) *Use of clause.* The clause set forth in paragraph (c) of this section is authorized for use in cost-reimbursement type contracts under which work stoppage may be required for reasons such as advancements in the state of the art, production or engineering breakthroughs, or realignment of programs.

(b) *Use of orders.* (1) Inasmuch as stop work orders may result in increased costs to the Government by reason of standby costs, such orders will be issued only with prior approval at a level above the contracting officer. Generally, use of a stop work order will be limited to those situations where it is advisable to suspend work pending such a decision by the Government and a supplemental agreement providing for such suspension is not feasible. Although a stop work order may be used pending a decision to terminate for convenience, it will not be used pending a decision to terminate for default, nor will it be used in lieu of the issuance of a termination notice after a decision to terminate has been made.

(2) Stop work orders should include (i) a clear description of the work to be suspended, (ii) instructions as to the issuance of further orders by the contractor for material or services, (iii) guidance as to action to be taken on subcontracts, and (iv) other suggestions to the contractor for minimizing costs. Promptly after issuance, stop work orders should be discussed with the contractor and should be modified, if necessary, in the light of such discussions.

(3) As soon as feasible after a stop work order is issued, (i) the contract will be terminated; or (ii) the stop work order will either be canceled or—if necessary and if the contractor agrees—be extended beyond the period specified in the order. In any event, this must be done before the specified stop work period expires. When an extension of the stop work order is necessary, it shall be evidenced by a supplemental agreement. Any cancellation of a stop work order shall be subject to the same approvals as were required for the issuance of the order.

STOP WORK ORDER (APRIL 1966)

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for a period of ninety (90)* days after the order is delivered to the Contractor, and for any further period to which the parties may

agree. Any such order shall be specifically identified as a stop work order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90)¹ days after a stop work order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either—

(i) Cancel the stop work order, or
(ii) Terminate the work covered by such order as provided in the "Termination" clause of this contract.

(b) If a stop work order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected, and the contract shall be modified in writing accordingly, if—

(i) The stop work order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(ii) The Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage: *Provided*, That, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) If a stop work order is not canceled and the work covered by such order is terminated for the convenience of the Government, the reasonable costs resulting from the stop work order shall be allowed in arriving at the termination settlement.

§ 7.302-27 Suspension of work.

In accordance with the instructions in § 7.103-24(a)-(h), insert the clause set forth in § 7.103-24(i).

§ 7.304-6 Stop work orders. [Revoked]

§ 7.404-5 Stop work orders.

The clause set forth in § 7.205-7 is authorized for use under the criteria and in accordance with the instructions in § 7.205-7.

§ 7.702-32 Patent or proprietary rights in facilities. [Revoked]

PART 8—TERMINATION OF CONTRACTS

9. Section 8.802-6 is revised to read as follows:

§ 8.802-6 DD Form 544—Inventory Schedule C—Work in Process and DD Form 544c—Inventory Schedule C—Continuation Sheet.

See F-200.544 and F-200.544c.

PART 11—FEDERAL, STATE AND LOCAL TAXES

10. Subparts A and B are revised; §§ 11.500(c), 11.501, and 11.501-3 are re-

¹ This clause may provide for less than 90 days.

vised; and § 11.501-4 is revoked, as follows:

Subpart A—Federal Excise Taxes

Sec.	
11.100	General.
11.101	Retailers excise taxes, special fuels.
11.101-1	Diesel fuel.
11.101-2	Special motor fuels.
11.101-3	Procedures.
11.102	Manufacturers excise taxes.
11.102-1	Motor vehicles.
11.102-2	Tires and tubes.
11.102-3	Gasoline.
11.102-4	Lubricating oils.
11.102-5	Fishing equipment.
11.102-6	Firearms, shells, and cartridges.
11.103	Excise taxes on facilities and services.
11.104	Use tax on highway motor vehicles.

AUTHORITY: The provisions of this Subpart A issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 11.100 General.

This subpart deals with Federal taxes involved in the procurement of certain supplies and services. It is for the general information of Government personnel and does not purport to present the full scope of the applicable provisions of law and implementing regulations as they may be amended from time to time.

§ 11.101 Retailers excise taxes, special fuels.

§ 11.101-1 Diesel fuel.

A tax at the indicated rates is imposed upon any liquid, other than that taxable as gasoline under section 4081 of the Internal Revenue Code (see § 11.102-3), which is (a) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or (b) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid pursuant to paragraph (a) of this section, as follows:

(1) At 4 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle—

(i) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or
(ii) Which, if owned by the United States, is used on the highway; or

(2) At 2 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle—

(i) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(3) At an additional 2 cents per gallon, if fuel on which a tax of 2 cents was paid pursuant to subparagraph (2) of this paragraph, is used as fuel in a diesel-powered highway vehicle—

(i) Which, at the time of such use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway.

No tax is imposed on diesel fuel sold for use or used as fuel in a nonhighway vehicle, such as certain military vehicles, construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms.

§ 11.101-2 Special motor fuels.

A tax at the rates indicated below is imposed upon benzol, benzene, naphtha, liquefied petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable as diesel fuel under § 11.101-1, or as gasoline under section 4081 of the Internal Revenue Code (see § 11.102-3), which is (a) sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion thereof, or (b) used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane, unless there was a taxable sale of such liquid pursuant to paragraph (a) of this section, as follows:

(1) At 4 cents per gallon, if such liquid is sold for use or is used as a fuel for a highway vehicle—

(i) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway, or

(2) At 2 cents per gallon, if such liquid is sold for use or is used as a fuel for the propulsion of a motorboat or airplane, or a motor vehicle—

(i) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(3) At an additional 2 cents per gallon, if a liquid on which a tax of 2 cents was paid pursuant to subparagraph (2) of this paragraph, is used as fuel in a highway vehicle—

(i) Which, at the time of such use, is registered, or required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States is used on the highway.

§ 11.101-3 Procedures.

(a) *General.* The sale of diesel fuel to an owner, lessee, or other operator of a diesel-powered highway vehicle, or of special motor fuel to an owner, lessee, or other operator of a motor vehicle, motor boat, or airplane is considered as a taxable sale by the Internal Revenue Service only (1) if the liquid is delivered by the seller into the fuel supply tank of the vehicle, motor boat, or airplane, or (2) where not so delivered, the purchaser indicates in writing to the seller prior to or at the time of the sale that the entire quantity of the liquid covered by the sale is for use by him for a taxable purpose as a fuel in such a vehicle, motor boat, or airplane. If such a written statement is not furnished by the purchaser, he is liable for the tax at the applicable rate on that quantity of the

liquid which is used by him as fuel in such a vehicle, motor boat, or airplane, or which is sold by him in a taxable transaction.

(b) *Diesel fuel.* Within the Departments, diesel fuel is the only product which could be taxable under § 11.101-1. Diesel fuel shall be procured by the Departments at a price exclusive of the tax on diesel fuel unless the contract under which such fuel is to be furnished requires the contractor to deliver it into the fuel supply tank of a diesel-powered highway vehicle. The activity of any Department using diesel fuel in a diesel-powered highway vehicle, where the fuel had not been delivered by the contractor into the fuel supply tank of the vehicle and had therefore been procured tax free, shall be responsible for making payment of the tax, at the applicable rate, directly to the Internal Revenue Service. Such payment shall be made quarterly on TD Form 720 "Quarterly Federal Excise Tax Return." A Certificate of Export is not required to support a tax-free sale of diesel fuel exported to a foreign country or shipped to a possession of the United States or to Puerto Rico.

(c) *Special motor fuel (jet fuel).* The only product procured by the Departments to which the tax under § 11.101-2 could apply is jet fuel. Benzol, benzene, naphtha, liquefied petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable as diesel fuel or as gasoline) is not used by the Departments as a fuel for the propulsion of motor vehicles, motor boats, or airplanes and, therefore, the procurement of these products by the Departments would not be subject to the tax on special motor fuel. Moreover, none of these products is subject to the manufacturers excise tax on gasoline. The procurement of jet fuel by the Departments, except on AF Form 15, shall be at a price exclusive of the tax on special motor fuels. The furnishing of a tax exemption certificate (vessel-of-war) is not required unless the contract under which such fuel is to be furnished requires the contractor to deliver it into the fuel supply tank of aircraft or unless such fuel meets the specification requirements of motor gasoline set forth in paragraph (A) of section 314.30 of Regulation 44 of the Internal Revenue Service. The contract price for jet fuel procured by any Department shall not include an amount for manufacturers excise tax on gasoline used in the production of such fuel. (If the manufacturers excise tax on gasoline has been paid on any material used in the production of jet fuel, the manufacturer of the gasoline is entitled to a refund or credit of such tax.) Jet fuel procured on AF Form 15 shall be at a price inclusive of the tax on special motor fuels.

§ 11.102 Manufacturers excise taxes.

§ 11.102-1 Motor vehicles.

(a) A tax at the rates indicated below is imposed upon the following articles (including parts and accessories sold

therewith) sold by a manufacturer, producer, or importer:

(1) Chassis and bodies of trucks, buses, truck and bus trailers, and semitrailers, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer—10 percent; except that this tax does not apply to equipment designed for off-the-road use, such as certain military vehicles (including oxygen or bomb dollies), construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms;

(2) Chassis and bodies of automobiles, and of trailers and semitrailers (other than house trailers) suitable for use with passenger automobiles—10 percent prior to June 22, 1965; 7 percent from June 22, 1965, through December 31, 1965; 6 percent from January 1, 1966, through March 15, 1966; 7 percent from March 16, 1966, through March 31, 1968; 2 percent from April 1, 1968, through December 31, 1968; 1 percent after December 31, 1968; and

(3) Parts or accessories for trucks and buses—when sold separately from a truck, bus, or other item taxable as indicated in subparagraph (1) of this paragraph 8 percent. Parts or accessories are defined to include any article—

(i) The primary use of which is to improve, repair, replace, or serve as a component part of a truck or bus;

(ii) Designed to be attached to or used in connection with a truck or bus or to add to its utility or ornamentation; or

(iii) The primary use of which is in connection with a truck or bus whether or not essential to its operation or use.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, a taxable vehicle are treated as parts or accessories whether or not primarily adapted for such use. However, the term "parts or accessories" does not include tires or inner tubes. The tax on parts or accessories does not apply to any article sold for use (or for a single resale for use) as material in the manufacture of, or as a component part of any article whether or not such article is subject to a manufacturers excise tax. The contract price of supplies purchased by any Department shall not include an amount for the manufacturers excise tax on parts or accessories purchased for use in the manufacture of any article.

(b) Bodies are exempt from tax when sold by the manufacturer to a manufacturer of motor vehicles to be sold by the purchaser; however, a chassis manufacturer who purchases a body tax free is required to pay a tax on his sale of the completed vehicle as the manufacturer of both the chassis and the body. A manufacturer of motor vehicle chassis cannot sell such chassis tax free to manufacturers of motor vehicle bodies.

§ 11.102-2 Tires and tubes.

(a) A tax at the rates indicated below is imposed on the following supplies, made wholly or in part of rubber, including synthetic and substitute rubber,

sold by a manufacturer, producer, or importer:

(1) Tires of the type used on highway vehicles, which includes motor vehicles which are highway vehicles, and vehicles of the type used with motor vehicles which are highway vehicles—10 cents per pound;

(2) Other tires, which are designed to fit the wheel of any type of vehicle capable of transporting a person or burden (other than laminated tires which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent)—5 cents per pound;

(3) Inner tubes, which include any type of air container for pneumatic tires—10 cents per pound on total weight, including air valves and stems;

(4) Laminated tires (not of the type used on highway vehicles) which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent—1 cent per pound; and

(5) Tread rubber, which includes any material commonly or commercially known as tread rubber or camelback of a type used in retreading or recapping tires—5 cents per pound. An exemption exists for the sale of tread rubber or camelback by a manufacturer to a purchaser for use by that purchaser other than for recapping or retreading tires of the type used on highway vehicles. In addition, if tread rubber, upon which the tax has been paid, is sold for use or is used other than for recapping or retreading tires of the type used on highway vehicles, the manufacturer is entitled to a refund or credit of the tax: *Provided*, That the credit under paragraph (b) of this section is not available. The contract price for supplies purchased by any Department will not include an amount for the manufacturers excise tax on tread rubber to the extent that this exemption or refund or credit is available to the manufacturer. In determining weight of taxable tires under subparagraphs (1) and (2) of this paragraph, metal rims or rim bases are excluded, but any other material or fastening device that forms a part of the tire is included. The tax imposed under subparagraphs (1) and (2) of this paragraph, does not apply to tires which are not more than 20 inches in diameter and not more than 1¾ inches in cross section, if such tires are of all-rubber construction without fabric or metal reinforcement, nor does it apply to tires of extruded tiring with an internal wire fastening agent.

(b) The exemption for sales for further manufacture does not apply to taxable tires and tubes (see § 11.202). However, if tax-paid tires and tubes normally sold in connection with the sale by a manufacturer of a taxable motor vehicle are sold therewith, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturers purchase price on the tires and tubes. The contract price for supplies purchased by any Department shall not include an amount for manufacturers excise tax on tires and tubes to the extent that this credit is available to the manufacturer.

§ 11.102-3 Gasoline.

(a) *General*. A tax of 4 cents per gallon is imposed on gasoline sold by a producer or importer. Gasoline means all products commonly or commercially known or sold as gasoline which are suitable for use as a motor fuel. The tax does not apply to the sale of gasoline to a producer, which is defined to include a refiner, compounder, blender, or dealer who sells gasoline exclusively to producers of gasoline.

(b) *Procedure*. Products procured by the Departments which are subject to the tax under paragraph (a) of this section include motor gasoline, clear unleaded gasoline, automotive combat gasoline, and aviation gasoline for reciprocating engines. The procurement of motor gasoline, clear unleaded gasoline and automotive combat gasoline shall be at a price inclusive of the tax unless the product is to be exported to a foreign country or shipped to a possession of the United States or to Puerto Rico, or is to be used as supplies for vessels, in which event the procedure in § 11.202 (b) or (d) shall be followed. The procurement of aviation gasoline for reciprocating engines, if to be used for the propulsion of military aircraft and if not made on AF Form 15, shall be at a price exclusive of the tax under paragraph (a) of this section, and a vessel-of-war tax exemption certificate shall be furnished in accordance with § 11.202 (d). The procurement of aviation gasoline which is not to be used for the propulsion of military aircraft or which is made on AF Form 15 shall be at a price inclusive of the tax on gasoline.

(c) *Refunds*. The ultimate purchaser of gasoline is entitled to a refund of 2 cents per gallon for gasoline used otherwise than as fuel in a highway vehicle, and in certain circumstances to fuel used in such a vehicle. However, activities of the Department of Defense will not apply for such refunds.

§ 11.102-4 Lubricating oils.

(a) *General*. A tax of 6 cents per gallon is imposed on lubricating oil (other than cutting oils) sold by the manufacturer or producer unless sold to another manufacturer or producer of lubricating oils for resale. Lubricating oil means all oils which are either sold for use as a lubricant or are suitable for use as a lubricant. The tax applies unless—

(1) The sale is exempt from tax under § 11.202; or

(2) The oil has been determined by the Commissioner of Internal Revenue to be "seldom used as a lubricant" and is sold for a nonlubricating use; or

(3) The oil is sold as cutting oil under the procedure described in paragraph (c) of this section.

(b) *"Seldom used as a lubricant."* The following oils have been determined by the Commissioner of Internal Revenue to be "seldom used as a lubricant" and, thus, may be sold tax free: castor oil, petroleum white oil of certain specifications, crude neatsfoot oil, transformer or insulating oil, and a certain product

used as an additive to the fuel used in internal combustion engines.

(c) *Cutting oils*. Oil sold as cutting oil is not subject to the tax if the manufacturer or producer follows one of three procedures. First, lubricating oils may be sold tax free by the manufacturer or producer as cutting oil in any case where:

(1) The manufacturer or producer packages the oil in containers of 5 gallons or less furnished by him and labeled by him to indicate use of the oil only in cutting and machining operations on metals;

(2) Any advertising of the oil so packaged and labeled indicates that the oil is for use only in cutting and machining operations on metals; and

(3) The oil so packaged and labeled is sold by the manufacturer or producer to a purchaser for such use by him or for resale by him for such use.

Second, where the Commissioner of Internal Revenue has determined oil to be suitable for use as a lubricant only in cutting and machining operations on metals, the oil may be sold tax free by the manufacturer or producer as cutting oils, unless the manufacturer has definite knowledge, prior to or at the time of the sale, that the oil is not being purchased for use, or resale for use, in cutting and machining operations on metals. Oils as to which the Commissioner has made such a determination may be sold tax free whether in bulk or otherwise. However, the Commissioner may require that the oil be specifically represented to the purchaser, whether by labeling or otherwise, as being suitable for use only in cutting and machining operations on metals. Third, lubricating oils which are sold for use, or for resale for use in cutting and machining operations on metals, but which may not be sold tax free under one of the procedures described above, may be sold tax free, provided the manufacturer obtains from the purchaser a properly executed cutting oil certificate. The form set forth in § 11.501-3 shall be utilized for this purpose.

(d) *Refunds*. The ultimate purchaser of lubricating oil (other than cutting oils, imported lubricating oils, or rerefined oil) is entitled to a refund of 6 cents per gallon on oil purchased tax paid which is used otherwise than as a lubricant in a highway motor vehicle. However, activities of the Department of Defense will not apply for such refunds.

§ 11.102-5 Fishing equipment.

A tax of 10 percent is imposed upon fishing equipment (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer.

§ 11.102-6 Firearms, shells, and cartridges.

(a) A tax is imposed at the rate of 10 percent upon pistols and revolvers; and at the rate of 11 percent on other firearms, shells, and cartridges sold by a manufacturer, producer, or importer. The tax does not attach when such articles are purchased with funds appropriated for the Military Departments.

(b) Chapter 53A of the Internal Revenue Code imposes a transfer tax and a tax on the manufacturer of machine guns and certain other firearms. Transfer to, or manufacture for, the United States is specifically exempted.

(c) Clearly identified orders or contracts of a Military Department, signed by an authorized officer of such Department, will be accepted in support of the exemption. In the absence of such orders or contracts, a statement signed by an authorized officer of a Military Department that the firearms, shells, or cartridges were purchased with funds appropriated for the Military Departments will be acceptable.

§ 11.103 Excise taxes on facilities and services.

Chapter 33 of the Internal Revenue Code imposes excise taxes on communications and certain transportation of persons by air. In general, the tax is based upon the amount paid for the service and is imposed upon the person paying for the service.

§ 11.104 Use tax on highway motor vehicles.

(a) A tax of \$3 a year for each 1,000 pounds of taxable gross weight, or fraction thereof, is imposed upon the use of any highway motor vehicle which, together with semitrailers and trailers customarily used in connection with a vehicle of this type, has a taxable gross weight in excess of 26,000 pounds. The full tax is due for any vehicle which is used on the public highways of the United States at any time during the month of July, irrespective whether the vehicle is later removed from highway use. If the first use of a taxable vehicle occurs after the end of July, the tax is computed proportionately from the first day of the month in which the vehicle is first used, through the end of the following June. For example, if a vehicle is placed in use during August, $\frac{1}{12}$ of the total tax is payable. No tax applies to vehicles, even though of a highway type, which are never used on the public highways during the taxable year.

(b) Taxable gross weight is the sum of—

(1) The actual unloaded weight of the vehicle and any semitrailers and trailers customarily used with such a vehicle, all units fully equipped for service; and

(2) The weight of the maximum load customarily carried by all units of a vehicle of this type.

(c) The tax is payable by the person in whose name the vehicle is, or is required to be, registered under the law of any State, or if owned by the United States, by the agency or instrumentality of the United States operating such vehicle. If a tax has been paid for a particular vehicle, no further liability can be incurred in the same taxable year, even though there is a change of ownership of the vehicle.

(d) The Secretary of the Treasury, however, has authorized an exemption for vehicles used by the United States

whether or not they are Government owned.

Subpart B—Exemptions From Federal Excise Taxes

Sec.	Policy.
11.200	Retailers excise taxes.
11.201	Manufacturers excise taxes.
11.202	Supplies and services for the exclusive use of the United States.

AUTHORITY: The provisions of this Subpart B issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 11.200 Policy.

It is the policy of the Department of Defense to take maximum advantage of all exemptions from Federal excise taxes available to the United States and its contractors and to claim all refunds and credits which may be available to the United States and its contractors, except as otherwise provided in this subpart and Subpart A of this part.

§ 11.201 Retailers excise taxes.

No retailers excise tax is imposed:

(a) On the sale of special fuels for the exclusive use of any State, any political subdivision thereof, or the District of Columbia, or with respect to the use thereof by any of the foregoing;

(b) On the sale of special fuels for export or for shipment to a possession of the United States (which for the purpose of this exemption includes Puerto Rico), and in due course so exported or shipped—

(1) This exemption shall be utilized by purchasing on a tax-exclusive basis and furnishing the required proof of exportation or shipment to a possession if:

(i) The purchase is substantial, and

(ii) Exportation or shipment to a possession is intended to follow not more than 6 months after title passes to the Government.

(2) To qualify for the exemption of sales for export or for shipment to a possession:

(i) The supplies must be identified as having been sold by the manufacturer (if the tax is a manufacturers excise tax) or the retailer (if the tax is a retailers excise tax) for export or shipment to a possession. The words "for export or shipment to a possession" incorporated into or stamped on a contract or purchase order are acceptable to the Internal Revenue Service as evidence that the sale is for export or for shipment to a possession. In solicitations and contracts, the terms of which imply that the supplies will be either exported or shipped to a possession (e.g., delivery to a port of embarkation or special packing requirements for overseas shipment) where the purchase is not substantial and it is therefore desired to purchase on a Federal excise tax-inclusive basis, the solicitations and the contract should clearly state that proof of export certificates will not be issued.

(ii) The supplies must be exported or shipped to a possession in due course. Proof of export or shipment will be fur-

nished to the contractor in the form set forth in § 11.501.

(c) On the sale of special fuels to retailers for resale. (Sales by the United States, or any agency or instrumentality thereof, are not exempt unless specifically made exempt by statute.);

(d) On the sale of special motor fuels for use or used in the propulsion of vessels of war or military aircraft of the type enumerated in § 11.202(d);

(e) On the sale of special fuels to a nonprofit educational organization for its exclusive use, or, with respect to the use thereof by a nonprofit educational organization.

§ 11.202 Manufacturers excise taxes.

No manufacturers excise tax is imposed:

(a) On the sale of any article for use by the purchaser for further manufacture or for resale to a second purchaser for use by such second purchaser in further manufacture (An article shall be treated as sold for use in further manufacture if sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another taxable article to be manufactured or produced. In the case of truck or bus parts and accessories, it is not necessary that the produced article be a taxable article. This exemption does not apply to tires or inner tubes.); or

(b) On the sale of any article for export, or for shipment to a possession of the United States which for the purpose of this exemption includes Puerto Rico. This exemption shall be obtained only when the purchase is substantial and exportation or shipment to a possession is intended to follow not more than 6 months after title passes. For proper utilization of this exemption, see § 11.201(b).

(c) On the sale of any article for resale to a second purchaser for export. If articles upon which a manufacturers excise tax has been paid are resold by a dealer for export, or for shipment to a possession, the manufacturer is entitled to a credit or refund of the tax paid. If it is economically advantageous to do so, this credit or refund shall be utilized by purchase from a dealer on a tax-exclusive basis and execution of the required exemption certificate set forth in § 11.501-1.

(d) On sales of supplies for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, including aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof, and guided missiles and pilotless aircraft owned or chartered by the United States. This exemption and the exemption from the retailers excise tax on special motor fuels (see § 11.201(d)) shall be utilized by purchasing on a tax-exclusive basis and furnishing the required exemption certificate (see § 11.501-2) only if:

(1) The purchase is substantial,

(2) The contracting officer determines at the time of the purchase that the sup-

plies are intended for use in vessels of war or military aircraft, and

(3) The administrative burden of insuring that the supplies are used for exempt purposes does not make use of the exemption uneconomical. Administrative difficulties normally will not exist if the particular supply is suited exclusively for use in vessels or aircraft.

If supplies upon which a manufacturer's excise tax has been paid are sold by a dealer for any of the exempt uses enumerated above, the manufacturer is entitled to a credit or refund of the tax paid. If it is economically advantageous to do so, this credit or refund shall be utilized by purchase from a dealer on a tax-exclusive basis and execution of the required exemption certificate set forth in § 11.501-2.

(e) On the sale of any article for the exclusive use of a State or local government; and

(f) On the sale of any article to a non-profit educational organization for its exclusive use.

§ 11.203 Supplies and services for the exclusive use of the United States.

By virtue of action taken by the Secretary of the Treasury, pursuant to section 4293 of the Internal Revenue Code, exemption is available, and shall be obtained, to the extent indicated, from the following Federal excise taxes:

(a) Tax on communication services and facilities furnished directly to the United States (as distinguished from being furnished to a Government contractor) and paid for directly by the Government (such exemption is obtained without any exemption certificate); and

(b) Tax on transportation of persons for transportation furnished the United States upon a Government transportation request (such exemption is obtainable by use of such transportation request).

§ 11.500 General.

(c) With respect to the forms set out in §§ 11.501-2 and 11.501-3, the Internal Revenue Service will accept one certificate covering all orders under a single contract for a specified period not exceeding four calendar quarters.

§ 11.501 Federal excise taxes.

The forms of certificates set forth in §§ 11.501-1 through 11.501-3 may be reproduced locally.

§ 11.501-3 Cutting oil certificate.

The following form of certificate shall be used by the purchaser of cutting oil, in accordance with § 11.102-4(c).

CUTTING OIL CERTIFICATE

(For use by purchaser of lubricating oil subject to tax under section 4091 of the Internal Revenue Code of 1954, for use by purchaser in cutting and machining operations on metals)

----- 19 --

Contract:
Contract Period:
Contractor:
Product:
End Use:

The undersigned certifies that he is an authorized agent of the United States of America and that the oil covered by the contract identified above is purchased for the use indicated as a lubricant in cutting and machining operations on metals.

The undersigned understands that the purchaser must be prepared to establish by satisfactory evidence the actual use or disposition made of such oil, and that upon its use of the oil for a lubricating purpose other than in cutting and machining operations on metals, or upon its sale or other disposition of the oil, it is required to notify the manufacturer.

The fraudulent use of this certificate for the purpose of purchasing oil tax free, rather than subject to tax at the rate of 6 cents a gallon, will subject the guilty party to a fine of not more than \$10,000 or imprisonment for not more than five (5) years, or both, together with the costs of prosecution.

(Signature)

(Title)

(Address)

§ 11.501-4 Cutting oil certificate. [Revoked]

PART 13—GOVERNMENT PROPERTY

11. Sections 13.102-1, 13.102-2, and the introductory text of § 13.702(b) are revised to read as follows:

§ 13.102-1 Prime contractors.

It is the policy of the Department of Defense not to hold a contractor responsible for loss of or damage to Government property caused by certain perils when such Government property is provided under:

(a) A facilities contract;

(b) A negotiated, fixed-price-type procurement contract for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public (see § 3.807-1(b)), or (3) prices set by law or regulation; or

(c) A cost-type procurement contract.

§ 13.102-2 Subcontractors.

(a) If Government property is provided to a subcontractor directly by the Government, § 13.102-1 shall apply.

(b) If Government property is provided to a subcontractor by a prime contractor, the latter shall be required to hold the subcontractor liable for any loss of or damage to such property: *Provided, however,* That if the prime contract falls under either § 13.102-1 (b) or (c), the prime contractor may, with the prior approval of the contracting officer:

(1) Include in any cost-reimbursement type subcontract thereunder provisions similar to those contained in paragraph (g) of the clause in § 13.703; and

(2) Include in any fixed-price subcontract meeting the criteria set forth in § 13.102-1(b) a provision similar to that contained in § 13.702(b).

Contracting officers shall, prior to approving the inclusion of the provisions referred to above in any subcontract,

balance the need for the protection and care of Government property against the cost thereof. A prime contractor who provides Government property to a subcontractor shall not be relieved of any responsibility to the Government that he may have under the terms of his contract.

§ 13.702 Government property clause for fixed-price contracts.

(b) In negotiated fixed-price contracts for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public (see § 3.807-1(b)), or (3) prices set by law or regulation, substitute the following for paragraph (g) of the clause in paragraph (a) of this section:

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

12. Paragraph(e) of § 15.205-22 is revised to read as follows:

§ 15.205-22 Material costs.

(e) Allowance for all materials, supplies, and services which are sold or transferred between any division, subsidiary, or affiliate of the contractor under a common control shall be on the basis of cost incurred in accordance with this subpart, except that when it is the established practice of the transferring organization to price interorganization transfers of materials, supplies, and services at other than cost for commercial work of the contractor or any division, subsidiary, or affiliate of the contractor under a common control, allowance may be at a price when:

(1) It is or is based on an "established catalog or market price of commercial items sold in substantial quantities to the general public" in accordance with § 3.807-1(b) (2); or

(2) It is the result of "adequate price competition" in accordance with § 3.807-1(b) (1) (i) and (ii) (a) and (b), and is the price at which an award was made to the affiliated organization after obtaining quotations on an equal basis from such organization and one or more outside sources which normally produce the item or its equivalent in significant quantity;

provided that in either case:

(i) The price is not in excess of the transferor's current sales price to his most favored customer (including any division, subsidiary, or affiliate of the contractor under a common control) for a like quantity under comparable conditions, and

(ii) The price is not determined to be unreasonable by the contracting officer: *Provided, however,* That if the price is determined unreasonable, such determi-

nation must be supported by an enumeration of facts on which it is based and approved at a level above the contracting officer.

The price determined in accordance with subparagraph (1) of this paragraph should be adjusted, when appropriate, to reflect the quantities being procured and may be adjusted upward or downward to reflect the actual cost of any modifications necessary because of contract requirements.

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

13. Sections 18.1001-1, 18.1001-2, 18.1001-3, and 18.1001-4 are revised to read as follows:

§ 18.1001-1 Special fuels.

See § 11.101.

§ 18.1001-2 Motor vehicles.

See § 11.102-1.

§ 18.1001-3 Tires and tubes.

See § 11.102-2.

§ 18.1001-4 Gasoline.

See § 11.102-3.

[Rev. 18, ASPR, Aug. 1, 1966] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11182; Filed, Oct. 13, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8161]

PART 13—PROHIBITED TRADE PRACTICES

Ship 'n Shore, Inc.

Subpart—Advertising falsely or misleadingly: § 13.95 *Identity of product*; § 13.235 *Source or origin*: 13.235-60 *Place*: 13.235-60(a) *Domestic products as imported*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misbranding or mislabeling: § 13.1230 *Identity*; § 13.1325 *Source or origin*: 13.1325-70 *Place*: 13.1325-70(a) *Domestic product as imported*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15

U.S.C. 45) [Modified order to cease and desist, Ship 'n Shore, Inc., et al., Upland, Pa., Docket 8161, Sept. 19, 1966]

Order modifying an earlier consent order, 26 F.R. 6023, dated May 16, 1961, requiring a manufacturer of women's sportswear to cease using the term "madras" to describe a textile product not imported from India, but allowing the nondeceptive use of the term if the fabric has an actual resemblance to true madras fabric.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That this proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist issued in this matter on May 16, 1961, be, and it hereby is, modified to read as follows:

It is ordered, That respondent Ship 'n Shore, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of blouses, sportswear, or other textile products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "madras" or any simulations thereof, either alone or in connection with other words, to designate, describe, or refer to any fabric or other textile product which is not in fact made of fine cotton, handloomed and imported from India, and if the cloth is other than natural in color, has not been dyed with bleeding vegetable dyes: *Provided, however*, That if the fabric or textile product does in fact resemble or is similar to madras fabric, the term "madras" may be used in any phrase or statement to clearly and nondeceptively set forth the actual resemblance or similarity.

2. Placing in the hands of retailers the means and instrumentalities by and through which they may deceive the purchasing public concerning merchandise in the respects set out in paragraph 1, above.

It is further ordered, That the complaint against the individual respondent William Netzký be, and the same hereby is, dismissed.

It is further ordered, That respondent Ship 'n Shore, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11193; Filed, Oct. 13, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5-12—LABOR

Subpart 5-12.8—Equal Opportunity in Employment

This amendment revises Subpart 5-12.8 for the purpose of prescribing revised, expanded, and updated procedures for carrying out the GSA Equal Employment Opportunity Program. The amendment provides that the GSA Civil Rights Program Policy Staff is responsible for the overall administration of the GSA Equal Employment Opportunity Program, indicates the duties and responsibilities under the program of various officials and organizational units associated with the program, and prescribes more detailed instructions for the program's administration. In addition, the amendment reflects the requirements of Executive Order No. 11246 of September 24, 1965, the rules and regulations of the Secretary of Labor (41 CFR Part 60-1), and the directives issued by the Office of Federal Contract Compliance (EEO).

The table of contents for Part 5-12 is amended to provide revised entries for Subpart 5-12.8, as follows:

Subpart 5-12.8—Equal Opportunity in Employment

Sec.	
5-12.800	Scope of subpart.
5-12.803	Basic requirements.
5-12.803-2	Equal Opportunity clause.
5-12.803-6	Notice to bidders regarding preaward equal opportunity compliance reviews.
5-12.803-50	Equal opportunity representation.
5-12.804	Exemptions.
5-12.804-1	General.
5-12.804-2	Specific contracts.
5-12.804-3	Facilities not connected with contracts.
5-12.805	Administration.
5-12.805-1	Duties and responsibilities.
5-12.805-4	Compliance reports.
5-12.805-5	Compliance reviews.
5-12.805-6	Complaints.
5-12.805-50	Ability to comply with the Equal Opportunity clause.
5-12.805-51	Equal employment opportunity considerations.
5-12.805-52	[Reserved]
5-12.805-53	Identification of Predominant Interest Agency.
5-12.805-54	Awards.
5-12.805-55	Monthly listing of construction contractors.
5-12.807	Hearings.
5-12.812	Rulings and interpretations.

AUTHORITY: The provisions of this Subpart 5-12.8 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5-12.8, Equal Opportunity in Employment, is revised to read as follows:

§ 5-12.800 Scope of subpart.

This subpart implements and supplements FPR 1-12.8 of this title and sets forth the GSA Equal Employment Opportunity Program procedures and requirements regarding Government contracts.

§ 5-12.803 Basic requirements.**§ 5-12.803-2 Equal Opportunity clause.**

(a) Executive Order No. 11246 dated September 24, 1965 (30 F.R. 12319), on Equal Employment Opportunity provides for the inclusion of an Equal Opportunity clause in every Government contract not exempted by the order. The clause which is prescribed for use is set forth in § 1-12.803-2 of this title, as amended. (See FPR amendments for changes in the clause required by Executive Order No. 11246.)

(b) The following Government contract forms contain the Equal Opportunity clause:

(1) Standard Form 2-A, General Provisions and Instructions, U.S. Government Lease for Real Property (February 1965 edition), as prescribed by § 1-16.601 (b) of this title.

(2) Standard Form 23-A, General Provisions (Construction Contract) (June 1964 edition), as prescribed by § 1-16.401 (h) of this title.

(3) Standard Form 32, General Provisions (Supply Contract) (June 1964 edition), as prescribed by § 1-16.101(b) of this title.

(4) GSA Form 1714, Equal Opportunity Clause (August 1966 edition). This form (illustrated at § 5-16.950-1714 of this chapter) is a preprinting of the Equal Opportunity clause which may be incorporated by attachment or reference, if appropriate, in invitations for bids and requests for proposals where Standard Forms 23-A or 32 are not used.

(5) Government Bills of Lading. The rules and regulations of the Secretary of Labor, 41 CFR Part 60-1 of this title (30 F.R. 13441), provide that inclusion of the Equal Opportunity clause in Government Bills of Lading may be by reference. Comptroller General Decision B-109776 dated March 7, 1966, provides that the incorporation of the Equal Opportunity clause by reference shall be by inclusion of a provision on the Government bill of lading form (see Condition 9 on the back of the form), as follows:

The nondiscrimination clause contained in section 202 of Executive Order 11246, as amended, relative to equal employment opportunity for all persons without regard to race, creed, color, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated herein.

Government bills of lading forms which contain a Condition 9 based on Executive Orders Nos. 10925, 10557, or 11114 may be used until exhausted without modification of the condition.

(6) Commercial Bills of Lading. The reference to the Equal Opportunity clause prescribed in subparagraph (5) of this paragraph for use in standard Government bills of lading shall also

be incorporated by attachment or reference in each of the following:

(i) Commercial bills of lading which are to be converted to Government bills of lading.

(ii) Commercial bills of lading (including GSA Form 1642, Straight Bill of Lading—Domestic) when they cover the transportation of property of the U.S. Government or when the transportation charges will be paid by the Government, either directly to the carrier or to the contractor when the transportation charges are listed separately on the invoice for the property.

§ 5-12.803-6 Notice to bidders regarding preaward equal opportunity compliance reviews.

A notice of preaward equal opportunity compliance review for inclusion in invitations for bids which may result in a bid of \$1 million or more is required by order of the Office of Federal Contract Compliance, Department of Labor (31 F.R. 6881). A notice for uniform, Government-wide use is prescribed in FPR § 1-12.803-6 of this title.

§ 5-12.803-50 Equal opportunity representation.

A statement by the bidder or prospective contractor as to whether he has participated in any previous contract or subcontract subject to the Equal Opportunity clause (see FPR § 1-12.805-4(e) of this title) is included in Standard Form 19-B, Representations and Certifications (Construction Contract) (December 1965 edition) and in Standard Form 33, Invitation, Bid, and Award (Supply Contract) (December 1964 edition). Pending the publication of a new edition of Standard Form 33, the equal opportunity representation included as Provision 6 in the form shall be modified by inserting after the reference to "Executive Order 10925" the following: "or the clause contained in section 201 of Executive Order No. 11114."

§ 5-12.804 Exemptions.**§ 5-12.804-1 General.**

Contracts and subcontracts exempt from the requirements of the Equal Opportunity clause are covered in FPR § 1-12.804-1 of this title.

§ 5-12.804-2 Specific contracts.

Requests for exemption from use of the Equal Opportunity clause for specific contracts or categories of contracts shall be submitted with a complete justification to the Director, Civil Rights Program Policy Staff, for consideration and transmission to the Director, Office of Federal Contract Compliance, Department of Labor.

§ 5-12.804-3 Facilities not connected with contracts.

Requests by GSA contractors and subcontractors for exemption from the Equal Opportunity clause of facilities not involved in the performance of Government contracts shall be submitted with a complete justification to the Director, Civil Rights Program Policy Staff, for

consideration and transmission to the Director, Office of Federal Contract Compliance, Department of Labor.

§ 5-12.805 Administration.**§ 5-12.805-1 Duties and responsibilities.**

(a) *Director, Civil Rights Program Policy Staff, Office of General Counsel.* The Director is immediately responsible for the implementation of the GSA Equal Employment Opportunity Program. All communications regarding any phase of the Program which are received from or require transmittal to the Office of Federal Contract Compliance, Department of Labor, or the Equal Employment Opportunity Commission, or the Department of Justice, shall be coordinated with or handled by the Director.

(b) *Civil Rights Program Policy Staff, Office of General Counsel.* The staff shall be responsible for (1) the overall administration of the GSA Equal Employment Opportunity Program, including contracts compliance; (2) directing and coordinating the GSA Equal Employment Opportunity Program; and (3) developing and recommending policies, guidelines, and procedures to the Administrator which are necessary for carrying out GSA's responsibilities under the Equal Employment Opportunity Program.

(c) *Office of Compliance, Civil Rights Division.* The office shall be responsible for the overall administration of the GSA Equal Employment Opportunity Compliance Review and Inspection Program in accordance with the provisions of this Subpart 5-12.8 and FPR Subpart 1-12.8 of this title, and the instructions of the Director, Civil Rights Program Policy Staff.

(d) *Other procurement officials and program managers.* The personnel assigned these duties shall be responsible for taking all steps and precautions which are appropriate and necessary to assure contractor compliance with the GSA Equal Employment Opportunity Program as set forth in this Subpart 5-12.8 and FPR Subpart 1-12.8 of this title, and the instructions of the Director, Civil Rights Program Policy Staff.

(e) *Contracts Compliance Officer.* The officer is the Director, Civil Rights Program Policy Staff, Office of General Counsel.

(f) *Deputy Contracts Compliance Officers.* The Deputy Contracts Compliance Officers are the Regional Counsels in the respective GSA regional offices. These officers shall be responsible for implementation of the GSA Equal Employment Opportunity Program in their offices in accordance with this Subpart 5-12.8 and FPR Subpart 1-12.8 of this title, and the instructions of the Civil Rights Program Policy Staff. In addition, these officers shall be responsible for providing assistance in their regions to the Regional Administrator, contracting officers, and field personnel of the Office of Compliance, Civil Rights Division, in the execution of their responsibilities.

(g) *Civil Rights Program Coordinators.* The coordinators, designated by the respective Services and Staff Offices, shall be the liaison between the Central Office contracting officers of their respective procuring activities and the Civil Rights Program Policy Staff and Office of Compliance regarding implementation of the GSA Equal Employment Opportunity Program and related procedures.

(h) *Contracting Officers.* The contracting officers in each GSA procuring activity shall be responsible for determining whether prospective contractors appear to be able to conform to the requirements of the Equal Opportunity clause. These officers also shall be responsible for directing to the attention of the Civil Rights Program Policy Staff, through either the Service or Staff Office Civil Rights Program Coordinators or the Deputy Contracts Compliance Officers, any deficiencies in a contractor's equal employment posture noted during contract performance. In addition, these officers are responsible for taking all other actions necessary to assure contractor compliance with the GSA Equal Employment Opportunity Program.

§ 5-12.805-4 Compliance reports.

(a) Each nonexempt contractor and subcontractor shall file or already have filed, prior to award, compliance reports in accordance with the rules, regulations, and orders of the Secretary of Labor and the printed instructions (except as provided in paragraph (b) of this § 5-12.805-4) on Standard Form 100, Equal Employment Opportunity Employer Information Report EEO-1. In addition, such contractors and subcontractors may be required, prior to award, to furnish such other information regarding their equal employment policies and procedures as the Civil Rights Program Policy Staff, the Office of Compliance, the contracting officer, or the Office of Federal Contract Compliance, Department of Labor, may require.

(b) If a nonexempt prime contractor or subcontractor has not filed a Standard Form 100 as required, the contracting officer shall supply such contractors with copies of the forms for completion and immediate return to the contracting officer. Contractors shall be instructed to submit the Standard Form 100 directly to the contracting officer, in order to expedite the determinations of their ability to comply with the provisions of the Equal Opportunity clause, and to ignore the instruction to file the report with the Joint Reporting Committee, 1800 G Street NW., Washington, D.C. 20506 which appears on the form.

(c) Upon receipt of the Standard Form 100, the contracting officer shall immediately have it hand-carried to the Civil Rights Program Policy Staff or the Deputy Contracts Compliance Officer, as appropriate, for their recommendations regarding the prospective contractor's ability to comply with the provisions of the Equal Opportunity clause.

(d) The Civil Rights Program Policy Staff or the Deputy Contracts Compliance Officer, as the case may be, shall arrange for appropriate transmittal to

the Joint Reporting Committee of the Standard Form 100 furnished to the contracting officer.

(e) Procuring activities may request a contractor or subcontractor to furnish a copy of any equal employment opportunity compliance report previously filed by the contractor or subcontractor.

(f) Where preaward compliance reviews have been made pursuant to the requirements of § 5-12.805-5(d)(2), compliance reports shall be submitted by the contractor within 30 days after the award of the contract, and by each first-tier subcontractor subject to such reviews within 30 days after the award of each subcontract, if:

(1) A complete compliance report has not been submitted within 12 months preceding the date of the contract award (prime or sub); and

(2) The contractor and subcontractors concerned are employers within the definition of "employer" in section 2(e)(3) of the instructions to the compliance report, Standard Form 100.

§ 5-12.805-5 Compliance reviews.

(a) *Definitions.*—(1) *Routine compliance review.* This type of review is a general "on-site" review of employment practices (see § 5-12.805-51) to ascertain the compliance of a contractor or subcontractor.

(2) *Special compliance review.* This type of review consists of a comprehensive, detailed review of the employment practice (see § 5-12.805-51) to ascertain the compliance of a contractor or subcontractor. The review may be company-wide or involve only particular facilities of the contractor or subcontractor.

(3) *Preaward compliance reviews.* This type of review (see FPR § 1-12.803-6 of this title) is a comprehensive, detailed review of a contractor's employment policies and practices (see § 5-12.805-51) with special attention to those relating to recruitment, placement, promotion, and other areas of potential discrimination to ascertain his ability to comply with the provisions of the Equal Opportunity clause.

(b) *Conduct of routine compliance reviews.*—(1) *Responsibilities.* Routine compliance reviews shall be conducted by the Office of Compliance. Advance arrangements shall be made with the contractor or subcontractor by the Office of Compliance to establish a definite date and time for visiting the facilities involved. GSA Form 1950B (FL) (see § 5-16.950-1950B (FL) of this chapter), addressed to the contractor, shall be utilized for this purpose. If time is of the essence, advance arrangements may be made by telephone.

(2) *Procedures.* (i) GSA Form 1953, Nondiscrimination Survey of Government Contractor (see § 5-16.950-1953 of this chapter), shall be completed by the Office of Compliance in conducting a routine compliance review. Copies of GSA Form 1953 shall be furnished to the Civil Rights Program Policy Staff, the contracting officer, and, if appropriate, the Deputy Contracts Compliance Officer. GSA Form 1953 shall not be fur-

nished to the contractor or subcontractor either in blank or otherwise.

(ii) The Office of Compliance may make recommendations to a contractor or subcontractor designed to correct deficiencies in equal employment policies and practices detected during the course of a routine compliance review. A specific time in which to correct deficiencies should be stipulated. Any such recommendations and the deficiencies noted shall be reported on GSA Form 1953 or as attachments thereto. Such recommendations may include, but are not limited to, elimination of segregated facilities, improvement of recruitment techniques, promulgation and dissemination of program policies, preparation of plans to merge functionally related but racially segregated lines of progression, etc. Any refusal on the part of a contractor or subcontractor to correct deficiencies shall be fully reported.

(iii) In no event shall a contractor or subcontractor be advised by GSA officials conducting a routine compliance review that he is in compliance nor shall representations be made that he will be in compliance if he adopts all of the recommendations of such officials.

(iv) Notification of a contractor or subcontractor of his compliance posture shall be made by the Civil Rights Program Policy Staff based upon the recommendations of the Office of Compliance after consideration of all data available including reports relating to all of the facilities of a contractor or subcontractor. A copy of such notification will be forwarded to the appropriate Service or Staff Office Civil Rights Program Coordinator.

(v) A multifacility contractor or subcontractor may have some facilities where equal employment opportunity is practiced and other facilities where it is not. When this situation prevails, the contractor or subcontractor shall not be deemed to be in compliance. Necessary coordination shall be obtained before a determination of compliance is communicated to a contractor or subcontractor.

(vi) The Office of Compliance and the Civil Rights Program Policy Staff may request additional information whenever it is determined to be necessary or appropriate.

(c) *Conduct of special compliance reviews.*—(1) *Responsibilities.* Special compliance reviews shall be conducted by the Office of Compliance as directed by the Civil Rights Program Policy Staff. Advance arrangements shall be made with the contractor or subcontractor by the Office of Compliance for the purpose of establishing definite dates and times for visiting the facilities involved.

(2) *Procedures.* (i) The Civil Rights Program Policy Staff shall advise the Civil Rights Program Coordinator of the Service or Staff Office concerned of any decision to conduct a special compliance review of a contractor or subcontractor and shall keep the Coordinator advised of the findings and determinations.

(ii) Special compliance reviews, in addition to a narrative report, shall include

a completed GSA Form 1953. The original and two copies of each special compliance review, including all attachments and exhibits, shall be submitted by the Office of Compliance to the Civil Rights Program Policy Staff which shall evaluate the special compliance review and related documents, taking into consideration the recommendations of the Office of Compliance.

(iii) If no deficiencies are disclosed by the special compliance review and the review was initiated at the request of the Office of Federal Contract Compliance, Department of Labor, the Civil Rights Program Policy Staff shall so inform that office. The information shall be furnished by means of a memorandum enclosing a copy of the report of the special compliance review. Copies of the memorandum shall be furnished to the Office of Compliance and the appropriate Civil Rights Program Coordinator. Where special compliance reviews are made but the reviews were not initiated by the Office of Federal Contract Compliance, determinations that no further action is deemed necessary will only be communicated to the Office of Compliance and the Civil Rights Program Coordinator concerned, except as otherwise deemed necessary or appropriate.

(iv) If deficiencies are disclosed, the Civil Rights Program Policy Staff or the Office of Compliance shall notify the contractor or subcontractor involved of the remedial steps that must be taken. Copies of such notices shall be furnished the Office of Compliance or Civil Rights Program Policy Staff, as appropriate, and the Civil Rights Program Coordinator concerned. In addition, if a special compliance review is requested by the Office of Federal Contract Compliance, Department of Labor, a copy of the special compliance review report and a copy of the advice to the contractor or subcontractor shall be forwarded to that office.

(v) Failure of the contractor or subcontractor to remedy deficiencies in his equal opportunity policies and practices may be the basis for the imposition of sanctions in accordance with FPR § 1-12.805-8 of this title. The Civil Rights Program Policy Staff shall make recommendations regarding sanctions to the contracting officer through the appropriate Civil Rights Program Coordinator. Such recommendations shall be fully documented and accompanied by advice of the General Counsel that the recommended action is legally permissible.

(d) *Conduct of preaward compliance reviews* — (1) *Responsibilities.* Preaward compliance reviews shall be conducted by the appropriate Predominant Interest Agency (PIA) (as defined in par. 3g of Standard Form 100) or by the Office of Compliance as provided in this § 5-12.805-5(d).

(2) *Procedures.* (i) Before the award of any formally advertised supply contract of \$1 million or more, the contracting officer shall request the Predominant Interest Agency (PIA) to conduct preaward compliance reviews of the employment practices of the apparent low

bidder and those of his known first-tier subcontractors having subcontracts of \$1 million or more, unless the bidder and his subcontractors have been subject to full compliance reviews within 6 months of the award of the contract. If GSA is the PIA or if no PIA has been assigned for the bidder, the contracting officer shall request the Office of Compliance to conduct the reviews. In addition, the contracting officer shall request the PIA or the Office of Compliance, whichever is concerned, to submit a report of its findings, conclusions, and action to him within 30 days of the date of the request. A report of the findings, conclusions, and action shall be forwarded to the Office of Federal Contract Compliance, Department of Labor, within 30 days after the award. (See § 5-12.805-4(f) regarding required compliance reports.)

(ii) Before the award of any other contract, preaward compliance reviews shall be conducted by the Office of Compliance as directed by the Civil Rights Program Policy Staff. (See § 5-12.805-4(a) regarding required compliance reports.)

(3) *Awards.* Where preaward compliance reviews have been conducted as provided in subparagraph (2) (i) of this paragraph, the apparent low bidder and his first-tier subcontractors subject to the reviews must, unless they offer acceptable justifications, be found to be able to comply with the provisions of the Equal Opportunity clause. Where such justifications are received, the contracting officer shall refer the justifications to the GSA Contracts Compliance Officer for determination of their acceptability. If a justification is determined to be acceptable, a copy of the justification together with a report of the preaward compliance review, shall be forwarded to the Office of Federal Contract Compliance, Department of Labor, within 30 days after the award.

(4) *Requests for exemptions.* Requests for exemptions from the requirements of subparagraph (2) (i) of this paragraph shall be made in writing, with supporting justification, to the Director, Office of Federal Contract Compliance, Department of Labor, and shall be forwarded through and with the endorsement of the Administrator of General Services.

(5) *Contracts essential to the national security.* The procedures set forth in subparagraph (2) (i) of this paragraph shall not apply to any contract when it is determined in writing by the Administrator of General Services that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. A signed copy of each such determination shall be furnished to the Office of Federal Contract Compliance, Department of Labor.

§ 5-12.805-6 Complaints.

(a) *Initiation.* Complaints received by GSA that pertain to the Equal Opportunity clause shall be referred to the Civil Rights Program Policy Staff. Such complaints shall be handled in accord-

ance with FPR §§ 1-12.805-6 and 1-12.805-7 of this title.

(b) *Investigation.* If GSA is the Predominant Interest Agency, the Civil Rights Program Policy Staff shall send a copy of the complaint to the Office of Compliance for investigation. The investigation shall include, where appropriate, a review of the pertinent personnel practices and policies of the contractor or subcontractor (see § 5-12.805-51), the circumstances under which the alleged discrimination occurred, and other relevant factors. Within 30 days after the complaint has been investigated, a full report shall be forwarded to the Civil Rights Program Policy Staff which will furnish a copy or summary to the Civil Rights Program Coordinator concerned. The report shall include the following:

(1) Name and address of complainant.
(2) Name and address of contractor involved.

(3) A summary of the findings.
(4) A statement regarding the suggested disposition of the case, including any action already taken and any recommended action.

(c) *Evaluation and further action.* The Civil Rights Program Policy Staff shall determine whether or not there has been any violation of the Equal Opportunity clause. If additional facts are required, further investigation shall be requested.

(1) If it is determined that no violation has occurred, one copy of the report and related recommendations shall be forwarded to the Office of Federal Contract Compliance, Department of Labor, for concurrence. If the Office of Federal Contract Compliance concurs, the persons concerned shall be notified of such findings by the Civil Rights Program Policy Staff and the case shall be closed. If the Office of Federal Contract Compliance does not concur in the GSA recommendations, it may request further investigation by GSA or it may undertake such investigation as it deems appropriate. If the Office of Federal Contract Compliance requests a further investigation by GSA, the Civil Rights Program Policy Staff will arrange with the Office of Compliance for appropriate investigative action.

(2) If it is determined that there has been an apparent violation of the Equal Opportunity clause, the Civil Rights Program Policy Staff shall either attempt to resolve the complaint by informal means or refer the matter to the Office of Compliance for resolution. Where the complaint cannot be resolved by informal means, the firm complained against may be given a hearing pursuant to FPR § 12.807 of this title. In any event, the appropriate Service or Staff Office Civil Rights Program Coordinator shall be kept advised by the Civil Rights Program Policy Staff.

§ 5-12.805-50 Ability to comply with the Equal Opportunity clause.

(a) Contracting officers are responsible for determining whether a bidder is able to comply with the provisions of the Equal Opportunity clause (see § 5-

12.805-1(h)). Where equal employment opportunity compliance reviews or complaints have been processed pursuant to this Subpart 5-12.8 regarding any contractor or subcontractor, the contracting officer shall coordinate with the Contracts Compliance Officer or the Deputy Contracts Compliance Officer concerned, as appropriate, before making his determination regarding a prospective contractor's ability to comply with the Equal Opportunity clause.

(b) Where a prospective contractor appears on the review list of bidders, as set forth in paragraph (c)(2) of this section, contracting officers shall, prior to award, review the ability of the bidder to comply with the Equal Opportunity clause with the Civil Rights Program Policy Staff in the Central Office or with the Deputy Contracts Compliance Officer concerned, as appropriate. In emergency situations, such consultations may be handled by telephone.

(c) The Civil Rights Program Policy Staff shall develop and furnish procuring activities, through the respective Civil Rights Program Coordinator, with the following:

(1) A list of contractors previously determined to be in substantial compliance or who have submitted a program which is being implemented that will bring them into such compliance.

(2) A list of firms or individuals who, because of questionable ability to comply with the provisions of the Equal Opportunity clause, require special consideration before contracts are awarded and, if awards are made, require special treatment with respect to contract administration. This list shall be administered by the Office of Compliance as part of the review list of bidders established pursuant to § 5-1.310-50 of this chapter.

(d) In order to supplement compliance reviews, regional Quality Control Divisions, FSS, will, during preaward plant facilities surveys or contract administration visits, review the progress made by the contractor in implementing affirmative action to correct previously reported deficiencies. As a result of plant visits, the quality control representatives will report pertinent information concerning the contractor's equal employment opportunity posture, such as:

(1) Changes observed in employment patterns or practices;

(2) Evidence of segregation of restrooms, drinking fountains, or eating facilities;

(3) Displays of equal employment opportunity notices and posters;

(4) Changes in subcontractors since award of the contract;

(5) Subcontractors meeting the criteria of the rules and regulations of the Secretary of Labor who have not been advised by the contractor of the requirement for filing the Standard Form 100 compliance report with the Office of Federal Contract Compliance;

(6) Additional information requested by the Civil Rights Program Policy Staff; and

(7) Civil disturbances, strikes, and evidence of minority group dissatisfaction.

Information developed by Quality Control Divisions shall be forwarded to the contracting officer and the Civil Rights Program Policy Staff.

§ 5-12.805-51 Equal employment opportunity considerations.

(a) *General.* The procedures employed by a contractor in connection with recruitment, hiring, and work force placement are major considerations in the determination of the contractor's ability to comply with the provisions of the Equal Opportunity clause.

(b) *Recruitment practices.* (1) All applicants for employment, regardless of race, color, creed, or national origin, should receive equal consideration for all available jobs in accordance with equal qualification standards.

(2) Contractor standards for minority applicants should be no more stringent than for others and minority group applicants should be considered for all types of jobs.

(3) Applications for employment should be objectively solicited from recruitment sources which reach all members of the community regardless of race, color, creed, or national origin, e.g., advertising as an equal opportunity employer through newspapers and other public news media (see § 1-12.810 of this title).

(4) Contractors should take all actions necessary to insure that there are no barriers to the employment of minority group members. Such action should include, where necessary, positive steps to convince minority groups in the community that the contractor does provide equal employment opportunity. In this connection, contacts with minority group organizations, Fair Employment Committees in the community, and schools and colleges attended by minority group members should be considered.

(5) Contractors should employ procedures for handling of applicants which are compatible with equal employment opportunity. In this regard, employee referrals or "walk-ins" require particular attention, since these recruitment procedures are most susceptible to discrimination. Employees tend to refer friends from their own racial and ethnic backgrounds and, therefore, if few minority group workers are already employed, few minority group workers are likely to be referred. With regard to "walk-ins," the entire recruitment program is strongly dependent upon the attitudes of guards and receptionists and can thus be easily frustrated.

(6) Contractors should not expect to achieve compliance through the use of quota systems and token hirings.

(c) *Hiring and initial placement.* The hiring process involves three distinct operations, namely, completion of formal applications, determination of applicants' qualifications, and determination as to whether or not to hire the applicant. Equal employment opportunity procedures should reflect the following:

(1) Absence of any qualifications based on race, color, creed, or national origin.

(2) Administration of qualification tests fairly and without regard to race, color, creed, or national origin.

(3) Absence of special tests for minority groups only, except for special tests designed to facilitate, rather than exclude, employment of members of minority groups.

(4) Objective qualification standards reasonably related to the skill and promotional requirements of the contractor.

(d) *Treatment during employment.*

(1) The terms of the Equal Opportunity clause require the contractor to take "affirmative action" to insure that employees are treated during employment without regard to race, color, creed, or national origin. Such action should include, but not be limited to, upgrading, demotion, transfer, layoff, termination, rates of pay, fringe benefits, selection for training, and use of facilities.

(2) Evaluations of contractor action to comply with the Equal Opportunity clause should include a review of the distribution of minority group employees, male and female, among the various occupations, as reported in Items 5 and 6 of Standard Form 100, for the purpose of ascertaining whether promotional, progression, or transfer opportunities are afforded minority group employees. For example, it is possible for an employer to have a high percentage of minority group employees in his total work force but have the greatest number of the group assigned to duties in lower skills. This situation may be the result of discriminatory promotion policies, segregated lines of progression in the facility, or collective bargaining arrangements (see Item 9 of Standard Form 100 with particular attention to any attachment indicating dual local unions, i.e., two local unions of the same international union listed as bargaining units). Very often where there are dual local unions they are racially segregated. Experience has demonstrated that where racially segregated local unions exist, segregated progression lines and a system of racially reserved positions also exist.

(3) A contractor shall not be deemed to be in compliance if he maintains facilities having racially segregated lines of progression, racially reserved positions, departments, or divisions, separate seniority lists, or racially segregated facilities such as lunch rooms and rest rooms (see Item 10 of Standard Form 100).

(4) Segregation by reason of collective bargaining agreements shall not be deemed to relieve a contractor of his equal employment opportunity obligations.

(5) Compliance requires that contractors undertake to eliminate racially segregated facilities, merge functionally related but racially segregated lines of progression, reconstitute seniority lists on a nondiscriminatory basis, provide equal promotion, progression, and transfer opportunities based on nondiscriminatory qualifications alone, even to the extent of renegotiating collective bargaining agreements.

(6) Reviews shall be made, as necessary, to determine whether contractors actually afford equal employment during employment and shall include consideration of the contractor's organizational structure, payrolls, wage rates, personnel instructions, procedures and guidelines, promotional lists and rules, job descriptions, and methods of job classification, seniority lists, recall lists, and collective bargaining agreements.

(7) Management controls are indicators of ability to comply. A contractor who has formulated and disseminated a firm policy on equal employment opportunity throughout his entire organization, designated a responsible official for implementation of the policy, and instituted a system of control and evaluation of the program usually can effect equal employment opportunity. On the other hand, in those instances where there is no such policy and program, no fixed responsibility and no feedback and evaluation, the possibility of coming into compliance is diminished.

(8) When dealing with prospective construction and repair contractors, contracting officers should be aware of local trades and crafts that historically have discriminated and maintained exclusionary policies. In this connection, consideration should be given to having contractors require their subcontractors to do more than obtain written assurances that their sources of recruitment hire on a nondiscriminatory basis. Contractors and subcontractors have found it necessary to locate qualified minority group individuals and refer them to their appropriate sources as apprentices or journeymen. Most construction craft collective bargaining agreements afford the contractor or subcontractor an opportunity to employ individuals for limited periods of time (7 days to 30 days) who are not members of the bargaining unit before offering such individual for membership. Contractors or subcontractors should be directed to exercise this right where necessary to assure an integrated work force on GSA construction and repair projects. In addition, the contractor's or subcontractor's equal opportunity programs should include encouragement of local labor organizations to demonstrate evidence of their equal employment policy as recited in written assurances.

§ 5-12.805-52 [Reserved]

§ 5-12.805-53 Identification of Pre-dominant Interest Agency.

The Office of Federal Contract Compliance, Department of Labor, will furnish the Civil Rights Program Policy Staff with a list of contractors and subcontractors for which GSA is the Pre-dominant Interest Agency (see par. 3g

of Standard Form 100 for definition). The Civil Rights Program Policy Staff shall provide this information to the Services and Staff Offices concerned.

§ 5-12.805-54 Awards.

Contracting officers, when mailing documents to contractors that are subject to the Equal Opportunity clause, shall include appropriate information explaining the contract requirements concerning submission of compliance report forms, notices to labor unions or other organizations of workers, and use of nondiscrimination posters. For this purpose, form letters have been developed for use as follows:

(a) GSA Form 1949, Transmittal Letter, may be used with invitations for bids on Standard Form 20, Invitation for Bids (Construction Contract) or GSA Form 1467, Invitation, Bid, and Award (Contract for Building Services), when bids are estimated to exceed \$10,000. (See § 5-16.950-1949 of this chapter.)

(b) GSA Form 1950 (FL), Transmittal Letter, may be used to transmit construction contract awards that are subject to the Equal Opportunity clause. (See § 5-16.950-1950 (FL) of this chapter.)

(c) GSA Form 1950A (FL), Transmittal Letter, may be used to transmit contract awards for supplies and services other than construction that are subject to the Equal Opportunity clause. (See § 5-16.950-1950A (FL) of this chapter.)

§ 5-12.805-55 Monthly listing of construction contractors.

(a) A monthly report listing the prime construction contractors to whom awards have been made shall be submitted to the Office of Federal Contract Compliance, Department of Labor, by the Civil Rights Program Policy Staff. Information necessary for the preparation of the list shall be developed by each region at the end of each month, as follows:

- (1) Name and home office address of prime contractor;
- (2) Dollar amount of contract;
- (3) Contract number;
- (4) Name and location of project;
- (5) Estimated or actual starting date and completion date of prime contract, if practicable; and

(6) Name and home office address of any subcontractors which have been reported by the prime contractor.

(b) The above information shall be submitted to the Civil Rights Program Coordinator, Public Buildings Service, General Services Administration, Washington, D.C. 20405, for consolidation and forwarding to the Civil Rights Program Policy Staff by the 10th of the month following the due date of the report.

§ 5-12.807 Hearings.

Hearings shall be conducted by the Civil Rights Program Policy Staff in accordance with the provisions of § 1-12.807 of this title.

§ 5-12.812 Rulings and interpretations.

The Civil Rights Program Policy Staff shall advise the Deputy Contracts Compliance Officers and the Civil Rights Program Coordinators regarding any rulings and interpretations of the Office of Federal Contract Compliance, Department of Labor, which involves GSA pre-dominant interest contractors.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: October 6, 1966.

LAWSON B. KNOTT, Jr.,
Administrator.

[F.R. Doc. 66-11211; Filed, Oct. 13, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Modoc National Wildlife Refuge, Calif.; Correction

In F.R. Doc. 66-10605, appearing on page 12721 of the issue for Thursday, September 29, 1966, the first paragraph should read as follows:

The public hunting of ducks, geese, coots, and gallinules on the Modoc National Wildlife Refuge, Calif., is permitted from October 8, 1966, through January 5, 1967. A special hunt for snow geese will be permitted from January 9 through January 22, 1967; one Ross' goose will be allowed in the daily bag limit. All dates are inclusive. Hunting will be allowed only on the area designated by signs as open to hunting. This open area, comprising 1,440 acres, is delineated on a map available at refuge headquarters, Modoc National Wildlife Refuge, Alturas, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 6, 1966.

[F.R. Doc. 66-11194; Filed, Oct. 13, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Office of the Attorney General

[28 CFR Part 5]

ADMINISTRATION AND ENFORCEMENT OF THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code, notice is hereby given of the proposed issuance of the following regulations pertaining to the administration and enforcement of the Foreign Agents Registration Act of 1938, as amended.

In accordance with section 553(c) of Title 5 of the United States Code, interested persons may submit written data, views, or arguments relative to these proposed regulations to the Assistant Attorney General, Internal Security Division, Washington, D.C. 20530. Such representations may not be presented orally in any manner.

All pertinent material received within 30 days following the date of the publication of this notice will be considered.

Dated: October 11, 1966.

J. WALTER YEAGLEY,
Assistant Attorney General,
Internal Security Division.

§ 5.1 Administration and enforcement of the Act.

The administration and enforcement of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611-621), is, subject to the general supervision and direction of the Attorney General, assigned to, and is conducted, handled, and supervised by, the Assistant Attorney General in charge of the Internal Security Division (§ 0.60(b) of this chapter). Copies of the Act, and of the rules, regulations, and forms prescribed pursuant to the Act, and information concerning the foregoing may be obtained upon request without charge from the Registration Section, Internal Security Division, Department of Justice, Washington, D.C. 20530.

§ 5.2 Inquiries concerning application of the Act.

Any inquiry concerning the application of the Act to any person should be addressed to the Registration Section and should be accompanied by a detailed statement containing the following information:

(a) The identity of the agent and the foreign principal involved;

(b) The nature of the agent's activities for or in the interest of the foreign principal;

(3) A copy of the existing or proposed written contract with the foreign principal, or a full description of the terms and conditions of each existing or proposed oral agreement.

§ 5.3 Filing of a registration statement.

(a) All statements, exhibits, amendments, and other documents and papers required to be filed under the Act or under this part shall be submitted in duplicate to the Registration Section. Filing of such documents may be made in person or by mail, and they shall be deemed to be filed upon their receipt by the Registration Section.

(b) The Assistant Attorney General, Internal Security Division, is authorized to prescribe such forms as may be necessary to carry out the purposes of this part.

§ 5.4 Computation of time.

Sundays and holidays shall be counted in computing any period of time prescribed in the Act or in the rules and regulations in this part.

§ 5.100 Definition of terms.

(a) As used in this part:

(1) The term "Act" means the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611-621).

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Secretary of State" means the Secretary of State of the United States.

(4) The term "Registration Section" means the Registration Section, Internal Security Division, Department of Justice, Washington, D.C. 20530.

(5) The term "rules and regulations" includes all rules and regulations prescribed by the Attorney General pursuant to the Act and all registrations forms, and instructions thereon which may be prescribed by the Assistant Attorney General, Internal Security Division.

(6) The term "registrant" means any person who has filed a registration statement with the Registration Section, pursuant to section 2(a) of the Act and § 5.3.

(7) Unless otherwise specified, the term "agent of a foreign principal" means an agent of a foreign principal required to register under the Act.

(8) The term "foreign principal" includes a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal as that term is defined in clauses 1 and 2 of section 1(b) of the Act.

(9) The term "initial statement" means the statement required to be filed with the Attorney General under section 2(a) of the Act.

(10) The term "supplemental statement" means the supplement required

to be filed with the Attorney General under section 2(b) of the Act at intervals of 6 months following the filing of the initial statement.

(11) The term "final statement" means the statement required to be filed with the Attorney General following the termination of the registrant's obligation to register.

(12) The term "short form registration statement" means the registration statement required to be filed by certain partners, officers, directors, associates, employees, or subagents of a registrant.

(b) As used in the Act, the term "control" or any of its variants, shall be deemed to include the possession or the exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise.

(c) The term "agency" as used in section 1(c), 1(o), 1(q), and 4(e) of the Act shall be deemed to refer to every unit in the executive and legislative branches of the Government of the United States, including committees of both Houses of Congress.

(d) The term "official" as used in section 1(c), 1(o), 1(q), and 4(e) of the Act shall be deemed to include Members and officers of both Houses of Congress as well as officials in the executive branch of the Government of the United States.

(e) The terms "formulating, adopting, or changing," as used in section 1(o) of the Act, shall be deemed to include any activity which seeks to maintain any existing domestic or foreign policy of the United States. They do not include making a routine inquiry of a Government official or employee concerning a current policy or seeking administrative action in a matter where such policy is not in question.

(f) The term "domestic or foreign policies of the United States," as used in sections 1(o) and (p) of the Act, shall be deemed to relate to existing and proposed legislation, or legislative action generally; treaties; executive agreements, proclamations, and orders; decisions relating to or affecting departmental policy, and the like.

§ 5.200 Registration.

(a) Registration under the Act is accomplished by the filing of an initial statement together with all the required exhibits and the filing of a supplemental statement at intervals of 6 months for the duration of the agency relationship requiring registration.

(b) The initial statement shall be filed on Form FA-1. Supplemental and final statements shall be filed on Form FA-2.

§ 5.201 Exhibits.

(a) The following described exhibits are required to be filed for each foreign

principal of the registrant and shall be attached to the initial statement:

(1) *Exhibit A.* This exhibit, which shall be filed on Form FA-3, sets forth the information required to be disclosed concerning each foreign principal.

(2) *Exhibit B.* This exhibit, which shall be filed on Form FA-4, sets forth the agreement or understanding between the registrant and each of his foreign principals as well as the nature and method of performance of such agreement or understanding and the existing or proposed activities engaged in or to be engaged in, including political activities, by the registrant for the foreign principal.

(3) *Exhibit C.* No printed form is provided for this exhibit. Whenever the registrant is an association, corporation, organization, or any other combination of individuals, the following documents shall be filed as the Exhibit C:

(i) A copy of its charter, articles of incorporation, association, constitution, and bylaws, and amendments thereto;

(ii) A copy of every other instrument or document and a statement of the terms and conditions of every oral agreement relating to its organization, powers, and purposes of the registrant.

(b) The requirement to file any of the documents described in subdivisions (i) and (ii) of paragraph (a)(3) of this section may be wholly or partially waived upon written application by the registrant to the Registration Section setting forth fully the reasons why such waiver should be granted.

(c) Any change in the information furnished in an exhibit shall be reported to the Registration Section within 10 days of such change. The filing of a new exhibit may then be required by the Registration Section.

(d) An Exhibit D, whenever applicable, is required to be filed by a registrant. No printed form is provided for this exhibit. Where a registrant, within the United States, receives or collects contributions, loans, money, or other things of value, as part of a fund-raising campaign, for or in the interests of his foreign principal, he shall file as an Exhibit D a statement so captioned setting forth the amount of money or the value of the thing received or collected, the names and address of the persons from whom such money or thing of value was received or collected, and the amount of money or a description of the thing of value transmitted to the foreign principal as well as the manner and time of such transmission.

§ 5.202 Short Form Registration Statement.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each partner, officer, director, associate, employee, or subagent of a registrant is required to file a registration statement under the Act. Unless the Registration Section specifically directs otherwise, his obligation may be satisfied by the filing of a short form registration statement.

(b) A partner, officer, director, associate, employee, or subagent of a registrant who does not engage in activity in

furtherance of the interests of the foreign principal is not required to file a short form registration statement.

(c) An employee or subagent of a registrant whose services in furtherance of the interests of the foreign principal are rendered in a clerical, secretarial, or in a related or similar capacity, is not required to file a short form registration statement.

(d) Whenever the subagent of a registrant is a partnership, association, corporation, or other combination of individuals, only those partners, officers, directors, associates, and employees who engage in activity in furtherance of the interests of the registrant's foreign principal are required to file a short form registration statement.

(e) The short form registration statement shall be filed on Form FA-4. Any change affecting the information furnished with respect to the nature of the services rendered by the person filing the statement, or the compensation he receives, shall require the filing of a new short form registration statement within 10 days after the occurrence of such change. There is no requirement to file exhibits or supplemental statements to a short form registration statement.

§ 5.203 Supplemental statement.

(a) Supplemental statements shall be filed on Form FA-2.

(b) The obligation to file a supplemental statement at 6-month intervals during the agency relationship shall continue even though the registrant has not engaged during the period in any activity in the interests of his foreign principal.

(c) The time within which to file a supplemental statement may be extended for sufficient cause shown in a written application to the Registration Section.

§ 5.204 Amendments.

(a) An initial, supplemental, or final statement which is deemed deficient by the Registration Section, must be amended upon a request from that section. Such amendment shall be filed upon Form FA-5 and shall identify the item of the statement to be amended.

(b) A change in the information furnished in an initial or supplemental statement under clauses (3), (4), (6), and (9) of section 2(a) of the Act shall be by amendment, unless the notice which is required to be given of such change under section 2(b) is deemed sufficient by the Registration Section.

§ 5.205 Termination of registration.

(a) A registrant shall, within 30 days after the termination of his obligation to register, file a final statement with the Registration Section for the final period of the agency relationship not covered by any previous statement.

(b) Registration under the Act shall be terminated upon the filing of a final statement, if the registrant has fully discharged all his obligations under the Act.

(c) A registrant whose activities on behalf of each of his foreign principals become confined to those for which an exemption under section 3 of the Act is

available may file a final statement notwithstanding the continuance of the agency relationship with the foreign principals.

§ 5.206 Language and wording of registration statement.

(a) Except as provided in the next sentence, each statement, amendment, exhibit, or notice required to be filed under the Act shall be submitted in the English language. An exhibit may be filed even though it is in a foreign language if it is accompanied by an English translation certified under oath by the translator before a notary public, or other person authorized by law to administer oaths for general purposes, as a true and accurate translation.

(b) A statement, amendment, exhibit, or notice required to be filed under the Act should be typewritten, but will be accepted for filing if it is written legibly in ink.

(c) Copies of any document made by any of the duplicating processes may be filed pursuant to the Act if they are clear and legible.

(d) A response shall be made to every item on each pertinent form, unless a registrant is specifically instructed otherwise in the form. Whenever the item is inapplicable or the appropriate response to an item is "none," an express statement to that effect shall be made.

§ 5.207 Incorporation by reference.

(a) An initial, supplemental, or final statement shall be complete in and of itself. Incorporation of information by reference to statements previously filed is not permissible.

(b) Whenever insufficient space is provided for response to any item in a form, reference shall be made in such space to a full insert page or pages on which the item number and inquiry shall be restated and a complete answer given. Inserts and riders of less than full page size should not be used.

§ 5.208 Disclosure of foreign principals.

A registrant who represents more than one foreign principal is required to list in the statements he files under the Act only those foreign principals for whom he is not entitled to claim exemption under section 3 of the Act.

§ 5.209 Information relating to employees.

A registrant shall list in the statements he files under the Act only those employees whose duties require them to engage directly in activities in furtherance of the interests of the foreign principal.

§ 5.210 Amount of detail required in information relating to registrant's activities and expenditures.

A statement is "detailed" within the meaning of clauses 6 and 8 of section 2(a) of the Act when it has that degree of specificity necessary to permit meaningful public evaluation of each of the significant steps taken by a registrant to achieve the purposes of the agency relationship.

§ 5.211 Sixty-day period to be covered in initial statement.

The 60-day period referred to in clauses 5, 7, and 8 of section 2(a) of the Act shall be measured from the time that a registrant has incurred an obligation to register and not from the time that he files his initial statement.

§ 5.212 Exemption under section 2(f) of this Act.

The exemption from the requirement of filing a registration statement or of furnishing certain information, as provided in section 2(f) of the Act may be granted by the Registration Section only upon written application of, and for good cause shown by, the person requesting the exemption.

§ 5.300 Burden of establishing availability of exemption.

The burden of establishing the availability of an exemption from registration under this Act shall rest upon the person for whose benefit the exemption is claimed.

§ 5.301 Exemption under section 3(a).

(a) A consular officer of a foreign government shall be considered duly accredited under section 3(a) of the Act whenever he has received formal recognition as such, whether provisionally or by exequatur, from the Secretary of State.

(b) A person in the United States who is appointed honorary consul by a foreign government shall be exempt from registration as such consul under section 3(a) of the Act, if he has been duly notified to and accepted as such by the Secretary of State, and if he does not engage in political activities for or in the interests of such foreign government.

(c) The exemption provided by section 3(a) of the Act to a duly accredited diplomatic or consular officer is personal and does not include within its scope an office, bureau, or other entity.

§ 5.302 Exemptions under sections 3(b) and (c) of the Act.

The exemptions provided by sections 3(b) and (c) of the Act shall not be available to any person described therein unless he has filed with the Secretary of State a fully executed Notification of Status with a Foreign Government (Form D.S. 394).

§ 5.303 Exemption available to persons accredited to international organizations.

Persons designated by foreign governments as their representatives in or to an international organization, and the officers and employees of such organization, other than nationals of the United States, are exempt from registration under the Act in accordance with the provisions of the International Organizations Immunities Act, if they have been duly notified to and accepted by the Secretary of State as such representatives, officers, or employees, and if they engage exclusively in activities which are recognized as being within the scope of their official functions.

§ 5.304 Exemptions under sections 3(d) and (e) of the Act.

(a) As used in section 3(d), the term "trade or commerce" shall include the exchange, transfer, purchase, or sale of commodities, services, or property of any kind.

(b) For the purpose of section 3(d) of the Act, activities of an agent of a foreign principal as defined in section 1(c) of the Act, in furtherance of the bona fide trade or commerce of such foreign principal, shall be considered "private," even though the foreign principal is owned or controlled by a foreign government, so long as the activities do not directly promote the public or political interests of the foreign government.

(c) The exemption provided by section 3(e) of the Act shall not be available to any person described therein if he engages in political activities as defined in section 1(o) of the Act.

(d) For the purpose of section 3(d) of the Act, the disclosure of the identity of the foreign person that is required to be made to the agency or official of the United States under section 1(q) of the Act shall be in writing.

§ 5.305 Exemption under section 3(f) of this Act.

The exemption provided by section 3(f) of the Act shall not be available unless the President has, by publication in the FEDERAL REGISTER, designated for the purpose of this section the country the defense of which he deems vital to the defense of the United States.

§ 5.306 Exemption under section 3(g).

For the purpose of section 3(g) of the Act:

(a) Attempts to influence or persuade agency personnel or officials other than in the course of established agency proceedings, whether formal or informal, shall include only such attempts to influence or persuade with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political power; and

(b) In the legal representation of a foreign principal before any agency or official of the U.S. Government, if disclosure of the identity of the foreign principal is not otherwise required as a matter of established agency procedure, such disclosure must, in conformity with this section, be made in writing to the personnel or officials concerned.

(c) The term "agency of the Government of the United States" means a department or agency of the executive branch of the Government.

§ 5.400 Filing of political propaganda.

(a) The two copies of each item of political propaganda required to be filed with the Attorney General under section 4(a) of the Act shall be filed with the Registration Section.

(b) Whenever two copies of an item of political propaganda have been filed pursuant to section 4(a) of the Act, an

agent of a foreign principal shall not be required, in the event of further transmittal of the same material, to forward additional copies thereof to the Registration Section.

(c) Unless specifically directed to do so by the Registration Section, a registrant is not required to file two copies of a motion picture containing political propaganda which he disseminates on behalf of his foreign principal, so long as he files monthly reports on its transmittal. In each such case this registrant shall submit to the Registration Section either a film strip showing the label required by section 4(b) of the Act or an affidavit certifying that the required label has been made a part of the film.

§ 5.401 Dissemination report.

(a) A Dissemination Report shall be filed with the Registration Section for each item of political propaganda that is transmitted, or caused to be transmitted, in the U.S. mails, or by any means of interstate or foreign commerce, by an agent of a foreign principal for or in the interests of any of his foreign principals.

(b) The Dissemination Report shall be filed on Form FA-6.

(c) Except as provided in paragraph (d) of this section, a Dissemination Report shall be filed no later than 48 hours after the beginning of the transmittal of the political propaganda.

(d) Whenever transmittals of political propaganda are made over a period of time, a Dissemination Report may be filed monthly for as long as such transmittals continue.

(e) A Dissemination Report shall be complete in and of itself. Incorporation of information by reference to reports previously filed is not permissible.

§ 5.402 Labeling political propaganda.

(a) Within the meaning of this part, political propaganda shall be deemed labeled whenever it has been marked or stamped conspicuously at its beginning with a statement setting forth such information as is required under section 4(b) of the Act.

(b) An item of political propaganda which is required to be labeled under section 4(b) of the Act and which is in the form of prints shall be marked or stamped conspicuously at the beginning of such item with a statement in the language or languages used therein, setting forth such information as is required under section 4(b) of the Act.

(c) An item of political propaganda which is required to be labeled under section 4(b) of the Act but which is not in the form of prints shall be accompanied by a statement setting forth such information as is required under section 4(b) of the Act.

(d) Political propaganda as defined in section 1(j) of the Act which is televised or broadcast, or which is caused to be televised or broadcast, by an agent of a foreign principal, shall be introduced by a statement which is reasonably adapted to convey to the viewers or listeners thereof such information as is required under section 4(b) of the Act.

(e) An agent of a foreign principal who transmits or causes to be transmitted in the U.S. mails or by any means or instrumentality of interstate or foreign commerce a still or motion picture film which contains political propaganda as defined in section 1(j) of the Act shall insert at the beginning of such film a statement which is reasonably adapted to convey to the viewers thereof such information as is required under section 4(b) of the Act.

(f) For the purpose of section 4(e) of the Act, the statement that must preface or accompany a request for information shall be in writing.

§ 5.403 Political propaganda transmitted by person other than agent of a foreign principal.

Whenever political propaganda is transmitted in the U.S. mails or by any means or instrumentality of interstate or foreign commerce by a person who is not directly or indirectly affiliated or associated with, or supervised, directed, controlled, financed, or subsidized in whole or in part by, an agent of a foreign principal or any of his foreign principals, the agent shall be deemed to have complied with the provisions of section 4 of the Act if, at the time the political propaganda is transmitted or caused to be transmitted by the agent—

(a) It is labeled; and

(b) Copies of it have been filed by the agent under section 4(a) of the Act.

§ 5.500 Maintenance of books and records.

(a) A registrant shall keep and preserve in accordance with the provisions of section 5 of the Act the following books and records:

(1) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all foreign principals and all other persons, relating to the registrant's activities on behalf of, or in the interest of, any of his foreign principals.

(2) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all persons, other than foreign principals, relating to the registrant's political activity, or relating to political activity on the part of any of the registrant's foreign principals.

(3) Original copies of all written contracts between the registrant and any of his foreign principals.

(4) Records containing the names and addresses of persons to whom political propaganda has been transmitted.

(5) All bookkeeping and other financial records relating to the registrant's activities on behalf of any of his foreign principals, including canceled checks, bank statements, and records of income and disbursements, showing names and addresses of all persons who paid moneys to, or received moneys from, the registrant, the specific amounts so paid or received, and the date on which each item was paid or received.

(6) If the registrant is a corporation, partnership, association, or other combination of individuals, all minute books.

(7) Such books or records as will disclose the names and addresses of all employees and agents of the registrant, including persons no longer acting as such employees or agents.

(8) Such other books, records, and documents as are necessary properly to reflect the activities for which registration is required.

(b) The books and records listed in paragraph (a) of this section shall be kept and preserved in such manner as to render them readily accessible for inspection pursuant to section 5 of the Act.

(c) A registrant shall keep and preserve the books and records listed in paragraph (a) of this section for a period of 3 years following the termination of his registration under § 5.205.

(d) Upon good and sufficient cause shown in writing to the Registration Section, a registrant may be permitted to destroy books and records in support of the information furnished in an initial or supplemental statement which he filed 5 or more years prior to the date of his application to destroy.

§ 5.501 Inspection of books and records.

Officials of the Internal Security Division and the Federal Bureau of Investigation are authorized under section 5 of the Act to inspect the books and records listed in paragraph (a) of § 5.500.

§ 5.600 Public examination of records.

(a) Registration statements, Dissemination Reports, and copies of political propaganda filed under section 4(a) of the Act, shall be available for public examination at the Registration Section on official business days, from 10 a.m. to 4 p.m.

(b) Copies of political propaganda filed under section 4(a) of the Act shall be preserved by the Registration Section for a period of at least 2 years from the time they have been filed.

§ 5.601 Copies of records available.

(a) Copies of registration statements and Dissemination Reports may be obtained from the Registration Section upon payment of a fee at the rate of 10 cents per copy of each page of the material requested.

(b) Information as to the fee to be charged for copies of registration statements and Dissemination Reports and the time required for their preparation may be obtained upon request to the Registration Section.

(c) Payment of the fee shall accompany an order for copies, and shall be made in cash, by U.S. postal money order, or by certified bank check made payable to the Treasurer of the United States. Postage stamps will not be accepted.

§ 5.800 Ten-day filing requirement.

The 10-day filing requirement provided by section 8(g) of the Act shall be deemed satisfied if the amendment to the registration statement is deposited in the

United States Mails no later than the 10th day of the period.

§ 5.801 Activity beyond 10-day period.

A registrant who has within the 10-day period filed an amendment to his registration statement pursuant to a Notice of Deficiency given under section 8(g) of the Act may continue to act as an agent of a foreign principal beyond this period unless he receives a Notice of Non-Compliance from the Registration Section.

[F.R. Doc. 66-11233; Filed, Oct. 13, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of Filbert Control Board and Rate of Assessment for 1966-67 Fiscal Year

Notice is hereby given of a proposal regarding expenses of the Filbert Control Board and rate of assessment for the 1966-67 fiscal year beginning August 1, 1966, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Board has recommended a budget of expenses in the total amount of \$25,320 and, based on the volume of filberts estimated to be subject to this regulatory program during the 1966-67 fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 982.311 Expenses of the Filbert Control Board and rate of assessment for the 1966-67 fiscal year.

(a) *Expenses.* The expenses in the amount of \$25,320 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

Dated: October 11, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.D. Doc. 66-11226; Filed, Oct. 13, 1966;
8:49 a.m.]

DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Applications and Experience Reporting

The Commissioner of Food and Drugs proposes that the procedural new-drug regulations be amended as set forth below to prescribe additional requirements essential to the development of a well-organized new-drug application that can be expeditiously reviewed and evaluated and to include a reference to the form (FD-1639) for reporting adverse drug experiences.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), it is proposed that Part 130 be amended by revising §§ 130.4, 130.5 (a) and (b), 130.9 (e) and (f), and 130.13(b) (2) (i); by redesignating subparagraphs (3) and (4) of § 130.13(b) as subparagraphs (4) and (5), respectively, and adding a new subparagraph (3); and by adding a new § 130.13a, as follows:

§ 130.4 Applications.

(a) Applications to be filed under the provisions of section 505(b) of the act shall be submitted in the form described in paragraphs (c) and (e) of this section. If any part of the application is in a foreign language, an accurate and complete English translation shall be appended to such part. Translations of literature printed in a foreign language shall be accompanied by copies of the original publication. The application must be signed by the applicant or by an authorized attorney, agent, or official. If the applicant or such authorized representative does not reside or have a place of business within the United States, the application must also furnish the name and post office address of, and must be countersigned by, an authorized attorney, agent, or official residing or maintaining a place of business within the United States.

(b) Pertinent information may be incorporated in, and will be considered as part of, an application on the basis of specific reference to such information, including information submitted under the provisions of § 130.3, in the files of the Food and Drug Administration. However, any reference to information furnished by a person other than the applicant may not be considered unless use of such information is authorized in a written statement signed by the person who submitted it.

(c) Applications shall be assembled and submitted in the manner prescribed by paragraph (e) of this section and shall be submitted in the following form, except that applications for medicated feeds may be submitted instead on Form FD-1800, obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204:

FD 356—Rev. 1966.
Department of Health, Education,
and Welfare,
Food and Drug Administration,
Washington, D.C. 20204.

NEW DRUG APPLICATION (Title 21, Code of Federal Regulations, § 130.4)

Name of applicant _____
Address _____
Date _____
Name of drug _____

- ☐ Original application (regulation § 130.4).
☐ Amendment to original, unapproved application (regulation § 130.7).
☐ Supplement to an approved application (regulation § 130.9).

The undersigned submits this application for a new drug pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act. It is understood that when this application is approved, the labeling and advertising for the drug will prescribe, recommend, or suggest its use only under the conditions stated in the labeling which is part of this application; and if the article is a prescription drug, it is understood that any labeling which furnishes or purports to furnish information for use or which prescribes, recommends, or suggests a dosage for use of the drug will also contain substantially the same information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, any relevant hazards, contraindications, side effects, and precautions, contained in the labeling which is part of this application. It is understood that all representations in this application apply to the drug produced until an approved supplement to the application provides for a change or the applicant is notified in writing by the Food and Drug Administration that a supplemental application is not required for the change.

Attached hereto, submitted in the form described in § 130.4(e) of the new-drug regulations, and constituting a part of this application are the following:

1. *Table of contents.* Include all the numbered items below and the page and volume numbers in which the item is located.
2. *A summary showing that the application is a well-organized, adequately tabulated, coherent document that presents a sound basis, containing statistical analyses where appropriate, for the action requested and including the following information:* (In lieu of the outline described below and the evaluation described in Item 3, an expanded summary and evaluation as outlined in § 130.4(d) of

the new-drug regulations may be submitted to facilitate the review of this application.)

- a. *Chemistry.*
 - i. Chemical structural formula or description for any new-drug substance.
 - ii. Relationship to other known drugs and classes of drugs.
 - iii. Description of dosage form and quantitative composition.
- b. *Rationale and purpose the drug is to serve.*
- c. *Reference number of the investigational drug notice(s) under which this drug was investigated and of any notice, new-drug application, or master file intended to support this application.*
- d. *Preclinical studies.* (Present all findings including those which are interpreted as incidental or not drug-related. Refer to volume and page number of raw data.)
 - i. Pharmacology (pharmacodynamics, endocrinology, metabolism, etc.).
 - ii. Toxicology and pathology: Acute toxicity studies; subacute and chronic toxicity studies; reproduction and teratology studies; miscellaneous studies.
- e. *Clinical studies.* (All material should be referenced to the investigator and to the volume and page number of the raw data.)
 - i. Special studies not described elsewhere.
 - ii. Dose-range studies.
 - iii. Controlled therapeutic studies.
 - iv. Other therapeutic reports (for example, uncontrolled or incompletely controlled studies).
 - v. Clinical laboratory studies related to effectiveness.
 - vi. Clinical laboratory studies related to safety.
 - vii. Literature summary.
3. *Evaluation of safety and effectiveness.*
 - a. Summarize evidence, favorable and unfavorable for each separate claim in the package labeling. Include reference to volume and page number of raw data.
 - b. Include tabulation of all side effects or adverse experience, by age and sex, whether or not considered to be significant, showing whether therapy was stopped and showing the investigator's name with a reference to the volume and page number of the raw data. Indicate those experiences considered to be drug-related.
4. *Copies of the label and all other labeling to be used for the drug* (a total of 8 copies if in final printed form, 4 copies if in draft form):
 - a. Each label, or other labeling, should be clearly identified to show its position on, or the manner in which it accompanies, the market package.
 - b. If the drug is to be offered over the counter, labeling on or within the retail package should include adequate directions for use by the layman under all the conditions for which the drug is intended for lay use or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant and directed to the layman. The application should also contain labeling that includes adequate information for all conditions for which the over-the-counter drug is intended or offered for use under the professional supervision of a practitioner licensed by law to administer it, including all the purposes for which it is to be advertised or represented for use by physicians.
 - c. If the drug is limited in its labeling to use under the professional supervision of a practitioner licensed by law to administer it, its labeling should bear information for use under which such practitioners can use the drug for the purposes for which it is intended, including all the purposes for which it is to be advertised or represented, in accord with § 1.106 (b) or (c) (21 CFR 1.106 (b) or (c)). The application should in-

clude any labeling for the drug intended to be made available to the layman.

d. If no established name exists for a new-drug substance, the application shall propose a nonproprietary name for use as the established name for the substance.

e. Typewritten or other draft labeling copy may be submitted for preliminary consideration of an application. An application will not ordinarily be approved prior to the submission of the final printed label and labeling of the drug.

f. No application may be approved if the labeling is false or misleading in any particular.

(If the article is a prescription drug, copies of mailing pieces and advertising used to promote the drug are to be submitted when commercial distribution begins. Approval of a supplemental new-drug application is required prior to use of any promotional claims not covered by the approved application.)

5. *A statement as to whether the drug is (or is not) limited in its labeling and by this application to use under the professional supervision of a practitioner licensed by law to administer it.*

6. *A full list of the articles used as components of the drug.* This list should include all substances used in the synthesis, extraction, or other method of preparation of any new-drug substance, and in the preparation of the finished dosage form, regardless of whether they undergo chemical change or are removed in the process. Each substance should be identified by its established name, if any, or complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.

7. *A full statement of the composition of the drug.* The statement shall set forth the name and amount of each ingredient, whether active or not, contained in a stated quantity of the drug in the form in which it is to be distributed (for example, amount per tablet or per milliliter) and a batch formula representative of that to be employed for the manufacture of the finished dosage form. All components should be included in the batch formula regardless of whether they appear in the finished product. Any calculated excess of an ingredient over the label declaration should be designated as such and percent excess shown. Reasonable variations may be specified.

8. *A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of the drug.* Included in this description should be full information with respect to any new-drug substance and to the new-drug dosage form, as follows, in sufficient detail to permit evaluation of the adequacy of the described methods of manufacture, processing, and packing and the described facilities and controls to determine and preserve the identity, strength, quality, and purity of the drug:

a. A description of the physical facilities including building and equipment used in manufacturing, processing, packaging, labeling, storage, and control operations.

b. A description of the qualifications, including educational background and experience, of the technical and professional personnel who are responsible for assuring that the drug has the safety, identity, strength, quality, and purity it purports or is represented to possess, and a statement of their responsibilities.

c. The methods used in the synthesis, extraction, isolation, or purification of any

new-drug substance. When the specifications and controls applied to such substance are inadequate in themselves to determine its identity, strength, quality, and purity, the methods should be described in sufficient detail, including quantities used, times, temperatures, pH, solvents, etc., to determine these characteristics. Alternative methods or variations in methods within reasonable limits that do not affect such characteristics of the substance may be specified.

d. Precautions to assure proper identity, strength, quality, and purity of the raw materials, whether active or not, including the specifications for acceptance and methods of testing for each lot of raw material.

e. Whether or not each lot of raw materials is given a serial number to identify it, and the use made of such numbers in subsequent plant operations.

f. If the applicant does not himself perform all the manufacturing, processing, packaging, labeling, and control operations for any new-drug substance or the new-drug dosage form, his statement identifying each person who will perform any part of such operations and designating the part; and a signed statement from each such person fully describing, directly or by reference, the methods, facilities, and controls in his part of the operation.

g. Method of preparation of the master formula records and individual batch records and manner in which these records are used.

h. The instructions used in the manufacturing, processing, packaging, and labeling of each dosage form of the new drug, including any special precautions observed in the operations.

i. Adequate information with respect to the characteristics of and the test methods employed for the container, closure, or other component parts of the drug package to assure their suitability for the intended use.

j. Number of individuals checking weight or volume of each individual ingredient entering into each batch of the drug.

k. Whether or not the total weight or volume of each batch is determined at any stage of the manufacturing process subsequent to making up a batch according to the formula card and, if so, at what stage and by whom it is done.

l. Precautions to check the actual package yield produced from a batch of the drug with the theoretical yield. This should include a description of the accounting for such items as discards, breakage, etc., and the criteria used in accepting or rejecting batches of drugs in the event of an unexplained discrepancy.

m. Precautions to assure that each lot of the drug is packaged with the proper label and labeling, including provisions for labeling, storage, and inventory control.

n. The analytical controls used during the various stages of the manufacturing, processing, packaging, and labeling of the drug, including a detailed description of the collection of samples and the analytical procedures to which they are subjected. The analytical procedures should be capable of determining the active components within a reasonable degree of accuracy and of assuring the identity of such components. If the article is one that is represented to be sterile, the same information with regard to the manufacturing, processing, packaging, and the collection of samples of the drug should be given for sterility controls. Include the standards used for acceptance of each lot of the finished drug.

o. An explanation of the exact significance of the batch control numbers used in the manufacturing, processing, packaging, and labeling of the drug, including the control numbers that appear on the label of the finished article. State whether these num-

bers enable determination of the complete manufacturing history of the product. Describe any methods used to permit determination of the distribution of any batch if its recall is required.

p. A complete description of, and data derived from, studies of the stability of the drug, including information showing the suitability of the analytical methods used. Describe any additional stability studies underway or contemplated. Stability data should be submitted for any new-drug substance, for the finished dosage form of the drug in the container including a multiple-dose container in which it is to be marketed, and if it is to be put into solution at the time of dispensing, for the solution prepared as directed. State the expiration date(s) that will be used on the label to preserve the identity, strength, quality, and purity of the drug until it is used. (If no expiration date is proposed, the applicant must justify its absence.)

q. Additional procedures employed which are designed to prevent contamination and otherwise assure proper control of the product.

(An application may be refused unless it includes adequate information showing that the methods used in, and the facilities and controls used for, the manufacturing, processing, and packaging of the drug are adequate to preserve its identity, strength, quality, and purity in conformity with good manufacturing practice and identifies each establishment, showing the location of the plant conducting these operations.)

9. *Samples of the drug and articles used as components, as follows:* a. The following samples shall be submitted with the application or as soon thereafter as they become available. Each sample shall consist of four identical, separately packaged subdivisions, each containing at least three times the amount required to perform the laboratory test procedures described in the application to determine compliance with its control specifications for identity and assays:

i. A representative sample or samples of the finished dosage form(s) proposed in the application and employed in the clinical investigations and a representative sample or samples of each new-drug substance, as defined in § 130.1(g), from the batch(es) employed in the production of such dosage form(s).

ii. A representative sample or samples of finished market packages of each dosage form of the drug prepared for initial marketing and, if any such sample is not from a commercial-scale production batch, such a sample from a representative commercial-scale production batch; and a representative sample or samples of each new-drug substance as defined in § 130.1(g), from the batch(es) employed in the production of such dosage form(s): *Provided, however,* That in the case of medicated feeds marketed in large packages the sample should contain only three times a sufficient quantity of the medicated feed to allow for performing the control tests for drug identity and assays.

iii. A sample or samples of any reference standard and blank used in the procedures described in the application for assaying each new-drug substance and other assayed components of the finished drug: *Provided, however,* That samples of reference standards recognized in the official U.S. Pharmacopeia or The National Formulary need not be submitted unless requested.

b. Additional samples shall be submitted on request.

c. Each of the samples submitted shall be appropriately packaged and labeled to preserve its characteristics; to identify the material and the quantity in each subdivision of the sample, and to identify each subdivision with the name of the applicant and the new-drug application to which it relates.

d. There shall be included a full list of the samples submitted pursuant to Item 9a; a statement of the additional samples that will be submitted as soon as available; and, with respect to each sample submitted, full information with respect to its identity, the origin of any new-drug substance contained therein (including in the case of new-drug substances, a statement whether it was produced on a laboratory, pilot-plant, or full-production scale) and detailed results of all laboratory tests made to determine the identity, strength, quality, and purity of the batch represented by the sample, including assays. Include for any reference standard a complete description of its preparation and the results of all laboratory tests on it. If the test methods used differed from those described in the application, full details of the methods employed in obtaining the reported results shall be submitted.

e. The requirements of Item 9a may be waived in whole or in part on request of the applicant or otherwise when any such samples are not necessary.

10. *Full reports of preclinical investigations that have been made to show whether or not the drug is safe for use and effective in use.* a. An application may be refused unless it contains full reports of adequate preclinical tests by all methods reasonably applicable to a determination of the safety and effectiveness of the drug under the conditions of use suggested in the proposed labeling.

b. Detailed reports of the preclinical investigations, including studies made on laboratory animals, the methods used, and the results obtained, should be clearly set forth. Such information should include identification of the person who conducted each investigation, a statement of where the investigations were conducted, and where the underlying data are available for inspection. The animal studies may not be considered adequate unless they give proper attention to the conditions of use recommended in the proposed labeling for the drug such as, for example, whether the drug is for short- or long-term administration or whether it is to be used in infants, children, pregnant women, or premenopausal women.

c. Detailed reports of any pertinent microbiological and in vitro studies.

11. *List of investigators.* a. A complete list of all investigators supplied with the drug including the name and post office address of each investigator and, following each name, an indication whether reports have been submitted as part of this application or under the provisions of § 130.3. (If this information is included in the summary, a reference to the summary page number(s) will suffice.)

b. Explain any omission of reports from any investigator to whom the investigational drug has been made available. The unexplained omission of any reports of investigations made with the new drug by the applicant, or submitted to him by an investigator, or the unexplained omission of any pertinent reports of investigations or clinical experience received or otherwise obtained by the applicant from published literature or other sources, whether or not it would bias an evaluation of the safety of the drug or its effectiveness in use, may constitute grounds for the refusal or withdrawal of the approval of an application.

c. List volume and page references to each investigator's report or the explanation of its omission.

12. *Full reports of clinical investigations that have been made to show whether or not the drug is safe for use and effective in use.*

a. An application may be refused unless it contains full reports of adequate tests by all methods reasonably applicable to show

whether or not the drug is safe and effective for use as suggested in the labeling.

b. An application may be refused unless it includes substantial evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

c. Reports of all clinical tests sponsored by the applicant or received or otherwise obtained by the applicant should be attached. These reports should include adequate information concerning each subject treated with the drug or employed as a control, including age, sex, conditions treated, dosage, frequency of administration of the drug, results of all relevant clinical observations and laboratory examinations made, full information concerning any other treatment given previously or concurrently, and a full statement of adverse effects and useful results observed, together with an opinion as to whether such effects or results are attributable to the drug under investigation and a statement of where the underlying data are available for inspection. Ordinarily, the reports of clinical studies will not be regarded as adequate unless they include reports from more than one independent, competent investigator who maintains adequate case histories of an adequate number of subjects, designed to record observations and permit evaluation of any and all discernible effects attributable to the drug in each individual treated and comparable records on any individuals employed as controls. An application for a combination drug may be refused unless it contains substantial evidence that each ingredient designated as active makes a positive contribution to the total therapeutic effect claimed for the drug combination. Except when the disease for which the drug is being tested occurs with such infrequency in the United States as to make testing impractical, some of the investigations should be performed by competent investigators within the United States.

d. Attach as a separate section a completed Form FD-1639, Drug Experience Report (obtainable, with instructions, on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204), for each adverse experience described in Item 12c, whether or not full information is available. Form FD-1639 should be prepared by the applicant if the adverse experience was not reported in such form by the investigator. The Drug Experience Report should be cross referenced to any narrative description included in Item 12c.

e. All information pertinent to an evaluation of the safety and effectiveness of the drug received or otherwise obtained by the applicant from any source, including information derived from other investigations or commercial marketing (for example, outside the United States), or reports in the scientific literature, involving the drug that is the subject of the application or pertinent information about any relevantly related drug. An adequate summary may be acceptable in lieu of a reprint of a published article which only supports other data submitted. Include any evaluation of the safety or effectiveness of the drug that has been made by the applicant's medical department, expert committee, or consultants.

f. If the drug is a combination of previously investigated or marketed drugs, an adequate summary of preexisting informa-

tion from preclinical and clinical investigation and experience with its components, including all reports received or otherwise obtained by the applicant suggesting side effects, contraindications, and ineffectiveness in use of such components. Such summary should include an adequate bibliography of publications about the components and may incorporate by reference information concerning such components previously submitted by the applicant to the Food and Drug Administration.

g. The complete composition and/or method of manufacture of the new drug used in each submitted report of investigation should be shown to the extent necessary to establish its identity, strength, quality, and purity if it differs from the description in Item 6, 7, or 8 of the application in any way that would bias an evaluation of the report.

13. *If this is a supplemental application, full information on each proposed change concerning any statement made in the approved application.* (After an application is approved, a supplemental application may propose changes. A supplemental application may omit statements made in the approved application concerning which no change is proposed. Each supplemental application shall include up-to-date reports of any of the kinds of information required by § 130.13(a) that have not previously been submitted as part of the application, including such submission under the records and reports requirements of § 130.13 or § 130.35. A supplemental application should be submitted for any change beyond the variations provided for in the application (including changes in the scale of production such as from pilot plant to production batch) that may alter the conditions of use, the labeling, safety, effectiveness, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. Any mailing or promotional piece used after the drug is placed on the market is labeling requiring a supplemental application if it deviates in any significant respect from the approved labeling. A supplemental application shall specify a period of time within which the proposed change will be made. If a material change is made in the components, composition, manufacturing methods, facilities, or controls, or in the labeling or advertising from the representations in an approved application for a new drug, and the drug is marketed before a supplement is approved for such change, approval of the application may be suspended or withdrawn as provided in sec. 505(e) of the act.)

Changes of the following kinds proposed in supplemental new-drug applications should be placed into effect at the earliest possible time:

a. The addition to package labeling, promotional labeling, and prescription drug advertising of additional warning, contraindication, side-effect, and precaution information.

b. The deletion from package labeling, promotional labeling, and drug advertising of false, misleading, or unsupported indications for use or claims for effectiveness.

c. Changes in the methods, facilities, or controls used for the manufacture, processing, packing, or holding of the drug (other than utilization of establishments not covered by the approval that is in effect) that give increased assurance that the drug will have the characteristics of identity, strength, quality, and purity which it purports or is represented to possess.

Changes of the kinds described in a, b, and c of this Item 13 may be placed in effect by the applicant prior to his receipt of a written notice of approval of the supplemental new-drug application, provided that all the following conditions are met:

d. The supplemental new-drug application providing a full explanation of the basis for changes has been submitted, plainly marked on the mailing cover and on the supplement "Special new-drug application supplement—Changes being effected."

e. The applicant specifically informs the Food and Drug Administration of the date on which such changes are being effected, and submits to the Administration eight copies of any revised labeling to be placed in use, identified with the new-drug application number.

f. All promotional labeling and all drug advertising are promptly revised consistent with the changes made in the labeling on or within the drug package.

When a supplemental application proposes changes only of the kinds described in a, b, and c of this Item 13, and the applicant informs the Food and Drug Administration that the changes are being put into effect, such notification will be regarded as an agreement by the applicant to an extension of the time for formal action on the application.

(Applicant)

Per -----
(Responsible official or agent)

(Indicate authority)

(Warning: A willfully false statement is a criminal offense. U.S.C. Title 28, sec. 1001.)

NOTE: This application must be signed by the applicant or by an authorized attorney, agent, or official. If the applicant or such authorized representative does not reside or have a place of business within the United States, the application must also furnish the name and post office address of and must be countersigned by an authorized attorney, agent, or official residing or maintaining a place of business within the United States.

If samples of the drug are sent under separate cover, they should be addressed to the attention of the Bureau of Medicine or the Bureau of Veterinary Medicine, as appropriate, and identified on the outside of the shipping carton with the name of the applicant and the name of the drug as shown on the application.

(d) Optional expanded summary and evaluation: (1) A summary and evaluation prepared according to the guidelines described in subparagraph (2) of this paragraph may be substituted for items 2 and 3 of the new-drug application Form FD-356.

(2) The following summary outline covers the elements that are pertinent to an evaluation of the safety and effectiveness of most drugs, but it is recognized that it may not be applicable in detail to all drugs and situations. It is not intended that all items listed must be dealt with irrespective of their applicability. If it is appropriate for other criteria to be covered, they should be included. An explanation of the reason for omission of an item should be given, if not self-evident. An accurate, complete, and concise summary should contribute materially to facilitate the evaluation of the application. When a supplemental application is proposed that requires the submission of substantial preclinical or clinical data, a summary and evaluation of that data is also invited.

SUMMARY AND EVALUATION

I. Chemistry.

A. Chemical structural formula or description for any new-drug substance.

B. Relationship to other known drugs and classes of drugs.

C. Description of dosage form and quantitative composition.

II. Rationale and purpose the drug is to serve.

A. Purpose.

B. Highlights of preclinical studies. The reasons why certain types of studies were done or omitted as related to the proposed conditions of human use and to information already known about this class of compounds. Emphasize any unusual or particularly significant pharmacological effects or toxicological findings.

C. Highlights of clinical studies. The rationale of the clinical study plan showing why types of studies were done, amended, or omitted as related to preclinical studies and prior clinical experience.

D. Conclusions. A short statement of conclusions combining the major points of effectiveness and safety as they relate to the use of the drug.

III. Reference number of the investigational drug notice(s) under which this drug was investigated and of any notice, new-drug application, or master file intended to support the application.

IV. Preclinical studies. All findings should be presented including those which are interpreted as incidental or not drug-related. The summaries of the individual tests described hereafter should include a brief statement of methodology with results and interpretation of the test. Each test should be referenced to the proper page number(s) and volume number of the detailed report or to the table of contents preceding the basic scientific data. Include a table of contents referring to page number(s) of summary and page number(s) of raw data.

A. Pharmacology. Studies on pharmacodynamics, endocrinology, etc., as appropriate.

1. Studies of activities related to the primary therapeutic activity.

2. Studies of activities related to secondary therapeutic properties.

3. Studies of miscellaneous pharmacologic activities of the compound that may or may not be considered pertinent to the efficacy or safety of the drug.

4. Metabolism.

a. Absorption.

b. Tissue distribution.

c. Detoxication.

d. Excretion.

B. Toxicology and pathology.

1. Acute toxicity. Summarize by species and route of administration. Give levels and number of animals per dose level with weights, sex, and maturity. In some unusual circumstances, a brief description of the method may be needed. Give LD₅₀ values with standard deviation, signs of toxicity, times of deaths, and other pertinent information. It is desirable that species and/or sex differences be pointed out and that the ratio of the oral to parenteral LD₅₀'s be indicated.

2. Subacute and chronic toxicity studies (present by species).

a. Method. Give duration of study, route of administration, dose levels, and method of giving drug (diet, gavage). Include number of animals per dose level and range of weights at initiation. Indicate parameters studied, including pathology.

b. Results. List pertinent observations, including pathology, with statement that other parameters were not affected. If necessary, indicate which alterations were related to pharmacodynamic activity and which were related to toxicity.

3. Reproduction and teratology studies (present by species).

a. Method. Give dose levels employed and time of drug administration relative to stage of pregnancy. List parameters examined. State method of examination of young.

b. Results. Describe effect on mother and on the various parameters of pregnancy and the fetus. Discuss relationship of drug doses to the therapeutic and toxic doses.

4. Miscellaneous studies. Include studies designed to explore drug toxicity beyond the more routine acute, subacute, and chronic studies. Studies on tissue irritancy, ciliary motility, etc., and special tests of pharmaceutical formulations should be included.

5. Evaluation of effectiveness and safety. This section should be the final evaluation of effectiveness and safety based upon the known attributes of the new drug in animals.

V. Clinical studies. All material should be referenced to the investigator and to the volume and page number of the raw data. Include a table of contents referring to page number(s) of summary and page number(s) of raw data.

A. Special studies. Include all studies that do not clearly have applicability elsewhere. If anything is known about absorption, distribution, excretion, and fate of the drug, it should be included here. Correlations with similar animal data should be drawn. Drug studies on circulation, respiration, volunteer extraordinary safety studies, and overdosage effects are examples. Studies of dose findings are not to be included.

B. Dose-range studies (individual and collective analysis). Include for each study:

1. Investigator.

2. Plan.

3. Materials used.

4. Diagnosis.

5. Age and sex of patients and, if applicable:

a. Drug codes.

b. Control agents.

c. Statistical methods.

d. Results, adverse reactions and experience, and other side effects.

C. Controlled therapeutic studies. A brief description of each giving:

1. Investigator.

2. Detailed design of study: Crossover, double crossover, or matched groups, double-blind, single-blind, randomized, etc.

3. Control agents (placebo, reference compounds).

4. Drug codes.

5. Design for selection of control and drug groups.

6. Primary and secondary diagnosis, including severity and stage of disease, of patients in drug and control groups with numbers, sex, and age distribution.

7. Detailed criteria of effectiveness, objective and subjective.

8. Adverse reactions looked for by subject, by investigator, and by laboratory tests and timing of observations.

9. Control and drug periods and kind and number of observations made in each.

10. Adverse reactions and all adverse experience by system and organ, general and local.

11. Results, all positive and negative.

12. Statistical analysis, kind and applicability. The only studies that would be subject to analysis are those that are randomized and controlled with either objective or subjective measurement. Case reports, case studies, or uncontrolled studies would not be subjected to statistical analysis.

13. Conclusions. Overall conclusions of controlled therapeutic studies.

D. Other therapeutic reports. Depending on the nature of the investigation, this could be divided between incompletely controlled studies and reports of uncontrolled use. The presentation of the plan and method of

analysis could be governed by the criteria in "C. Controlled therapeutic studies" and by the situation.

E. Clinical laboratory studies related to effectiveness. A description and summary of results. If applicable, use pre- and post-treatment tables and graphs.

F. Clinical laboratory studies related to safety.

1. The general plan giving the number of studies, duration of therapy, controls, number of control determinations, etc.

2. A description and summary of the results for each study, including all variations irrespective of the significance, the investigator's name (with reference to volume and page number of the raw data), the results of laboratory determinations, the number of patients, the range of normal values for each laboratory and what standardization procedures each laboratory employs, and the number of normals for each determination. Discuss variations fully and make a judgment of the significance of variations with supporting reasons. Explanatory tables and graphs are very helpful.

G. Summary of clinical literature reviewed by applicant. All controlled studies that yield data pertinent to safety and effectiveness of the drug and all reports of adverse experience should be abstracted, utilizing the criteria in "C. Controlled therapeutic studies."

H. Overall results and conclusions. This category should combine findings from all categories in this division V and present composite, balanced conclusions.

1. Table of all investigators, academic affiliation, number of cases reported and nature of the study (special, controlled, double-blind, single-blind, randomized, or not, etc.). A statement should be made as to why the study was discontinued, if it was, or a statement that it is continuing, if such is the case. (If this information has been submitted elsewhere, it may be incorporated by reference.)

2. Table of age range for all studies giving totals in each age group and number of males and females in each age group.

3. Table of various dosage schedules by duration and number of patients.

4. Effectiveness.

a. Summarize evidence separately for each claim cited in the package circular. Give results by claim either by blending the results of equivalent types of studies done or by citing the results of the other well-done studies separately and then drawing a conclusion.

b. Include summary tables containing the primary and secondary diagnoses, the number of patients and controls, the dosage schedule, duration, and responses.

5. Safety.

a. Include tabulations listing all side effects or adverse experience, by age and sex, whether or not the applicant considers them to be significant, showing whether therapy was stopped and showing the investigator's name with a reference to the volume and page number of the raw data.

b. Include similar tabulations of adverse experiences limited to those regarded by the applicant as possibly drug-related.

c. Append the investigator's and the applicant's discussion of the basis for deciding whether or not the adverse experience is drug-related and the significance of possibly drug-related experiences.

6. Overall conclusions about safety and effectiveness.

a. Concisely compare kind and incidence of beneficial experience with kind and incidence of adverse experience found in clinical studies. Tabulate adverse reactions and experiences with percentage of incidence that were derived from prospective studies, if possible.

Concisely state effective and recommended clinical dosage range on a mg./kg. basis and mg./kg. dosage levels showing adverse effects in animals and adverse experience in clinical studies.

b. To the extent known, or from studies by the applicant, concisely compare therapeutic index (effective vs. toxic dosage) and incidence of beneficial and significant adverse effects with related drugs. Summarize findings with regard to habit-forming or addiction potential, when applicable.

I. Annotated package circular.

1. For each claim or indication, give references supporting it in the summary, or give statements that are in turn referenced to the summary.

2. For each side effect and adverse experience contained in the submitted summaries and raw data, and for each contraindication, warning, and precaution suggested by such data, give references to it in the summary and cite the disclosure contained in the package circular, or explain its omission. Similarly, cite or explain the omission of such additional disclosures based on experience with related drugs.

(e) (1) For drugs for human use, assemble and bind three copies of the original application as follows:

(i) Obtain from the Food and Drug Administration, Bureau of Medicine, Washington, D.C. 20204, sufficient folders for binding triplicate copies of the new-drug application. Approximately 2 inches of material may be bound in each folder.

(ii) Bind the original or ribbon copy of the application in a blue folder. This will be copy No. 1 and should be a complete copy.

(iii) Bind an identical copy in a red folder, copy No. 2, and an identical copy in a yellow folder, copy No. 3, except that the individual clinical case reports may be omitted from these copies.

(iv) Identify each front cover with the name of the applicant and the name of the drug.

(v) Use separate pages or sets of pages for each numbered heading, Items 1 through 12, of the new-drug application Form FD-356. Arrange the parts as described under subdivision (vii) of this subparagraph. Number the pages of the new-drug application and include a table of contents. Each copy should be numbered identically except for the omissions in copies No. 2 and No. 3 of the clinical case reports.

(vi) The labeling should be distributed in the three copies of the application as follows: If in draft form, two sets of labeling in copy No. 1, one set in copy No. 2, and one set in copy No. 3; if in printed form and submitted with the original submission, two sets in copy No. 1, one set in copy No. 2, one set in copy No. 3, and the remaining four sets submitted unbound.

(vii) (a) For multivolume applications, number each volume of each copy in the lower right-hand corner in numerical sequence starting with volume 1.1 and continuing as needed with 1.2, 1.3, 1.4, etc.

(b) Arrange the separate numbered items of the application described in the new-drug application Form FD-356 in the following sequence (each of the following should comprise one volume, or more if needed, of the application, except

that the material in (3), (4), and (6) of this subdivision may be combined in one volume if it does not exceed 2 inches):

(1) Cover letter, if any; signed Form FD-356; Items 1 through 7 of the Form FD-356.

(2) Manufacturing and sample information (Items 8 and 9).

(3) Animal, toxicological, microbiological, and in vitro data (Item 10).

(4) List of investigators and clinical information other than individual case reports (Items 11 and 12).

(5) Forms FD-1639, Drug Experience Report, to be included in a separate volume in copy No. 1 and copy No. 2 only; cover of volume to be marked "FD-1639" (Item 12d).

(6) Individual clinical case reports to be included in copy No. 1 only (Item 12).

(viii) Submit separate applications for each different dosage form of the drug proposed. It is not necessary to repeat in each application basic information pertinent to all dosage forms if reference is made to the application containing such information. Include in each application information applicable to the specific dosage form; such as labeling, composition, stability data, and method of manufacture.

(ix) Forward amendments, supplements, reports, and other correspondence submitted after the original application in these folders and this format if they contain sufficient material.

(x) If applicant employs automatic data processing techniques for summarization and analysis of clinical studies, printouts of the processed data and summarizations may be submitted, in addition to the underlying data required by Form FD-356. If tapes or punch cards are available on request, this should be indicated. Classification and coding schemes employed by the Bureau of Medicine in automatic data processing operations will be made available to applicants on request directed to the Food and Drug Administration, Bureau of Medicine, Washington, D.C. 20204. The use by applicants of similar coding schemes may facilitate the exchange of information in the form of punch cards and computer tapes.

(2) An incomplete application, or one that has not been submitted in triplicate, will be retained but not filed as an application provided for in section 505(b) of the act. The applicant will be notified in what respects his application is incomplete.

§ 130.5 Reasons for refusing to file applications.

(a) An application shall not be considered complete and will not be filed as a new-drug application within the meaning of section 505(b) of the act if one or more of the following is the case:

(1) It does not contain complete and accurate English translations of any pertinent part in a foreign language.

(2) Fewer than three copies are submitted.

(3) It is incomplete on its face in that it does not contain all the matter required by section 505(b) (1), (2), (3), (4), (5), and (6) of the act or by the new-

drug application form set forth in § 130.4(c).

(4) On its face the information concerning required matter is so inadequate that the application is clearly not approvable.

(5) The drug is to be manufactured, prepared, propagated, compounded, or processed in whole or in part in any State in an establishment that has not been registered or exempted from registration under the provisions of section 510 of the act.

(6) The applicant does not reside or maintain a place of business within the United States and the application has not been countersigned by an attorney, agent, or other representative of the applicant, which representative resides in the United States and has been duly authorized to act on behalf of the applicant and to receive communications on all matters pertaining to the application.

(7) The new drug is a drug subject to licensing under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U.S.C. 201 et seq.) or under the animal virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U.S.C. 151 et seq.).

(b) An application that is not considered complete and is not filed will not be accepted as a basis for amendments if a review of the required summary or other portion of the application shows that it is not a well-organized, coherent document and is so inadequate that it cannot be expeditiously reviewed on the basis of an amendment. In such circumstances, the applicant will be notified that he will be required to submit a new, complete new-drug application without reference to the previous submission.

§ 130.9 Supplemental applications.

(e) It will be the policy of the Food and Drug Administration to take no action against a drug or applicant solely because changes of the kinds described in paragraph (d) of this section are placed in effect by the applicant prior to his receipt of a written notice of approval of the supplemental new-drug application: *Provided*, That all the following conditions are met:

(1) The supplemental new-drug application providing a full explanation of the basis for changes has been submitted, plainly marked on the mailing cover and on the supplement "Special new-drug application supplement—Changes being effected."

(2) The applicant specifically informs the Food and Drug Administration of the date on which such changes are being effected, and submits to the Administration eight copies of any revised labeling to be placed in use, identified with the new-drug application number.

(3) All promotional labeling and all drug advertising are promptly revised consistent with the changes made in the labeling on or within the drug package.

(f) When a supplemental application proposes changes only of the kinds de-

scribed in paragraph (d) of this section, and the applicant informs the Food and Drug Administration that the changes are being put into effect, such notification will be regarded as an agreement by the applicant to an extension of the time for formal action on the application.

§ 130.13 Records and reports concerning experience on drugs for which an approval is in effect.

(b) * * *

(2) * * *

(i) Information concerning any unexpected side effect, injury, toxicity, or sensitivity reaction or any unexpected incidence or severity thereof associated with clinical uses, studies, investigations, or tests, whether or not determined to be attributable to the drug, except that this requirement shall not apply to the submission of information described in a written communication to the applicant from the Food and Drug Administration as types of information that may be submitted at other designated intervals. For drugs for human use, these reports shall be submitted in duplicate on Form FD-1639, Drug Experience Report, obtainable with instructions on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204. "Unexpected" as used in this subdivision refers to conditions or developments not previously submitted as part of the new-drug application or not encountered during clinical trials of the drug, or conditions or developments occurring at a rate higher than shown by information previously submitted as part of the new-drug application, or than encountered during such clinical trials.

(3) When mailing pieces and advertising copy are devised for promotion of the new drug, samples of such promotional material shall be submitted at the time of the initial mailing of any such mailing piece to the profession and at the time of the initial placement of any such advertisement for a prescription drug.

(4) All the kinds of information described in paragraph (a) of this section, other than that submitted under the provisions of subparagraphs (1), (2), and (3) of this paragraph, shall be submitted at the following intervals, unless otherwise ordered in a written communication from the Commissioner:

(i) If the drug is intended for administration to man, within intervals of 3 months beginning with the date of approval of the application during the first year following such date; within intervals of 6 months during the second year following such date; and at yearly intervals thereafter.

(ii) If the drug is intended solely for administration to animals, at intervals within 6 months beginning with the date of approval of the application during the first year following such date, and at yearly intervals thereafter: *Provided, however*, That such reports are not required from applicants to the extent that

the reporting obligation is based on their manufacture of complete medicated feed.

(iii) The submitted copies of records and reports shall include all the required information that was received or otherwise obtained by the applicant during the designated intervals.

(5) On written order of the Commissioner, within the time stated in such order or agreed to by the applicant and the Commissioner, any designated records or reports containing the kinds of information described in this section.

§ 130.13a Reporting of adverse drug experiences.

(a) Required reports of all adverse experiences with drugs for human use submitted as part of a new-drug application under § 130.4, a supplemental new-drug application under § 130.9, or as part of the reporting requirements concerning experiences with drugs for which an approval is in effect prescribed by § 130.13, shall be submitted on Form FD-1639, Drug Experience Report, obtainable with instructions from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

(b) For the purpose of such report, the terms "drug experience," "adverse drug experience," and "adverse reaction" mean any adverse experience associated with the use of the drug whether or not considered drug-related.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 6, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11178; Filed, Oct. 13, 1966;
8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 91]

[Docket No. 7664; Notice 66-36]

CARELESS OR RECKLESS GROUND USE OF AIRCRAFT NOT INCIDENT TO FLIGHT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 91 of the Federal Aviation Regulations to prohibit taxiing or otherwise using aircraft, not incident to flight of the aircraft, on any part of an airport surface used for the operation of aircraft in air commerce, in a careless or reckless manner so as to endanger the life or property of another.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data,

views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before January 12, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Prior to 1945, Part 60 of the Civil Air Regulations prohibited, among other things, starting, or running an aircraft engine unless a competent operator was in the aircraft attending the engine controls, and required placing blocks in front of wheels before starting engines unless the aircraft was provided with adequate parking brakes and these were fully on (§ 60.331). These specific standards were dropped from the regulations in 1945, because they were included in the general provisions of § 60.12 on careless or reckless operation of aircraft. The substance of this provision is now contained in § 91.9 of the Federal Aviation Regulations that prohibits the operation of an aircraft in a careless or reckless manner so as to endanger the life or property of another.

The term "operate" as used in § 91.9 is defined in § 1.1 of the Federal Aviation Regulations to mean the use of aircraft "for the purpose of air navigation", conformably with the definition of that term in section 101(26) of the Federal Aviation Act of 1958. Accordingly, § 91.9 is inapplicable to some incidents involving the use of an aircraft, not incident to flight, on the surface of an airport in a careless or reckless manner so as to endanger the life or property of another. These incidents include leaving the aircraft unattended with propellers or rotors turning, and "hand propping" the aircraft with the controls unattended or without the use of parking brakes or wheel blocks. Moreover, these incidents may also endanger other aircraft being operated on the surface of an airport for the purpose of air navigation.

It appears that safety of aircraft operated in air commerce can be adequately protected while on airport surfaces only if all persons using aircraft there, are required to do so with equal care. It is not sufficient to place the standard of care contained in § 91.9 upon those who operate aircraft for the purpose of air navigation and at the same time to relieve other persons using aircraft on the same airport surface from the exercise of similar care merely because their use is not incident to flight.

The proposed amendment would extend the standard of care of § 91.9 to those persons taxiing or otherwise using aircraft, not incident to flight, on any part of an airport surface used for the operation of aircraft in air commerce. This amendment would be an appropriate exercise of the Administrator's authority to provide adequately for safety in air commerce, pursuant to section 601 of the Act, notwithstanding the additional prohibition would be directed against actions by persons who themselves are not engaged in air commerce.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations as follows:

§ 91.1 [Amended]

1. By adding the words "or use" after the word "operation" in paragraph (a) of § 91.1.

2. By inserting the following new section after § 91.9:

§ 91.10 Careless or reckless ground use.

No person may taxi or otherwise use an aircraft, not incident to flight, on any part of the surface of an airport used for the operation of aircraft in air commerce, in a careless or reckless manner so as to endanger the life or property of another.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421).

Issued in Washington, D.C., on October 7, 1966.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-11190; Filed, Oct. 13, 1966; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

TEXTILE FIBER PRODUCTS

Fiber Content of Special Types of Products

On August 3, 1966, the Commission issued a notice of proposed rule making in connection with this matter which was subsequently published in the FEDERAL REGISTER (31 F.R. 10581). Such notice provided that a proposed amendment of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act would be considered. The proposed rule was set forth therein and dealt with a proposed disclosure with respect to multiconstituent fibers which were blended or combined at or prior to the time of initial extrusion or fiber formation. Such notice further provided that interested parties might participate by submitting in writing to the Federal Trade Commission on or before September 13, 1966 views, arguments or other data.

Upon good cause being shown, such notice of proposed rule making is hereby suspended pending further orders of the Commission.

Issued: October 11, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11205; Filed, Oct. 13, 1966; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

Correction

On page 12924 of the issue for Tuesday, October 4, 1966, a correction of F.R. Doc. 66-10695 carried a page reference of "12349" which should be corrected to read "12849".

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

CROCKER-ANGLO NATIONAL BANK AND CITIZENS NATIONAL BANK

Notice of Hearing in Connection With the Merger

Notice is hereby given that the Comptroller of the Currency will hold a hearing in connection with the merger of Crocker-Anglo National Bank and Citizens National Bank in San Francisco, Calif., on November 14, 1966, at a time and place to be announced at a later date for the purpose of receiving testimony and evidence in connection with said merger.

Interested parties are notified that if they desire to present any evidence or testimony in connection with the above merger, they are required to serve notice of their intention on the Comptroller by October 24, 1966. Your notification to the Comptroller of the Currency shall indicate in general terms the position you intend to take in connection with said merger.

For the Comptroller of the Currency,
Treasury Department.

Dated: October 11, 1966.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66-11248; Filed, Oct. 13, 1966;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of October 1, 1966.

Dated: October 1, 1966.

JAMES S. BROADDUS.

[F.R. Doc. 66-11195; Filed, Oct. 13, 1966;
8:46 a.m.]

ALEXANDER S. CHAMBERLAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of August 25, 1966.

Dated: August 25, 1966.

ALEX S. CHAMBERLAIN.

[F.R. Doc. 66-11212; Filed, Oct. 13, 1966;
8:48 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

JOHN W. HIERONYMUS.

[F.R. Doc. 66-11196; Filed, Oct. 13, 1966;
8:46 a.m.]

GEORGE F. HRUBESKY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) Vice President—Power Generation and Engineering.
- (2) No change.
- (3) None.
- (4) None.

This statement is made as of October 5, 1966.

Dated: October 5, 1966.

G. F. HRUBESKY.

[F.R. Doc. 66-11197; Filed, Oct. 13, 1966;
8:46 a.m.]

LOWELL E. HUNT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of August 25, 1966.

Dated: August 25, 1966.

L. E. HUNT.

[F.R. Doc. 66-11213; Filed, Oct. 13, 1966;
8:48 a.m.]

JOE T. INNIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of September 27, 1966.

Dated: September 27, 1966.

JOE T. INNIS.

[F.R. Doc. 66-11214; Filed, Oct. 13, 1966;
8:48 a.m.]

LAYTON E. KINCANNON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

- (1) None.
- (2) Stocks sold: Dura Corp. Stocks purchased: California Liquid Gas Corp.; Kelly Services, Inc.; Mercantile Financial Corp.; Reliance Elect. & Engrg. Co.; Smith Industries International; Trans World Airlines; West-Point Pepperrell.
- (3) No change.
- (4) No change.

This statement is made as of August 25, 1966.

Dated: August 26, 1966.

L. E. KINCANNON.

[F.R. Doc. 66-11215; Filed, Oct. 13, 1966; 8:48 a.m.]

HOWARD LESTER LIVINGOOD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

HOWARD LESTER LIVINGOOD.

[F.R. Doc. 66-11198; Filed, Oct. 13, 1966; 8:46 a.m.]

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of September 15, 1966.

Dated: September 15, 1966.

MAXWELL S. McKNIGHT.

[F.R. Doc. 66-11216; Filed, Oct. 13, 1966; 8:48 a.m.]

CHARLES K. MILLEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

CHARLES K. MILLEN.

[F.R. Doc. 66-11199; Filed, Oct. 13, 1966; 8:46 a.m.]

GEORGE EVERETT MILLICAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

No change in my financial interest during the last 6 months other than I retired as Vice President of Gulf Oil Corp. on December 31 and my primary activity at the present time is that of Alderman, City of Atlanta, for a term ending December 31, 1969.

This statement is made as of September 21, 1966.

Dated: September 21, 1966.

G. E. MILLICAN.

[F.R. Doc. 66-11217; Filed, Oct. 13, 1966; 8:48 a.m.]

GEORGE A. PORTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) Additions:
100 shares Union Carbide Corp. common stock—purchased July 8, 1966.
200 shares Youngstown Sheet & Tube Co. common stock—purchased April 19, 1966.

Deletions:
100 shares Bucyrus Erie Co. common stock.
100 shares Cooper Tire & Rubber Co. common stock.

250 shares Federal-Mogul Corp. common stock.
50 shares General Motors Corp. common stock.

200 shares Pacific Gas & Electric Co., 6 percent 1st preferred shares—cumulative.
165 shares Radio Corp. of America common stock.

50 shares Reynolds Metals Co. common stock.
200 shares Southern California Edison Co., 4.32 percent cumulative preferred shares.
50 shares Standard Oil Co. N.J. common stock.

100 shares Union Carbide Corp. common stock—sold August 24, 1966.
250 shares Westinghouse Electric Corp. common stock.

200 shares Youngstown Sheet & Tube Co. common stock—sold August 24, 1966.

- (3) No change.
- (4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

G. A. PORTER.

[F.R. Doc. 66-11200; Filed, Oct. 13, 1966; 8:46 a.m.]

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of October 1, 1966.

Dated: October 4, 1966.

WILLIAM R. REMALIA.

[F.R. Doc. 66-11218; Filed, Oct. 13, 1966; 8:48 a.m.]

KENNETH I. SEWELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

K. I. SEWELL.

[F.R. Doc. 66-11201; Filed, Oct. 13, 1966; 8:47 a.m.]

ELWYN FRANK TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 5, 1966.

Dated: October 5, 1966.

E. F. TIMME.

[F.R. Doc. 66-11202; Filed, Oct. 13, 1966; 8:47 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

Had \$10,000 in "K" bond that matured the 1st of August 1966 and reinvested said amount in "H" bonds (10 bonds of \$1,000 face value).

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

E. W. WELCH.

[F.R. Doc. 66-11203; Filed, Oct. 13, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary NORTH CAROLINA AND SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the States of North Carolina and South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Bladen. Sampson.
Lenoir.

SOUTH CAROLINA

Aiken. Lexington.
Chesterfield. Marion.
Clarendon. Marlboro.
Darlington. Newberry.
Dillon. Orangeburg.
Dorchester. Richland.
Hampton. Saluda.
Kershaw. Spartanburg.
Lancaster. Union.
Laurens. Williamsburg.
Lee. York.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11228; Filed, Oct. 13, 1966; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1966 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224, and 225 approved August 31, 1954. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS
Prepared animal feeds.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS
Stocks of wool (as of Jan. 1, 1967).
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth for sale.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.

Apparel.

Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.

Softwood plywood.

Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.

Industrial gases.

Inorganic chemicals.

Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.

Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.

Steel mill products.

Insulated wire and cable.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.

Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.

Tractors.

Farm machines and equipment.

Mining machinery and equipment.

Air-conditioning and refrigeration equipment.

Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.

Motors and generators.

Wiring devices and supplies.

Switchgear, switchboard apparatus, relays, and industrial controls.

Selected electronic and associated products.

Electric housewares and fans.

Electric lighting fixtures.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly, quarterly, and semiannual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will

be identical with that of the monthly, quarterly, and semiannual reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics bottles.
Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Fans, blowers, and unit heaters.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, manhours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc. will be included.

A survey of Research and Development costs will also be conducted. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

Additionally, a survey will be conducted requesting manufacturers to report each plants' volume of products manufactured which were exported. This survey was previously conducted for the year 1963. It is designed to provide important information on the relationship of the economy of States and other geographic areas to foreign trade.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

Dated: October 4, 1966.

A. ROSS ECKLER,
Director.

[F.R. Doc. 66-11183; Filed, Oct. 13, 1966;
8:45 a.m.]

Bureau of International Commerce

[File No. 23(65)-53]

**SCIENTIFIC SUPPLY CO. AND
C. J. RAWLINS**

**Order Denying Export Privileges for
an Indefinite Period**

In the matter of Scientific Supply Co. and C. J. Rawlins, 187 Jalan Pudu, Kuala Lumpur, Malaysia, respondents; File No. 23(65)-53.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents

all export privileges for an indefinite period because said respondents, without good cause being shown, failed to furnish responsive answers to interrogatories and failed to furnish certain records and documents specifically requested. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that the respondent, Scientific Supply Co., is a firm which deals in electronic equipment and has a place of business in Kuala Lumpur, Malaysia; that the respondent, C. J. Rawlins is the manager and principal official of said firm; that the aforesaid Investigations Division is conducting an investigation into the disposition of certain strategic U.S.-origin items of electronic equipment which were ordered by said firm and which were exported from the United States consigned to said firm as ultimate consignee; that said investigation is to ascertain whether said equipment has been reexported in violation of the U.S. Export Regulations. It is impracticable to subpoena said respondents and relevant and material interrogatories which included requests to furnish certain specific documents relating to the respondents' dealings with respect to said commodities were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to said interrogatories or to furnish the documents requested as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a)

As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an ap-

propriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 6, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-11208; Filed, Oct. 13, 1966;
8:47 a.m.]

[File No. 23(66)-17]

TOKYO SEIDENSHA CO., LTD., AND TAKEO SAKAMOTO

Order Denying Export Privileges for an Indefinite Period

In the matter of Tokyo Seidensha Co., Ltd., and Takeo Sakamoto; 564-7 Chome, Ebura-machi, Shinagawa-Ku, and 8-11 Koyama 6-Chome Shinagawa-Ku, and 1395 Hara-machi Meguro-Ku, all of Tokyo, Japan, respondents; File No. 23(66)-17.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because said respondents, without good cause being shown, failed to furnish responsive answers to interrogatories and failed to furnish certain records and documents specifically requested. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the respondent Tokyo Seidensha Co., Ltd., since June 17, 1966 (31 F.R. 8837, 11111).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that the respondent, Tokyo Seidensha Co., Ltd., is a joint stock company with a place of business in Tokyo, Japan; the respondent, Takeo Sakamoto, is the principal official and president of the company; the company is engaged in importing telecommunication and microwave equipment, and also measuring and analyzing instruments and accessories; the aforesaid Investigations Division is conducting an investigation into the disposition by said company of certain U.S.-origin electronic commodities of a strategic nature known to have been received by it; the said investigation is to ascertain whether said commodities have been reexported or traded in violation of the U.S. Export Regulations. It is impracticable to subpoena the company and its

principal official and relevant and material interrogatories, which included requests to furnish certain specific documents relating to the company's dealings in said commodities, were served on respondents pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. This order supersedes the Temporary Denial Order entered against Tokyo Seidensha Co., Ltd., on June 17, 1966 (31 F.R. 8837), and extended on August 15, 1966 (31 F.R. 11111).

II. The respondents, their partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization,

whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 6, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-11209; Filed, Oct. 13, 1966;
8:47 a.m.]

[File No. 23(66)-16]

WOODHAM TRADING, LTD., AND GLOVET TRADERS, LTD.

Order Further Extending Temporary Denial of Export Privileges

In the matter of Woodham Trading, Ltd. and Glovet Traders, Ltd., 13 Upper Berkeley Street, London W.1, England, respondents; File No. 23(66)-16.

An order temporarily denying export privileges for a period of 60 days was issued against the above respondents on June 10, 1966 (31 F.R. 8501) and was extended for 60 days on August 9, 1966 (31 F.R. 10902). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reasonable basis to believe that respondent Woodham Trading, Ltd., purchased substantial quantities of automotive spare parts and equipment from the United States and reexported quantities of said parts and equipment from the United Kingdom to Cuba in violation of the U.S. Export Regulations. There was also reasonable basis to believe that respondent Glovet Traders, Ltd., in connection with an export control document and for the purpose of effecting an exportation from the United States, made false and misleading statements to the Office of Export Control. Further, on the evidence presented there was reasonable basis to believe that the respondents participated together in some phases of business transactions and that by reason of their close connection and affiliation and interlocking directorship the two firms are related to one another in a business sense.

The Director of said Investigations Division has applied under § 381.11 of the Export Regulations for a further extension of the temporary denial order for an additional 60 days. He has represented that since the temporary denial order was issued in this case on June 10, 1966, written interrogatories have been served on respondents and that said interrogatories have not yet been answered. The Director of the Investigations Division further represents that there have been discussions with respondents and their counsel with reference to above-mentioned alleged violations and also with reference to the respondents furnishing answers to the aforesaid interrogatories. In the light of said discussions the Director of the Investigations Division represents that it would be inappropriate to petition for an indefinite denial order for failure to answer interrogatories or to issue a charging letter. He further represents that extension of the temporary denial order is reasonably necessary for enforcement of the export control program.

The matter has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary denial order be further extended for an additional 60 days. He has found that such extension is reasonably necessary for the protection of the public interest and for effective enforcement of the law. I confirm these findings.

The determination made in the order of August 9, 1966, that Commodity Export, Ltd., London, England, is a related party to the respondent Glovet Traders, Ltd., is hereby affirmed. All of the prohibitions and restrictions of this order are applicable to said Commodity Export, Ltd., as though it was named as respondent herein.

Accordingly, it is hereby ordered:

I. The prohibitions and restrictions of the temporary denial order issued in this matter on June 10, 1966 (31 F.R. 8501) and extended on August 9, 1966 (31 F.R. 10902) are hereby continued in full force and effect.

II. The respondents, their successors, assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in

any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the temporary denial order which was entered on June 10, 1966, and extended on August 9, 1966, and shall remain in effect for a period of 60 days from the expiration of said extended temporary denial order, unless it is hereafter amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly, or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, transshipment, reexportation, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents or any related party may move at any time to vacate or modify this extended temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: October 6, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-11210; Filed, Oct. 13, 1966;
8:47 a.m.]

Business and Defense Services Administration

[BDSA Reporting Delegation 2]

ASSISTANT SECRETARY OF DEFENSE FOR INSTALLATIONS AND LOGIS- TICS

Delegation of Authority To Collect Information Relating to Copper

OCTOBER 11, 1966.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10480 (18 F.R. 4939) as amended, DMO 8400.1 (28 F.R. 12164), and Department of Commerce Order 152 (revised) (29 F.R. 5408), there is hereby delegated to the Assistant Secretary of Defense for Installations and Logistics the authority to collect on behalf of the Business and Defense Services Administration by plant visitation or otherwise certain information relating to the production, distribution and use of copper for defense programs. This information is required for national defense and is set out in form BDSAF-757. Data collected pursuant to this delegation will promptly be made available to the Business and Defense Services Administration.

This authority may be redelegated to persons within the Department of Defense.

BUSINESS AND DEFENSE SER-
VICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 66-11207; Filed, Oct. 13, 1966;
8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF WASHINGTON

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Washington for the assumption of certain of

the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Washington and summarizing the State's proposed program, was also submitted to the Commission. With the exception of referenced Charts 1-3 and advisory committee memberships, this resume is set forth below as an appendix to this notice. A copy of the program, including proposed Washington regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 12th day of October 1966.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF WASHINGTON FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Washington is authorized under Revised Code of Washington 70.98.110 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Washington certified on October 3, 1966, that the State of Washington (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ----- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or 1. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in

the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This agreement shall become effective on December 31, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ Day of _____.

For the United States Atomic Energy Commission.

For the State of Washington.

DANIEL J. EVANS,
Governor.

FOREWORD

This document presents the current and proposed programs for managing the use of ionizing radiation in this State in a manner consistent with the paramount need in such use for the protection of the public and occupational health and safety. It includes supporting information on authority, regulation, organization, and resources available.

Washington, an early pioneer in the nuclear age, has worked closely with the Atomic Energy Commission and its contractors in assuring adequate protection through the long period of major nuclear activity in the state. As Washington progresses in the nuclear age, and invites beneficial nuclear development, it is fully aware of the responsibility to assure continuing protection in the use of both new and existing sources of ionizing radiation.

The Governor, on behalf of the State of Washington, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the State. This authority is found in the Revised Code of Washington (RCW) 70.98.110 relating to development, regulation, and utilization of sources of ionizing radiation.

The Atomic Energy Commission is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass—this authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

BACKGROUND

PERTINENT EVENTS AND LEGISLATIVE HISTORY

1949—The Columbia River Advisory Group (CRAG) was organized at the request of the Atomic Energy Commission Operations Office in 1949 to advise on matters of reactor waste disposal and water used in the Columbia River. Its members were from Oregon (State Sanitary Authority), Washington (Department of Health and Pollution Control Commission), and the U.S. Public Health Service (Portland Office of the Water Supply and Pollution Control).

1956—An Interim Advisory Committee on Radiation Protection and Control was formed to advise the Department of Health on initiating activity in the control of hazards from ionizing radiation.

A program was formed to undertake activity in air pollution and radiation control in the "then" Division of Engineering and Sanitation.

1957—Chapter 43.39 RCW was passed by the legislature, calling for review by named State departments, including Health, of legislative and regulatory needs, establishing the position of Coordinator of Atomic Development Activities, and creating an Advisory Council on Atomic Energy.

The Air Sanitation and Radiation Control Section was formally created in the Division of Engineering and Sanitation of the Department of Health. Staff recruitment and training were initiated.

1961—Chapter 70.98 RCW was enacted. It repealed Chapter 43.39 RCW and established the Department of Health as the radiation control agency with authority to register sources of ionizing radiation and to regulate their use. It created the Technical Advisory Board on Radiation Control, established the Department of Commerce and Economic Development as the agency for promotion and development of nuclear energy, and created the Advisory Council on Nuclear Energy and Radiation. It authorized the governor to enter into agreements with the Federal Government for transfer of authority. It provided for administrative and legal proceedings, outlawed shoe fluoroscopes, and provided for exemptions.

1964—Rules and Regulations of the State Radiation Control Agency pertaining to the registration of reportable radiation sources were adopted. These required, in addition to registration, the reporting of changes including loss of control by theft, loss, or accident. Exemptions from registration and reporting were provided.

1965—Chapter 70.98 RCW was amended. The Department of Health was named as the sole agency responsible for administering the regulatory provisions for the protection of the public and occupational health and safety, and provided for licensing of byproduct, source, special nuclear materials and devices utilizing such materials, or other naturally-occurring or artificially-produced radioactive materials.

Chapter 43.31 RCW was amended establishing the office of Nuclear Energy Development in the Department of Commerce and Economic Development. It authorized the Department to acquire, develop, operate, lease, sublease, or sell land and facilities for nuclear development purposes and provided for perpetual maintenance and/or surveillance for radioactive material waste-management purposes.

1966—Regulations for licensing, registration, and standards for protection pertaining to the use of ionizing radiation were adopted.

From the time of the establishment of the Advisory Council on Atomic Energy, the Council and its successor, the Advisory Council on Nuclear Energy and Radiation,

have provided continuous leadership in developing and improving legislation which would enable Washington to become an agreement-state and to undertake the development of its nuclear potential. The Departments of Health and of Commerce and Economic Development have worked closely with the Councils in this endeavor.

The Department of Health was an active participant in the Columbia River Advisory Group. Through this mechanism, while no formal State programs had been established, it was able to continuously review appropriate information on Hanford waste disposal practices and to advise the Atomic Energy Commission and its contractors concerning discharges to the Columbia River and significant water uses.

PREVIOUS AND CURRENT ACTIVITIES

The initiation of Departmental programs directed at the problems associated with ionizing radiation resulted in a series of activities the most significant of which are described below.

Tuberculosis chest X-ray program. Beginning in 1957, more emphasis in this long-standing program was placed on radiation protection. The continuous effort to upgrade X-ray picture quality through improved technique resulted in reducing unnecessary exposure—in participating public agency, private physician, and hospital installations. X-ray installation and operations inspections and consultation were performed by an engineer who is now a senior member of the section radiation control staff.

Environmental surveillance. The Department has participated continuously since 1956 in the U.S. Public Health Service Radiation Surveillance Network for air and precipitation sampling and coordinated local health department's participation. All of the technical staff of the section have participated in this program. Arrangements were made for regular collection of milk by local health departments in the milksheds for Seattle since 1960 and Spokane since 1958 for the National Pasteurized Milk Network.

A raw milk network was established in 1962 to provide for early detection in producing areas of elevated levels of radioactivity from fallout. It continues to operate on a flexible schedule to meet the need.

A substantial program of monitoring of surface and ground water, shellfish, and water biota was initiated in 1961. Equipment resources and part of other costs were largely supported through a contract with the U.S. Public Health Service. The total State network program includes (as of July 1, 1966), 61 active stations of which 39 are for surface water, 10 for shellfish, 9 for raw milk, 2 for air precipitation, and 1 for salt water and sediment. Ground water is sampled at random locations. Sample collection is largely dependent upon co-operators from local health and water departments and the State Pollution Control Commission. Exclusive of air and precipitation, a total of 1,167 samples were collected and analyzed during the 24 months ending June 30, 1966. Four annual reports have been prepared covering this work. Since 1958 the environmental surveillance program has been under the supervision of the staff member now serving as assistant section head and technical director and is operated by a Sanitary Engineer II.

X-ray survey. In 1958, a study was conducted in 352 dental offices using film badges for operator personnel and site exposure determinations. After a period of 1 month, the badges were collected, developed and evaluated. Thirty-eight offices with the highest personnel film badge readings were revisited for the purpose of recommending measures to reduce exposure levels. Filters and/or collimators were added as needed and protec-

tive measures for operators were recommended. All others surveyed were notified of the results by letter. This survey was conducted through joint arrangement with the Washington State Dental Association and the U.S. Public Health Service.

In 1962, Sur-Pak kits were sent to all dentists in Washington listed with the Department of Professional Licenses. A total of 1,344 Sur-Paks were returned and evaluated. The dentists were notified of the evaluation of their equipment. Where indicated, the filter and collimator, as required, were mailed to the dentist with instructions for installing them on his particular machine. Those requiring more difficult procedures were revisited by survey teams who made the modifications for the dentist.

In 1962, physical surveys were started on dental X-ray machines using U.S. Public Health Service X-ray protection survey procedures. A written report was left with the dentist and, when indicated, recommendations for compliance with the standards of the American Academy of Oral Roentgenology were included. Filters and collimators, as required, were installed.

In 1963, radiation protection demonstration surveys were started on other diagnostic X-ray installations in the healing arts. In 1966, medical X-ray therapy equipment surveys were started. The demonstration surveys are conducted in the manner of combined inspections and consultations, but without the basis of formal regulations.

Surveys were based on N.C.R.P. recommended physical standards, as published in National Bureau of Standards Handbook No. 76. A written report with recommendations was left with the user after each survey. Where filters were needed, they were furnished and installed by the survey team.

The following table indicates the number of surveys in each category that have been completed and an estimate of the degree of compliance, including corrections made as a result of the survey. Approximately 50 percent of all dental X-ray machines, 90 percent of the diagnostic equipment used by physicians, and 10 percent of the X-ray therapy equipment have been physically surveyed. Of all the remaining categories, about 95 percent have had an initial survey visit.

X-RAY SURVEYS TO JULY 1, 1966

Category	Number of facilities surveyed	Number of X-ray units surveyed	Estimated percent in compliance after survey
Physicians (M.D.)	799	1,064	70
Osteopaths	68	81	70
Chiropractors	147	150	95
Chiroprodists	33	33	95
Veterinary	173	183	85
Hospitals	104	441	100
Industrial	10	33	100
Dentists	837	1,063	95
Naturopaths	9	10	70
Schools	8	12	100
Health Departments	33	36	95
Nursing Homes	11	2	100
State Institutions	12	31	90
Others	15	16	90
Totals	2,260	3,163	

Registration. Registration of all sources of ionizing radiation, with the exception of certain minor exempt sources, in accordance with Department regulations was started late in 1964. The initial registration phase has been completed. A simple return post card registration form was used to enhance a more rapid and complete response. Department of Licenses professional listings, Atomic Energy Commission licensee records, and

professional and industrial society rosters were utilized to develop a mailing list. An informational program, directed through public and organizational channels, called attention to the registration requirement. Based upon registration data to July 1, 1966, the following table summarizes the radiation use picture in the state excluding uses under AEC licenses.

Category of user (Federal agencies not included)	Number of X-ray units	Number of locations with radium	Miscellaneous (other sources)
Human uses:			
Physicians (M.D.)	1,197	31	3
Other licensed Practitioners	396	1	
Industrial medicine	20		
Health programs	88		
Hospitals	667	18	
Dentists	1,652		
Industrial* (Non-medical)	48	8	4
Universities, Colleges and Schools	76	3	36
Veterinary	245		
Totals	4,389	61	43

*Includes University of Washington Hospital.

**Includes commercial, Civil Defense, and miscellaneous.

Radioactive materials. With the exception of radium, essentially all radioactive material of significant quantity is under the jurisdiction of the Atomic Energy Commission. The Department section staff, starting in 1956, has regularly accompanied the AEC on licensee inspections. In the 2½-year period ending July 1, 1966, present staff members participated in 79 percent of all AEC inspections in the State. As of July 1, 1966, there were approximately 190 AEC licenses in effect in the State, including Federal installations.

ORGANIZATION AND RESPONSIBILITY

The State government organization for the purpose of development, utilization, and regulation of sources of ionizing radiation is illustrated in Chart 1.

The Advisory Council on Nuclear Energy and Radiation is appointed by the governor and advises and reports to him. It consists of seven appointed members providing representation from industry, labor, the healing arts, research, and education. In addition, the directors of the Departments of Health, Labor and Industries, Agriculture, and Commerce and Economic Development are ex-officio members. Its present membership is shown in the appendix. The Council's duties include:

1. Review and evaluation of State policies and programs.

2. Advice to the governor on matters pertaining to the development, utilization, and regulation of sources of ionizing radiation.

The Department of Health will regulate the use of all sources of ionizing radiation except those which it may exempt or are under the jurisdiction of the Federal Government. This function rests in the Air Quality and Radiation Control Section.

The Technical Advisory Board on Radiation Control is appointed by the Director of Health with the approval of the governor. It consists of nine appointed members including representatives of the healing arts, research, industrial, and other recognized users of ionizing radiation, or experts in the field of physiological effects of ionizing radiation. The Director of Health is ex-officio chairman. The head of the Air Quality and Radiation Control Section is radiation control officer and ex-officio secretary of the Board without vote. Its present member-

ship is shown in the appendix. The Board's duties are to:

1. Furnish technical advice to the Department.

2. Advise with reference to matters of policy affecting administration of the Act.

3. Approve rules and regulations prior to adoption by the Department. In practice the Board participates in the development of proposed rules and regulations and in the public hearing.

The Department of Commerce and Economic Development is responsible for the promotion and development of nuclear energy through its office of Nuclear Energy Development. Its functions, powers, and duties are to:

1. Advise the governor and the legislature regarding nuclear progress and State policy for research, development, and education.

2. Sponsor, support, or conduct appropriate studies and issue reports on nuclear progress.

3. Develop information on sites for nuclear industry and acquire land and facilities for nuclear development use.

DEPARTMENT AND STAFF ORGANIZATION

The Air Quality and Radiation Control Section is one of three sections in the Division of Environmental Health—the other sections being Sanitary Engineering and Environmental Sanitation. The Division of Environmental Health is one of eight in the Department—the others being Health Services, Health Facilities, Nursing, Epidemiology, Laboratories, Local Health Services, and Staff Services.

Legal services are provided by assistants to the Attorney General assigned to the Office of the Director. Statistical services are provided by the Division of Staff Services.

The current organization and functions of the section are illustrated in the attached charts, 2A and 2B. The Section Head has overall administrative responsibility for Section programs. The Assistant Section Head is responsible routinely for the performance of the Air Quality Control Services and the Air-Rad Laboratory Services, and acts fully in the absence of the Section Head. He also provides technical assistance to the Radiation Control Services in instrumentation, special problems and emergencies.

The Radiation Control Services programs are supervised by the Radiation Control Specialist III who reports directly to the Section Head. He will specifically have responsibility for directing the licensing, inspection, and registration activities.

The Licensing and Compliance Unit will be staffed with a Nuclear Energy Licensing Supervisor and a Radiation Control Specialist II. The licensing supervisor position is vacant as of October 1, 1966, but it is expected to be filled before the effective date of the agreement. The Radiation Control Specialist III will initiate the organizational activity for this function and, if necessary, can carry the operating responsibility until the vacancy is filled. This unit will provide the routine review of applications for licenses, amendments, and renewals. Findings will be reported to the Radiation Control Specialist III who will recommend action to the Section Head as to issuance, modification, or denial. The Section Head will make the final determination with the cognizance of or in consultation with the Division Chief and the Director of Health.

The Licensing and Compliance Unit will also maintain the necessary records by which appropriate reviews can be made to determine compatibility with programs of the AEC and other agreement States. It will review inspection reports in order to maintain knowledge on the status of licensee operations and provide information to the Radia-

tion Control Specialist III in determining required corrective measures.

The Inspection and Registration unit is staffed with a Radiation Control Specialist II and a Radiation Control Specialist I. It will carry out the inspection functions for both licensed and registered radiation sources. Inspectors will handle minor items of noncompliance and review all findings including items of noncompliance with management at the time of inspection as outlined under Regulatory Procedures and Policy. It will prepare written reports of all inspections. This unit will also have responsibility for maintaining the registration records with statistical assistance from Staff Services.

The current staff and experience records are shown under STAFF.

REGULATORY PROCEDURES AND POLICY

LICENSING AND REGISTRATION

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part III of the State Radiation Control Regulations.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date.

The Department, when it determines such to be appropriate, will request the advice of the Technical Advisory Board on Radiation Control, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing application.

A Review Committee on Medical Use of Radiation has been appointed by the Director of Health. All applications for nonroutine medical uses of radiation will be referred to the Review Committee for advice and consultation. Appropriate research protocol will be required as part of an application. The Review Committee is composed of persons having training and experience in nonroutine medical uses of radiation. It will at all times contain an appropriate representation of disciplines including, but not limited to, radiology, internal medicine, and pathology. The Department will maintain knowledge of current developments, techniques, and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the Atomic Energy Commission and other agreement States.

Specific licenses and amendments, or renewals thereto, will be issued for a period of time appropriate to the conditions of use and will be issued over the signature or in the name of the Director of Health.

Typical processing of applications for specific licenses or amendments is shown in Chart 3.

The registration program will be a continuation of the current activity except that it will be applicable only to sources of ionizing radiation other than radioactive material covered by licensing or sources which are exempt by regulation.

INSPECTION

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations, and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and ex-

perience with the particular facility. It is expected that all specific licensees will be inspected at least once each 2-year period. The following frequency is anticipated:

Use of classification	Usual inspection frequency
Industrial radiography:	
Fixed installations...	Once each 12 months.
Mobile operations...	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses—industrial, medical, or academic.	Once each 12–24 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and, instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the licensee management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the section head for approval.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license upon request by the licensee may be amended, consistent with Act or regulations, to meet changing conditions in operations or to rem-

edy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Administrative Procedures Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Department, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the attorney general in the appropriate court upon request of the Department after notice to such person and ample opportunity to comply.

EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under this chapter which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or, on the date of expiration specified in the Federal license, whichever is earlier.

ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

The basic standards of procedure for administrative agencies in the State of Washington are set by the Administrative Procedures Act, Chapter 34.04 RCW. Briefly stated, this act provides for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.

3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.

4. Declaratory judgment on the validity of any rule upon petition to the Superior Court of Thurston County, or declaratory ruling by the Department upon petition of any interested person with respect to the applicability of any rule or statute enforceable by the Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.

6. Judicial review in the appropriate superior court by any person aggrieved by a final decision of the Department, and appeal to the state supreme court for review of and final judgment of the superior court.

COMPATIBILITY AND RECIPROCITY

In promulgating rules and regulations, the Department has, insofar as practicable, avoided requiring dual licensing and has provided for such recognition of other state and federal licenses.

RADIOLOGICAL EMERGENCY CAPABILITY

Currently, the Department is equipped with suitable instrumentation for monitoring in the event of an incident, or presumed incident, involving spread of contamination, undue exposure, or loss of a radiation source. Such situations have occurred and the staff has provided assistance. By mutual agreement with the Seattle-King County Health Department and Seattle Police Department, the Department staff is on call to provide assistance in that jurisdiction. Qualified persons from the University of Washington and a major industry are likewise on call. Contact communications for that area are established. This basic type of plan with refinements is anticipated throughout the State under Department coordination. In the meantime, the staff will respond in the event of any incident in the State requiring radiological assistance.

Liaison is maintained with the Richland Operations office of the AEC and reciprocal assistance is available. Emergency instrumentation from Richland Operations is maintained in the Department office for its use and is regularly taken to Richland Operations for maintenance.

Emergency communications and transportation are available through State and local authorities including police and Civil Defense. By mutual understanding with the Department of Civil Defense, reciprocal assistance and information is available. The Department is prepared to provide or assist in public information.

The Department has authority, in emergency situations, to issue necessary orders and to impound or order the impounding of radiation sources.

STAFF

EMIL C. JENSEN

CHIEF, DIVISION OF ENVIRONMENTAL HEALTH

Education and Training:

B.S. Civil Engineering, University of Washington, 1936.

M.S. Engineering, Harvard, 1938.

U.S.P.H.S. Basic Radiologic Health, 1953.

Experience and Related Activities:

Washington State Department of Health: District Engineer, 1941-44.

Head, Sanitary Engineering Section, 1945.

Chief, Division of Environmental Health, 1946 to date.

Washington State representative on the Columbia River Advisory Group since its inception in 1949. This group was formed to advise the Hanford Operations Office on matters relating to the disposition of radioactivity from the production plants at Hanford.

Participated with AEC in inspections of authorized uses of radioactive materials in early and mid-1950's.

Other:

President, Water Pollution Control Federation, 1957.

Chairman, Conference of State Sanitary Engineers, 1962.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

ROBERT L. STOCKMAN

HEAD, AIR QUALITY AND RADIATION CONTROL SECTION; SECRETARY, TECHNICAL ADVISORY BOARD ON RADIATION CONTROL; EXECUTIVE SECRETARY, STATE AIR POLLUTION CONTROL BOARD

Education and Training:

B.S. Civil Engineering, Sanitary option, Oregon State University, 1941.

U.S.P.H.S. Training Courses:

Radiological Health Training for Water Works Operators, 1952, Reed College.

Occupational Radiation Protection, 1956, University of Washington.

Basic Radiological Health, 1957, Taft Center.

Radiation Surveillance, 1959, Nevada Test Site.

Radionuclide Protection, 1959, Taft Center.

X-Ray Protection, 1959, Taft Center.

Numerous air pollution courses.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation, 1964-65 (in two parts), Bethesda.

Experience and Related Activity:

Washington State Department of Health:

Public Health Engineer, 1941-42 (10 months).

District Engineer, 1946-48, 1950-56.

Head, air pollution and radiation control program development, including direction of statewide air pollution study, 1956-58.

Head, Air Quality and Radiation Control Section, 1958 to date.

Final responsibility for developing, organizing, and administering the section air pollution and radiation control programs—including technical and regulatory programs, budget, and personnel.

Represent the Department in liaison with the legislature, Office of Nuclear Energy Development, federal, state and local agencies, and professional, trade and business organizations.

Serve for the Director, in his absence, on the Advisory Council on Nuclear Energy and Radiation.

Serve for the Division Chief, in his absence, on the Columbia River Advisory Group and serve on its technical committee.

Member Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensee users of radioactive materials starting in 1957.

Other:

Commissioned Officer, U.S. Navy (R) Civil Engineer Corps—

Company Commander Seabee Battalion and Seabee Operations.

Officer Cinc Pac; to Lt.s.g., 1913-45.

Employed by Consulting Engineer in municipal utilities, 1949.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

Currently, President-elect, Air Pollution Control Association.

PETER W. HILDEBRANDT

ASSISTANT HEAD AND TECHNICAL DIRECTOR, AIR QUALITY AND RADIATION CONTROL SECTION

Education and Training:

B.S. Civil Engineering, University of Washington, 1954.

M.S. Civil Engineering, University of Washington, 1964, with major work in air pollution and radiation.

Graduate program included Radiation Biology, 3 quarters, and Control of Radioactive Waste, 1 quarter.

U.S.P.H.S. Training Courses:

Basic Radiological Health, 1957, Portland, Ore.

Sanitary Engineering Aspect of Nuclear Energy, 1958, University of California.

Individual Training in Use and Calibration of Radiation Counting Equipment for Surveillance Systems 1961, S.W. Radiological Health Lab.

Numerous air pollution courses.

Experience and Related Activity:

Washington State Department of Health: Public Health Engineer and Sr. Public Health Engineer, 1957-62.

Supervising Sanitary Engineer serving as Assistant Head and Technical Director, Air Quality and Radiation Control Section, 1962 to date.

Conducted a major part of the 1959 occupational exposure study in dental X-ray.

Responsible for the performance of technical programs in air pollution and environmental radiation surveillance.

Designed and supervises the radiation surveillance systems, including counting facilities.

Assists the Section Head in overall planning, administration, and liaison functions. Acts fully as Section Head in his absence and represents him as requested.

Member, Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensed users of radioactive material, 1957-60.

Other:

Consultant to U.S. Public Health Service, Southwest Radiological Health Laboratory, in development and performance of altitude and ground-level environmental radiation sampling techniques (4 months total), 1962-65.

U.S. Air Force Reserves, 1954-62.

Active Duty, Pilot and Flight Line Maintenance Officer, Armament and Electronics Training; to Captain, 1954-57.

U.S. Public Health Service Reserve, 1962 to date.

Licensed Professional Engineer, Washington.

ARNOLD J. MOEN

RADIATION CONTROL SPECIALIST III, SUPERVISOR, RADIATION CONTROL SERVICES

Education and Training:

B.S. Electrical Engineering, University of Idaho, 1935.

One Full Academic year, Radiological Health Major in Graduate School of Public Health, University of Michigan, 1961-62.

U.S.P.H.S. Training Courses:

Occupational Radiation Protection, University of Washington, 1956.

Radiation Protection Aspects of Tuberculosis Case Finding, Taft Center, 1958.

ARNOLD J. MOEN—continued.

Education and Training—continued.

Environmental Radiation Sampling and Analysis, Reed College, 1959.

Management of Radiation Accidents, Las Vegas, 1965.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation Bethesda, 1964.

Civil Defense Courses:

Medical Aspects of the Atomic Bomb, 1950.

Elements of Civil Defense and Defense Mobilization, 1959.

Radiological Monitoring for Instructors, 1960.

Radiological Defense Officers, 1960.

Medical Self-Help, 1965.

Experience and Related Activity:

Washington State Department of Health: X-Ray Engineer, Tuberculosis Control Section, 1946-60.

Radiation protection surveys and consultation on technique for all installations participating in chest X-ray program.

Consultation and plan review service for radiation protection in hospital and clinic design.

Radiation Safety Officer for Department—Civil Defense responsibility.

Radiation Control Specialist III, Air Quality and Radiation Control Section, 1960 to date. Performance and supervision of radiation protection survey programs in healing arts and industry, dental X-ray Sur-Pak Program, radiation source registration program, and emergency service. Assists Section Head in program planning, development of regulations and represents him as requested in liaison and administrative functions.

Provides instruction for local health personnel in Civil Defense radiological monitoring. Organizes and instructs in summer training program for graduate students in radiological health at the University of Washington. Reviews all plans for radiological facilities in hospital design under Department hospital licensing and Hill-Harris programs. Responsible for inspection of radiological facilities under Medicare certification program.

Currently, primarily Section participant with AEC in inspection of licensed users of radioactive materials.

Other:

Washington Water Power Consulting and Research Division, 1943-44.

Milwaukee Road high voltage transmission engineering, 1944-45.

ARRT Firland Sanatorium, Seattle, following hospitalization, 1946.

Past president local and State societies Northwest Conference of Radiological Technologists. Currently Vice-President NWCRT.

CLIFFORD G. LEWIS

RADIATION CONTROL SPECIALIST II, LICENSING AND COMPLIANCE UNIT

Education and Training:

B.S. Technology, The University of Manchester (England) 1931, 5-year curriculum including Mathematics and Physics equivalent for engineering degree and chemistry for American General Science degree.

Experience and Related Activities:

Christie Hospital and Holt Radium Institute, Manchester, England, 1933-48; Radium curator responsible for custody, care and manipulation of radium stocks, operation of radon plant, supervision of appropriate technical terms, and

maintenance of all records relevant to these operations in Britain's largest radiation therapy center.

M.D. Anderson Hospital and Tumor Institute, Houston, Texas, 1948-53:

Radium curator and X-ray technician. Responsible for radium, procurement of isotopes, assisted in dosimetric problems, operated X-ray equipment and conducted superficial X-ray therapy.

Tumor Institute of the Swedish Hospital, Seattle, 1953-66:

Assistant and acting health physicist. Responsible for radium, isotope manipulations, calibration of X-ray machines, maintenance of records, dosimetry, safety surveys and direction of technicians.

As acting health physicist served as Radiation Safety Officer for the Radioisotope Committee of the Swedish Hospital complex operating under AEC license.

Washington State Department of Health starting September 1966: AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1966.

GROVER E. NELSON

RADIATION CONTROL SPECIALIST II, INSPECTION AND REGISTRATION UNIT

Education and Training:

B.A. Economics and Business, University of Washington, 1941.

B.S. Chemistry, Seattle University, 1952.

Creighton School of Medicine, 1953-58.

Basic Radiological Health Taft Center, 1961.

Experience and Related Activity:

Washington State Department of Health, 1964 to date:

Conduct of radiation protection surveys in X-ray installations, including industrial, dental, medical and other healing arts. Participates in the radiation source registration program and summer instruction and field training for University of Washington graduate program in radiological health.

Assists in inspection of radiological facilities for Medicare certification program.

Participates with AEC in inspection of licensed users of radioactive materials.

Other:

The Boeing Co., Seattle, Wash.: Quality Control Chemist (1 year), 1952-53.

Industrial Hygiene Chemist (2 years), 1958-60.

Industrial Hygiene Radiation Control (2 years), 1962-63.

Semiannual certification of multi-curie cobalt and iridium facilities and X-ray installation for shielding, warning and interlock systems, system controls, posting and film badge program. Regular survey and monitoring of laboratories, source fabrication facilities, field radiography, waste packaging and disposal, semiannual leak test of sealed sources. Survey instrument calibration. Inventory and monitor isotope receipt.

CHARLES E. MCJILTON

RADIATION CONTROL SPECIALIST I, INSPECTION AND REGISTRATION UNIT

Education and Training:

Wisconsin State College, 1948-50, 103 credit hours biology, chemistry.

St. John's University, Minnesota, 1950-51, 40 credit hours chemistry, philosophy.

B.A. Philosophy, Carroll College, Montana, 1956-58.

B.S. Physical Science and Mathematics, University of Minnesota, 1962.

M.S. Environmental Health with Radiological Health major, University of Minnesota, 1965.

AEC Summer Fellowship in applied radiation protection. National Reactor Testing Station, Idaho Falls, 1965.

Experience and Related Activities:

Secondary Science Teacher, Dixon High School, Montana, 1962-64.

Field representative, University of Idaho Extension Service, teaching radiological monitoring and radiological defense, 1 year, 1965-66.

Washington State Department of Health: Radiation Control Specialist I, starting October 1966.

[F.R. Doc. 66-11254; Filed, Oct. 13, 1966; 8:49 a.m.]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO., ET AL.

Notice of Proposed Issuance of Provisional Operating License

Please take notice that the Atomic Energy Commission (the Commission) is considering the issuance of Provisional Operating License No. DPR-13, set forth below, which would authorize Southern California Edison Co. (Edison), and San Diego Gas & Electric Co. (San Diego), with Edison acting for itself and as agent for San Diego, to possess, use and operate the San Onofre Nuclear Generating Station Unit No. 1 pressurized water reactor located on the site of Edison and San Diego near the northern boundary of Camp Pendleton in San Diego County, Calif. The license would also authorize these two companies and Bechtel Corp. (Bechtel) and Westinghouse Electric Corp. (Westinghouse) to possess title to the facility as their interests appear. Technical Specifications would be incorporated in the provisional operating license for operation of the reactor at power levels not to exceed 1347 thermal megawatts.

Upon issuance of the provisional operating license, Edison will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140. In addition, prior to issuance of the provisional operating license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPPR-13 issued March 2, 1964.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the application for provisional operating license (Amendment Nos. 8, 9, 10, 11, 12, and 13 to license application) dated November 12, 1965, February 10, 1966, March 23, 1966, May 20, 1966, June 21, 1966, and August 12, 1966, respectively, (2) the Report of the Advisory Committee on Reactor Safeguards dated October 8, 1966, (3) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, (4) the Technical Specifications which are incorporated in the proposed license and designated as Appendix A thereto, and (5) the Special Nuclear Material Transfer Schedule designated as Appendix B to the license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,

Division of Reactor Licensing.

[License No. DPR-13]

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission having found that:

a. The application for provisional operating license (Amendment Nos. 8, 9, 10, 11, 12, and 13 to the license application, dated November 12, 1965, February 10, 1966, March 23, 1966, May 20, 1966, June 21, 1966, and August 12, 1966, respectively) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The facility has been constructed in accordance with the provisions of Construction Permit No. CRR-13;

c. There are involved features, characteristics, and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (i) that the facility can be operated at power levels not in excess of 1347 megawatts thermal in accordance with this license without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicants are technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. Southern California Edison Co. has furnished proof of financial protection to satisfy the requirements of 10 CFR, Part 140;

g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. DPR-13 is hereby issued to Southern California Edison

Co. (Edison), San Diego Gas & Electric Co. (San Diego), Bechtel Corp. (Bechtel), and Westinghouse Electric Corp. (Westinghouse) as follows:

1. This license applies to the San Onofre Nuclear Generating Station Unit No. 1 (hereinafter, the "facility"), a pressurized light water reactor and associated steam generators and electric generating equipment. The facility is located on the site of Edison and San Diego near the northern boundary of Camp Pendleton in San Diego County, Calif., and is described in license application Amendment No. 8, "Final Engineering Report and Safety Analysis," Volumes I, II, and III, and in Supplements 1, 2, and 3 thereto (Amendment Nos. 10, 11, and 13 to the license application). Said "Final Engineering Report and Safety Analysis" in Amendment No. 8, as supplemented and amended, is hereinafter referred to as the hazards summary report.

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (the Commission) hereby licenses:

A. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (hereinafter, the "Act"), Edison, San Diego, Bechtel and Westinghouse to acquire and possess title to the facility as a utilization facility, and Edison and San Diego to acquire and possess sole title to the facility at such time as the legal title of Bechtel and Westinghouse shall pass to Edison and San Diego.

B. Edison and San Diego, with Edison acting for itself and as agent for San Diego:

(1) To possess, use and operate the facility as a utilization facility, pursuant to section 104b of the Atomic Energy Act of 1954, as amended.

(2) To receive, possess and use at any one time 3,300 kilograms of contained uranium 235 as fuel for operation of the facility, pursuant to the Act and Title 10, CFR, Chapter, 1, Part 70, "Special Nuclear Material."

(3) To receive, possess and use one thousand (1,000) curies of polonium encapsulated as Po-Be neutron start-up sources, pursuant to the Act and Title 10, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material."

(4) To possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the reactor, pursuant to the Act and Parts 30 and 70.

3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations (Title 10, CFR, Chapter 1): Part 20, §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70, § 40.41 of Part 40 and § 30.34 of Part 30; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* Edison is authorized to operate the reactor at steady state power levels up to a maximum of 1,347 megawatts thermal.

B. *Technical specifications.* The Technical Specifications for operation at power levels not in excess of 1,347 megawatts thermal contained in Appendix A attached hereto¹ are hereby incorporated in this license. Edison shall operate the facility in accordance with the Technical Specifications and may make changes therein only when authorized by the Commission in accordance with the provisions of § 50.59 of the Commission's regulations, Title 10, CFR,

Chapter 1, Part 50, "Licensing of Production and Utilization Facilities."

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Edison shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented the facility from performing its safety functions as described in the Technical Specifications. For each such occurrence, Edison shall promptly notify by telephone or telegraph the Commission's Division of Compliance and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Division of Compliance.

(2) Edison shall report to the Commission in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications of the facility contained in the hazards summary report or the Technical Specifications.

(3) Edison shall report to the Commission in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis, as described in the hazards summary report.

(4) As soon as possible after the completion of 6 months of operation of the facility (calculated from the date of initial criticality), and at the end of each 6-month period thereafter, Edison shall submit a report in writing to the Commission covering the following matters:

- Hours of use of the facility.
- The electric output of the plant.
- Shutdowns of the facility, with a brief explanation of the cause and duration of each shutdown.
- Levels of radioactivity measured at the site and at off-site monitoring stations.
- Levels of radioactivity in principal systems.
- Routine releases, discharges and shipments of radioactive materials.
- Principal maintenance performed and principal changes made in the facility with the reasons therefor.
- A description of significant tests performed during the 6-month period and the results of any test analyses completed during the period.

4. Pursuant to § 50.60, Title 10, CFR, Chapter 1, Part 50, the Commission has allocated to Edison for use in the operation of the reactor 19,219 kilograms of uranium 235 contained in uranium in the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Edison and returns to the Commission are contained in Appendix B which is attached hereto.¹ Transfers by the Commission to Edison in accordance with column 2 in Appendix B will be conditioned upon Edison's return to the Commission of material substantially in accordance with column 3 (including the subcolumns headed "Recoverable Scrap" and "Spent Hot Fuel") of Appendix B.

5. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

Date of issuance: -----

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11288; Filed, Oct. 13, 1966; 10:15 a.m.]

¹ This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket Nos. 15796, 17427; Order E-24279]

NATIONAL AIRLINES, INC., ET AL.

Order Denying Petition Requesting Revocation of Overflight Authority and Temporarily Extending Pan American-Panagra Overflight Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of October 1966.

Application of National Airlines, Inc., Pan American World Airways, Inc., and Pan American-Grace Airways, Inc.; Docket 15796, Agreements CAB 727, CAB 9205; for approval of agreements pursuant to section 412 and exemptions pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended.

Application of Pan American-Grace Airways, Inc., and Pan American-World Airways, Inc.; Docket 17427; for approval of temporary agreements, for temporary exemption from section 401 of the Federal Aviation Act and for other relief as necessary.

By Order E-23267, February 17, 1966, and Order E-23732, May 24, 1966, the Board authorized Pan American World Airways, Inc. (Pan American), Pan American-Grace Airways, Inc. (Panagra) and National Airlines, Inc. (National), to conduct nonstop operations between New York and Lima, and New York and Balboa.¹

The intercarrier agreements approved by the Board governing such nonstop operations provide, *inter alia*, that only Panagra crews will operate the flights. In view of this and because the three carriers advised the Board that they had "agreed to resolve labor issues under existing collective bargaining and are confident that, as in the past, they can be resolved satisfactorily without delaying the implementation of the proposed services,"² the Board dismissed ALPA's petition which sought imposition of labor protective provisions. However, it did so without prejudice and with permission to "file a subsequent (petition) for relief if labor adjustments cannot be effected to the satisfaction of ALPA."³

On June 21, 1966, Pan American and Panagra represented to the Board that the nonstop operations could not be conducted because of the failure of National and its pilots to agree in respect to compensation; and that as a result flights held out to the public as nonstop flights were being forced to stop at Miami to

change crews.⁴ In these circumstances, Pan American and Panagra requested that the Board grant an emergency exemption and approve agreements to permit them to operate, without reference to National, two weekly round trips between New York and Lima, and one weekly round trip between New York and Balboa for 90 days or until National would be able to participate in the nonstop operations, i.e., until National had reached an accord with its pilots. Neither National nor ALPA interposed any objection to this request, but National suggested that the labor problem could be resolved if the intercarrier agreement were modified so as to permit National pilots to undertake some flying operations and not merely accept payment in lieu of flying, as provided in the intercarrier agreement. The Board granted the temporary authority requested by Panagra and Pan American on an emergency basis in Order E-23941, July 12, 1966. This authority expires on October 10, 1966.

On September 16, 1966, ALPA petitioned the Board to revoke the temporary nonstop authority granted to Pan American and Panagra, and the unimplemented nonstop authority granted to National, Pan American, and Panagra involving Lima and Balboa.

On September 26, 1966, Pan American and Panagra applied for a 60-day extension of the temporary authority. By letter filed with the Docket Section on September 28, 1966, ALPA requested that its petition seeking revocation be considered also as an answer in opposition to the extension application.

Pan American and Panagra jointly and National individually filed answers in opposition to ALPA's petition, and on October 3, 1966, National filed an answer to the Pan American-Panagra extension request which attaches an agreement executed by the three carriers providing that in principle the pilots of each may share in undertaking flying operations and which suggests that this agreement may solve the impasse.

ALPA alleges that it has bargained in good faith with National concerning the dispute. On the other hand, ALPA states that National has failed "to resolve relevant labor issues with its pilots in fairness and good faith," and that all such efforts including mediation by the National Mediation Board have failed. ALPA also contends that by permitting Pan American and Panagra to operate the nonstop services, the Board has removed any incentive on the part of National to reach accord with its pilots, or for Pan American and Panagra to encourage National to reach a satisfactory solution, and that, conversely, by revok-

ing the authority the three carriers will have an incentive to resolve all labor problems. Unless the dispute in respect to the nonstop operations is settled, ALPA asserts, "these unresolved labor issues may momentarily blossom into full-scale controversy * * *".

In answer, the three carriers each point out that since National does not participate in the nonstop operations conducted by Pan American and Panagra it derives no revenues therefrom and that consequently ALPA's contention that National lacks incentive to negotiate is without merit. Pan American and Panagra also allege that the nonstop operations are a valuable public service, and are required to maintain competitive balance in respect to other nonstop operations conducted under similar authority by Braniff and Eastern Air Lines, Inc.

In consideration of the matters presented, the Board finds that the Pan American-Panagra nonstop authority should be extended for 60 days or until National is able to participate, whichever shall first occur. The Board further finds that ALPA's petition should be denied without prejudice.

The Board has previously found after extensive analyses of the deficiencies inherent in the U.S.-flag certificated pattern which prevent single-carrier nonstop service, the requirements of the traveling public, the present and potential inroads of foreign flag carriers, and the problem of competitive balance between U.S.-flag carriers, that nonstop operations between New York and Lima, and New York and Balboa are required by the public interest. These analyses and findings concerning the desirability of and need for such service are set forth in Orders E-22211, May 24, 1965, and E-23267, February 17, 1966, and were expressly adopted in Order E-23941, July 12, 1966, in which the Board authorized Pan American and Panagra to undertake the operations without reference to National or National's route. The service thus authorized has been operating for 3 months and has been extensively advertised and promoted.

There is nothing to indicate that the public interest factors favoring the service are no longer present, or that the Board's previous findings in this regard are no longer viable. Accordingly, we incorporate those findings by reference herein.

Therefore, it appears clear that the public interest lies in extending the exemption authority unless the matters raised in ALPA's petition compel a different result. In our view, however, this is not the case. It appears from the pleadings that the dispute between ALPA and National centers around the amount of compensation to be paid National's pilots as a result of their not flying the nonstop service in question. According to National, it is willing to compensate its pilots for the hours actually flown by Panagra pilots between Miami and New York. However, it is unwilling to pay

¹ The authority granted in these orders expires 180 days after final decision in the Panagra Acquisition Case, Docket 18764, in which Braniff Airways, Inc. (Braniff) seeks approval to acquire and merge with Panagra. This case has been submitted to the Board for decision.

² Joint Pan American-National-Panagra answer to ALPA petition for leave to intervene, Apr. 9, 1965.

³ Order E-22211, May 24, 1965.

⁴ Such flights were therefore being operated pursuant to the longstanding interchange services offered by the three carriers conducted under authority approved by the Board. Under the interchange agreements, National pilots operate the aircraft between New York and Miami.

"duty rig," which it defines as inconvenience pay compensating a pilot for hours away from his home base other than flight hours.

In our judgment this is a dispute which properly should be left to the parties for resolution through collective bargaining pursuant to the Railway Labor Act, and one in which the Board should not intervene. Although ALPA alleges that National has not bargained in good faith, there are no factual allegations to support this charge, nor is there any showing that National may have otherwise violated the Railway Labor Act. Similarly, there is no showing that National's pilots will be subjected to major hazards such as dismissal, displacement, loss of seniority, or the like. Rather, the issues center upon the dollar amounts to be paid to National pilots for flights they do not actually conduct.⁵ The inability of National and its pilots to resolve this kind of dispute would not warrant a refusal to continue the authorizations which are otherwise in the public interest.

The Board, of course, has an interest in seeing the dispute settled by the parties, and hopes and expects that it will be resolved shortly. Our denial of the ALPA petition relates to the present circumstances as set forth in the pleadings before us and does not, of course, preclude any later petition by ALPA predicated upon a significant change in circumstances.

We conclude that the exemption authority in Order E-23941, July 12, 1966, should be continued as provided herein after because the enforcement of Title IV and the provisions of the certificates of Pan American and Panagra would be an undue burden on Panagra and Pan American by reason of unusual circumstances affecting their operations and would not be in the public interest.

Accordingly, it is ordered, That:

1. The termination date of the authority set forth in Order E-23941 be, and hereby is, extended for 60 days or until National is able to participate in the nonstop operations, whichever shall first occur;

2. The ALPA petition be, and hereby is, denied without prejudice; and

3. This order may be amended or revoked by the Board at any time at the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-11225; Filed, Oct. 13, 1966;
8:49 a.m.]

⁵ The loss of flying time to National pilots resulting from the Pan American-Panagra nonstop operations is equivalent to six 1-way New York-Miami flights per week.

SECURITIES AND EXCHANGE COMMISSION

[811-731]

CANADIAN INTERNATIONAL GROWTH FUND, LTD.

Notice of Application for Order De- claring Company Has Ceased To Be an Investment Company

OCTOBER 10, 1966.

Notice is hereby given that Canadian International Growth Fund, Ltd. ("applicant"), 85 Broad Street, New York, N.Y., a Canadian corporation and a management open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations stated therein.

Applicant's corporate existence has been terminated as a result of effecting a change of its domicile through its reorganization as International Growth Fund, Inc. ("International"), a new Maryland corporation. On May 15, 1964, pursuant to approval of its stockholders, applicant transferred all of its assets (less a reserve for liabilities) to International, a management open-end investment company, in exchange for a number of shares (526,012 shares) of International equal to the number of shares of applicant outstanding at the time of the transfer. Each share of applicant's stock outstanding at the time of the transfer was canceled and the certificates therefor were deemed to be shares of International without physically exchanging certificates.

Following the transfer of its assets to International, applicant discharged its remaining liabilities, transferred its remaining assets to International and surrendered its corporate charter. Such surrender has been accepted and the corporate existence of applicant has ceased.

Some dividend checks which have been sent to applicant's stockholders have not been cashed. As of August 2, 1966, First National City Bank of New York, formerly a dividend disbursing agent of applicant, held \$2,877.16 for distribution as dividends to the persons entitled thereto, and at June 30, 1966, Channing Service Corp. held \$4,484.33 for distribution as dividends to the persons entitled thereto. The application states that efforts to locate the persons entitled to these amounts are being and will continue to be made by Chanstat Services, Inc., International's dividend disbursing agent; that Channing Service Corp. will turn over the funds held by it to Chanstat Services, Inc., which will hold them in a separate account at the Michigan Na-

tional Bank, Battle Creek, Mich.; and that the latter will hold such sums for the persons entitled to them until it is required to turn them over to the State under the escheat laws.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 21, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11220; Filed, Oct. 13, 1966;
8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 592]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1966, because of the effects of certain disasters, damage resulted to residences and business property located in the County of Cuyahoga in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that

the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about September 29, 1966.

OFFICE

Small Business Administration Regional Office, 1370 Ontario Street, Cleveland, Ohio 44113.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1967.

BERNARD L. BOUTIN,
Administrator.

OCTOBER 3, 1966.

[F.R. Doc. 66-11206; Filed, Oct. 13, 1966; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

GULF/UNITED KINGDOM CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John T. Crook, Chairman, Gulf Associated Freight Conferences, Suite 927 Whitney Building, New Orleans, La. 70130.

Agreement 161-23, between the member lines of the Gulf/United Kingdom Conference, amends the second sentence of Clause 9 of the basic agreement (161, as amended) by substituting the following provision in lieu thereof: "All col-

lect freight is to be converted at the sight or demand rate of exchange on London 5 days after vessel sails from final U.S. Gulf of Mexico loading port."

Dated: October 11, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11229; Filed, Oct. 13, 1966; 8:49 a.m.]

NIPPON YUSEN KAISHA AND YAMASHITA-SHINNIHON STEAMSHIP CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street N.W., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. O. Flood, Vice President, Transmarine Navigation Corp., 311 California Street, San Francisco, Calif. 94104.

Agreement 9582, between Nippon Yusen Kaisha and Yamashita-Shinnihon Steamship Co., Ltd., proposes to establish a through billing arrangement for the movement of general cargo from ports in East Africa to ports on the U.S. Pacific Coast with transshipment at Yokohama and/or Kobe, Japan, in accordance with the terms and conditions set forth in the agreement.

Dated: October 11, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11230; Filed, Oct. 13, 1966; 8:49 a.m.]

SEA-LAND SERVICE, INC., AND PORTNICA SHIPPING CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Scot Provan, Commerce Attorney, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9507-2, between Sea-Land Service, Inc. and Portnica Shipping Co., Inc., proposes to modify the transshipment arrangement between the carriers by adding New Zealand as a point of origin in the movement of controlled temperature cargo and by specifying Sea-Land's portion of the through rate on Frozen Shrimp and on commodities other than Frozen Meat and Frozen Shrimp when transshipped at Balboa, Canal Zone, and its portion of the through rate on Beef Offal, Frozen, Edible, when transshipped at Puerto Rico.

Dated: October 11, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11231; Filed, Oct. 13, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(e), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9545, 28 F.R. 4117, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 14977, 30 F.R. 8982, 30 F.R.

12309, and 31 F.R. 4824) during the 6 months' period ended September 14, 1966.

No change.

Dated: October 7, 1966.

JOHN V. LAWRENCE.

[F.R. Doc. 66-11221; Filed, Oct. 13, 1966; 8:48 a.m.]

[Notice 1425]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 10, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69060. By order of September 30, 1966, the Transfer Board approved the transfer to Central States Express, Inc., 2323 Delaware Avenue, Des Moines, Iowa 50317, of the operating rights of R. D. Simpson, doing business as Central States Express, 2323 Delaware Avenue, Des Moines, Iowa 50317, in certificate No. MC-119627, issued April 28, 1960, authorizing the transportation of agricultural implements and parts, over irregular routes, from Des Moines, Iowa, and points within 6 miles thereof, to points in Indiana, Illinois, Ohio, and Michigan.

No. MC-FC-69067. By order of September 30, 1966, the Transfer Board approved the transfer to H. A. Pierce and R. E. Schuster, a partnership, doing business as Pierce-Schuster Truck Lines, Freeborn, Minn., of the certificate in Nos. MC-114362, MC-114362 (Sub-No. 4), and MC-114362 (Sub-No. 8), issued April 6, 1956, June 19, 1957, and March 17, 1966, respectively, to H. A. Pierce, doing business as Pierce Truck Lines, Freeborn, Minn., authorizing the transportation of: Manufactured fertilizer, dry fertilizer, agricultural lime, and dry fertilizer materials, from Albert Lea, Minn., and Mason City, Iowa, as specified, to points as designated in Iowa, Minnesota, and Wisconsin. Jack F. C. Gillard, 216 East Main Street, Albert Lea, Minn. 56007, attorney for applicants.

No. MC-FC-69076. By order of September 30, 1966, the Transfer Board approved the transfer to Ernest L. Seccomb and Ernest M. Kingsbury, doing business as Kitto's Transfer & Storage, 700 East Front Street, Butte, Mont., of the operating rights in certificate No. MC-70176, issued August 9, 1962, to T. James Kitto and Mary M. Kitto, doing business as

Kitto's Transfer & Storage, 700 East Front Street, Butte, Mont., authorizing the transportation of: General commodities, unrestricted and also subject to the usual exceptions, heavy machinery, and equipment used in control of forest fires, between points in Montana.

No. MC-FC-69077. By order of September 30, 1966, the Transfer Board approved the transfer to Gleicher Trucking Corp., New York, N.Y., of the operating rights in certificate No. MC-100030 issued September 13, 1961, to Milton Gleicher and Rubin Gleicher, doing business as H. Gleicher & Sons, New York, N.Y., authorizing the transportation of: New furniture, between New York, N.Y., on the one hand, and, on the other, points in New York and New Jersey within a specified mileage radius of New York, N.Y. Bernard R. Fields, 401 Broadway, New York, N.Y., attorney for applicants.

No. MC-FC-69079. By order of September 30, 1966, the Transfer Board approved the transfer to Terry P. Kiefer, Tionesta, Pa., of certificates in Nos. MC-125279, and MC-125279 (Sub-No. 1), issued December 9, 1963, and July 1, 1964, respectively, to A. C. Benninger, Newmansville, Pa., authorizing the transportation of: Coal, from points in Clarion County, Pa., to Buffalo, Niagara Falls, Medina, Westfield, and Jamestown, N.Y. H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa. 16214, attorney for applicants.

No. MC-FC-69082. By order of September 30, 1966, the Transfer Board approved the transfer to Dillard A. Toliver, doing business as Farmer Bus Line, Post Office Box 903, Wichita Falls, Tex. 76307, of certificate No. MC-99118 (Sub-No. 2), issued May 8, 1964, to Dillard A. Toliver and W. W. Farmer, a partnership, doing business as Farmer Bus Line, Post Office Box 903, Wichita Falls, Tex. 76307, authorizing the transportation of: Passengers and their baggage, express and newspapers, in the same vehicle, between Wichita Falls, Tex., and San Antonio, Tex., serving all intermediate points.

No. MC-FC-69088. By order of September 30, 1966, the Transfer Board approved the transfer to Victoria Transfer & Storage Co. a corporation, 1211 North Laurent, Post Office Box 1807, Victoria, Tex. 77901, of the operating rights in certificate No. MC-109444, issued September 17, 1948, to A. W. Armstrong, doing business as Victoria Transfer & Storage Co., 1211 North Laurent, Post Office Box 1807, Victoria, Tex. 77901, authorizing the transportation of: Household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between points and places in Victoria, Lavaca, Jackson, Calhoun, Refugio, Goliad, De Witt, Jim Wells, Live Oak, Bee, and Aransas Counties, Tex., on the one hand, and, on the other, points and places in Louisiana, Arkansas, Oklahoma, New Mexico, and Kansas.

No. MC-FC-69106. By order of September 30, 1966, the Transfer Board approved the transfer to Singer Interstate

Carriers, Inc., Hawthorne, N.J., of certificate in No. MC-119788, issued September 16, 1960, to N. & J. Tubing & Reeling Co., Inc., doing business as Singer Interstate Carriers, Hawthorne, N.J., authorizing the transportation of: Cut piece goods and finished products thereof, made of silk, rayon, acetate, celanese, and mixtures thereof, between Haledon, N.J., and New York, N.Y. John M. Zachara, Post Office Box "Z", Paterson, N.J. 07509, representative for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11222; Filed, Oct. 13, 1966; 8:48 a.m.]

[Notice 269]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 11, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 64994 (Sub-No. 84 TA), filed October 7, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: Frank C. Phillips (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New Furniture*, from Danville, Ky., to points in Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Tennessee, District of Columbia, and Florida. (2) *Materials and supplies*, used in the manufacture of furniture from points in (1) to Danville, Ky., for 150 days. Supporting shipper: Jackson Chair Co., Inc., Danville, Ky. Attention: Mr. James E. Jackson. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of

Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 107496 (Sub-No. 503 TA), filed October 7, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz, Ruan Transport Corp., Keosauqua Way at Third Street, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Dubuque, Iowa, to Rockford, Ill., for 180 days. Supporting shippers: Hudson Oil Co. of Delaware, Inc., Post Office Box 1626, Kansas City, Mo. 64141, Apco Oil Corp., Liberty Bank Building, Oklahoma City, Okla. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 128513 (Sub-No. 1 TA), filed October 7, 1966. Applicant: DOMENICK A. ABRIOLO, doing business as ABRIOLO TRUCKING CO., Washington and Bem Streets, Riverside, N.J. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snow fence, stockade fence, fence posts, and fence rails*, from Burlington City, N.J., to points in Pennsylvania, New York, Connecticut, West Virginia, Maryland, and Delaware; and (2) *Coils of wire*, from Philadelphia, Pa., to Burlington City, N.J., for 180 days. Supporting shipper: Lincraft Inc., Burlington, N.J. 08016. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 128630 TA, filed October 7, 1966. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. Applicant's representative: Euvel Oldham (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and frozen foods*, from Denver and Colorado Springs, Colo., to points in New Mexico, Arizona, and California, for 150 days. Supporting shippers: Shurtenda Steaks, Inc., 2452 West Second Avenue, Denver, Colo. 80223, Johnson Food Co., 201 Lee Street, Colorado Springs, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 128630 (Sub-No. 1 TA), filed October 7, 1966. Applicant: COMMODITY CARRIERS, INC., 700 Denar-

go Market, Denver, Colo. Applicant's representative: Euvel Oldham (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and frozen foods*, from Denver and Colorado Springs, Colo., to points in Utah, Idaho, Oregon, and Washington, for 150 days. Supporting shippers, Shurtenda Steaks, Inc., 2452 West Second Avenue, Denver, Colo. 80223, Johnson Food Co., 201 Lee Street, Colorado Springs, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11223; Filed, Oct. 13, 1966;
8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 11, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40736—*Motor vehicles from Doraville, Ga.* Filed by O. W. South, Jr., agent (No. A4949), for interested rail carriers. Rates on motor vehicles, in bi-level and tri-level cars, in carloads, from Doraville, Ga., to Little Ferry, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 60 to Southern Freight Association, agent, tariff ICC S-558.

FSA No. 40737—*Petroleum oil residuum from points in Montana.* Filed by Trans-Continental Freight Bureau, agent (No. 435), for interested rail carriers. Rates on petroleum oil residuum, for further manufacture, subject to minimum shipment of 10 tank carloads, from Billings, East Billings, Great Falls, and Laurel, Mont., to Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief—Market competition.

Tariffs—Supplement 11 to Great Northern Railway Co. tariff ICC A-9207 and Supplement 4 to Northern Pacific Railway Co. tariff ICC 10062.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11224; Filed, Oct. 13, 1966;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5441, etc.]

JOHNSON OIL & GAS CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates, and Pending Certificate Application¹

OCTOBER 5, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

condition the application will be set for unnecessary for Applicants to appear or be represented at the hearing.

Under the procedure herein provided for, unless otherwise advised, it will be

JOSEPH H. GUTRIDE, Secretary.			
Docket No. and date filed	Applicant	Purchaser, field, and location	Price per McF
G-4441 E 9-21-66	Johnson Oil & Gas Co. (successor to Marian F. Johnson), c/o Glenn W. Johnson, agent, Route 1, Bristol, W. Va. 26332.	Consolidated Gas Supply Corp., Ten Mile District, Harrison County, W. Va.	20.0
G-5999 E 9-26-66	Wm. H. Chamberlain, d.b.a. Saturn Oil & Gas Co. (Operator), et al. (successor to Saturn Oil & Gas Co., Inc.), Post Office Box 166, Cheyenne, Wyo. 82001.	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	11.0
G-12455 D 8-8-66	Texasco Inc., Post Office Box 52332, Houston, Tex. 77052.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans. and Beaver County, Okla.	14.65
G-12721 E 9-23-66	Anadarko Production Co. (Operator), et al. (successor to Petroleum Property Management, Inc., agent for Ambassador Oil Corp., et al.), Post Office Box 9317, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., Hugoton Field, Grant, Morton, and Stevens Counties, Kans.	14.65
G-12724 E 4-27-66	Bradley H. Keyes (successor to Claude E. Aikman), Box 842, Aztec, N. Mex. 87410.	Panhandle Eastern Pipe Line Co., acreage in Texas Gas Transmission Corp., South Elton Field, Jefferson Davis Parish, La.	19.75
G-16004 G-6-66	Force Co. (Operator), et al. (formerly Force Drilling Co. (Operator), et al.), 3700 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Fulcher, Kutz-Pictured Cliffs Field, San Juan County, N. Mex.	12.0
G-16465 D 7-15-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Northern Natural Gas Co., acreage in Beaver County, Okla.	15.0
G-16612 C 9-6-66	Texas San Juan Oil Corp., 1126 Dallas, Tex. 75201.	Texas Gas Transmission Corp., acreage in Ouachita Parish, La.	()
G-161-1187 E 9-26-66	Wm. H. Chamberlain, d.b.a. Saturn Oil & Gas Co. (Operator), et al. (successor to Saturn Oil & Gas Co., Inc.).	Tennessee Gas Pipeline Co., a division of Tennessee Inc., Miller and Fox Field, Jim Wells County, Tex.	15.0
G-161-1332 E 9-19-66	Cities Service Oil Co. (successor to Captain, Inc., et al.), Cities Service Bldg., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Hugoton Field, Seaward County, Kans.	16.0
G-161-1725 G-6-66	Force Co. (formerly Force Drilling Co.),	Transwestern Pipeline Co., Blufft Plant, Roosevelt County, N. Mex.	16.0
G-162-28 E 9-26-66	Wm. H. Chamberlain, d.b.a. Saturn Oil & Gas Co. (Operator), et al. (successor to Saturn Oil & Gas Co., Inc. (Operator), et al.).	Transwestern Pipeline Co., Northwest Doby Springs Field, Harper County, Okla.	17.0
G-164-423 C 9-16-66	Ashtand Oil & Refining Co., Post Office Box 16695, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Hugoton Field, Grant and Stevens Counties, Kans.	14.0
G-165-461 C 9-28-66	Sinclair Oil & Gas Co., Post Office Box 821, Tulsa, Okla. 74102.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	17.0
G-165-561 E 9-10-66	Cities Service Oil Co. (successor to Captain, Inc., et al.),	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0
		Natural Gas Pipeline Co. of America, Blufft Plant, Roosevelt County, N. Mex.	12.16 608

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per McF	Pres- sure base
C165-587 C 6-27-66	Sinclair Oil & Gas Co. ¹⁸	Northern Natural Gas Co., Hunt Bagert Field, Crockett County, Tex.	16.0	14.65
C166-85 C 9-26-66	Abel & Bancroft, Post Office Box 1391, Midland, Tex. 79701.	United Gas Pipe Line Co., South Albrecht Field Area, Goliad County, Tex.	14.0	14.65
C166-1029 (G-8663) C 8-28-66 ¹⁴ C166-1287 C 9-14-66	Champion Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107. Bradley H. Keyes, Box 842, Aztec, N. Mex. 87410.	Tennessee Gas Pipeline Co., a division of Tennessee Inc., Beaurline Field, Hidalgo County, Tex. El Paso Natural Gas Co., Fulcher, Kutz Pictured Cliffs Field, San Juan County, N. Mex.	15.0 12.0	14.65 15.025
C167-274 A 9-6-66	Texasco Inc. ¹⁶	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	16.5	14.65
C167-289 (G-12814) F 8-30-66 C167-333 B 9-19-66	Hanley Co. (successor to Mobil Oil Corp.), 3777 First National Bank Bldg., Dallas, Tex. 75202. Union Producing Co., Post Office Box 1407, Sireport, La. 71102.	El Paso Natural Gas Co., Sorabery Trend Area, Upton County, Tex.	17.2295	14.65
C167-339 F 9-22-66	Colorado Oil & Gas Corp. (successor to Zapata Off-Shore Co., et al.), Box 749, Denver, Colo. 80201.	United Gas Pipe Line Co., Rodessa Field, Gaddo Parish, La. and Cass County, Tex.	Depleted	
C167-340 B 9-23-66	Southern Minerals Corp. (Operator), et al., Post Office Box 716, Corpus Christi, Tex. 78403.	Transcontinental Gas Pipe Line Corp., Block 86 Field, Offshore Vermilion Parish, La.	19.0	15.025
C167-341 A 9-23-66 C167-342 A 9-26-66	Braden Drilling, Inc., 1620 Wichita Plaza, Wichita, Kans. 67202.	Lone Star Gathering Co., Smith Creek Field, DeWitt County, Tex.	Depleted	
C167-343 A 9-26-66	Odesa Natural Gasoline Co., Post Office Box 3908, Odessa, Tex. 79760.	Panhandle Eastern Pipe Line Co., acreage in Ellis County, Okla.	17.0	14.65
C167-344 A 9-23-66 C167-345 A 9-26-66	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065. El Paso Products Co., Post Office Box 3966, Odessa, Tex. 79760.	Colorado Interstate Gas Co., Hugoton Field, Hamilton County, Kans.	13.5 16.0	14.65 14.65
C167-346 A 9-19-66	Mid-East Oil Co., Oliver Bldg., Pittsburgh, Pa. 15222.	Panhandle Eastern Pipe Line Co., South Peak Field, Ellis County, Okla.	17.0	14.65
C167-347 A 9-21-66	Ralph Mace, Sandridge, W. Va. 25274.	Consolidated Gas Supply Corp., Gas-kill Township, Jefferson County, Pa.	27.5	15.325
C167-348 A 9-26-66	Sanford E. McCormick, 1603 First City National Bank Bldg., Houston, Tex. 77002.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	20.0	15.325
C167-349 A 9-26-66	Bruce Anderson, 600 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., acreage in Walker County, Tex.	12.0	14.65
C167-350 A 9-26-66 C167-351 A 9-26-66 C167-352 A 9-26-66	Beard Oil Co., 2000 Classen Blvd., Suite 200, 2000 Classen Center, Oklahoma City, Okla. 73106. Amerada Petroleum Corp. (Operator), et al., 23 Post Office Box 2040, Tulsa, Okla. 74102. Sinclair Oil & Gas Co.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Area, Woods County, Okla. El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	15.0 13.0	14.65 15.025
C167-353 A 9-26-66 C167-354 A 9-27-66	Coastal States Gas Producing Co., Post Office Drawer 521, Corpus Christi, Tex. 78403. Montclair Oil & Gas Development Co., Inc., Operator, 16310 North-east 19th Ave., North Miami Beach, Fla. 33101.	Florida Gas Transmission Co., South Manchester Field, Calcasieu Parish, La. Equitable Gas Co., De Kalb District, Gilmer County, W. Va.	20.0 25.0	15.025 15.325
C167-355 A 9-27-66	James W. Hersberger, 807 First National Bank Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., acreage in Barber County, Kans.	14.0	14.65

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-356----- A 3-18-66	Fred P. Fulton, et ux., c/o Dale M. Stucky, attorney, Fleeson, Gooling, Coulson & Kitch, Post Office Box 997, Wichita, Kans. 67201.	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	12.0	14.65

- ¹ Effective rate under Predecessor's FPC GRS No. 2.
² Effective rate under Predecessor's FPC GRS No. 3. Rate in effect subject to refund in Docket No. RI65-559.
³ Deletes 2,480 acres on leases that have expired.
⁴ Rate in effect subject to refund in Docket No. RI65-242.
⁵ Amendment to certificate filed to reflect change in name.
⁶ Subject to upward and downward B.t.u. adjustment.
⁷ Uneconomical for Buyer to connect to well.
⁸ No permanent certificate issued. Temporary certificate granted to Presidio Operating Co. (Operator), et al Jan. 22, 1965 to continue service heretofore rendered by Eugene E. Nearburg and Tom L. Ingram d.b.a., Nearburg & Ingram, Operator.
⁹ Assignor's interests presently covered under Presidio Operating Co. (Operator), et al, FPC GRS No. 1.
¹⁰ Application previously noticed Sept. 29, 1966 in Docket Nos. G-6378, et al., at a total initial rate of 19.5 cents, subject to refund in Docket No. RI66-284. By letter filed Sept. 29, 1966, Applicant expressed its willingness to accept authorization to sell gas from the additional acreage at a rate of 17 cents per Mcf.
¹¹ Assignor's interests presently under Capitan Petroleum, Inc., FPC GRS No. 1.
¹² For 1,038 B.t.u. gas. Residue from casinghead gas priced in accordance with Opinion No. 468 and calculated and to be 14.4 cents per Mcf.
¹³ By letter filed Sept. 26, 1966, Applicant agreed to accept authorization for the additional acreage containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
¹⁴ Adds acreage acquired from Sunray DX Oil Co., Docket No. G-8663.
¹⁵ Settlement rate as approved by Commission order issued Jan. 29, 1965 in Docket Nos. G-6882, et al.
¹⁶ Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
¹⁷ Rate in effect subject to refund in Docket No. G-20407.
¹⁸ Predecessor's settlement rate.
¹⁹ Subject to upward and downward B.t.u. adjustment. If desulfurization is necessary to meet quality standards, Seller to pay cost up to 2.0 cents per Mcf.
²⁰ For all gas produced above base of Chase Series.
²¹ For all gas produced below base of Chase Series. Subject to upward and downward B.t.u. adjustment.
²² Less downward B.t.u. adjustment to 15.84 cents per Mcf.
²³ Applicant states its willingness to accept permanent certificate conditioned to 15.0 cents per Mcf at 14.65 p.s.i.a.

[F.R. Doc. 66-11125; Filed, Oct. 13, 1966; 8:45 a.m.]

[Docket Nos. RI67-76, etc.]

WALTER F. KUHN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 6, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I),

and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 23, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-76----	Walter F. Kuhn, et al., 726 Union Center Bldg., Wichita, Kans. 67202.	44	1	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	\$200	9-12-66	10-13-66	3-13-67	11.0	13.5	
RI67-77----	Alice A. Neuner, et al., c/o Walter Kuhn, 726 Union Center Bldg., Wichita, Kans. 67202.	8	2	do.	200	9-12-66	10-13-66	3-13-67	11.0	13.5	
RI67-78----	Tidewater Oil Co. (Operator), et al., Post Office Box 1404, Hous- ton, Tex. 77001.	114	2	Arkansas Louisiana Gas Co. (South Marlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	354	9-12-66	10-13-66	3-13-67	15.0	16.0	
RI67-79----	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	243	3	Arkansas Louisiana Gas Co. (North Carter Field, Beck- ham County, Okla.) (Oka- homa "Other" Area).	7,082	9-12-66	10-13-66	3-13-67	15.0	18.0	
RI67-80----	A. A. Cameron, d.b.a. Cameron Oil Co., 1100 Petroleum Club Bldg., Oklahoma City, Okla.	3	5	Arkansas Louisiana Gas Co. (West Marlow Field, Grady and Comanche Counties, Okla.) (Oklahoma "Other" Area).	12,000	9-13-66	10-14-66	3-14-67	15.0	16.0	
RI67-81----	Sohlo Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102, Attn: Gas-Gaso- line Division.	35	13	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	26	9-19-66	11-1-66	4-1-67	17.2366	17.4417	RI66-276.
	Sohlo Petroleum Co.-----	11	13	Texas Eastern Transmission Corp. (Delhi Pool, Richland Parish, La.) (North Louisiana).	10	9-19-66	11-1-66	4-1-67	17.2366	17.4417	RI66-276.
RI67-82----	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	178	1	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	200	9-12-66	10-13-66	3-13-66	15.0	16.0	

² The stated effective date is the effective date requested by Respondent.

³ Two-step periodic rate increase.

⁴ Pressure base is 14.65 p.s.i.a.

⁵ Subject to a downward B.t.u. adjustment.

⁶ Favored-nation rate increase.

⁷ Includes letter dated Aug. 29, 1966, from Buyer notifying Seller of 16.0 cents rate contracted for within the favored-nation area.

⁸ Increase is from conditioned permanent certificated rate to first contractual periodic increase (initial contract rate is 17.0 cents).

⁹ The stated effective date is the first day after expiration of the statutory notice.

¹⁰ Periodic rate increase.

¹¹ Pressure base is 15.025 p.s.i.a.

¹² Includes 1.75 cents per Mcf tax reimbursement.

¹³ Includes 1.35 cents per Mcf handling charge deducted by Buyer and 1.75 cents per Mcf tax reimbursement.

¹⁴ Redetermined rate increase.

¹⁵ Subject to upward and downward B.t.u. adjustment.

A. A. Cameron, doing business as Cameron Oil Co. (Cameron) requests waiver of the statutory notice to permit his proposed favored-nation increase to become effective as of August 1, 1966, the contractually provided effective date, or, in the alternative, August 29, 1966, the date of the buyer's letter notifying Cameron of its right to file for the proposed increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Cameron's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

[F.R. Doc. 66-11131; Filed, Oct. 13, 1966; 8:45 a.m.]

[Docket No. CP67-88]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

OCTOBER 7, 1966.

Take notice that on October 3, 1966, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32790, filed in Docket No. CP67-88 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce, and the exchange of natural gas, all as more fully set forth in the applica-

tion which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 16 miles of 12-inch lateral supply pipeline and appurtenances and measuring facilities to enable it to transport to Applicant's main transmission pipeline system natural gas purchased in the South Manchester Field, Calcasieu Parish, La., from Pan American Petroleum Corp. (Pan Am) and Coastal States Gas Producing Co. (Coastal States) and natural gas received from Coastal States in exchange for gas to be delivered by Applicant to Coastal States in Texas.

Applicant states that it has entered into gas purchase contracts with Pan Am and Coastal States for the purchase of daily contract quantities of 9,000 Mcf and 17,500 Mcf of natural gas, respectively, to be delivered to Applicant at a single point in the South Manchester Field; and that it has entered into a gas exchange agreement with Coastal States for delivery to Applicant at the same point of natural gas in exchange for equivalent quantities to be delivered by Applicant to Coastal States in Jackson or Matagorda Counties, Tex. Applicant further states that the estimated gas reserves in the South Manchester Field, which are committed to Applicant under its gas purchase contract with Pan Am and Coastal States total one hundred and sixty-four billion two hundred and sixty million cubic feet, exclusive of approximately forty-one thousand and forty billion feet which Applicant ex-

pects to receive under its exchange agreement.

The total estimated cost of Applicant's proposed facilities is \$880,000, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11191; Filed, Oct. 13, 1966; 8:46 a.m.]

20 CFR	Page
404.....	13126
21 CFR	
8.....	12840
17.....	12949
27.....	12949
51.....	12950
53.....	12840
120.....	13210
121.....	12841, 13128
146.....	12841
PROPOSED RULES:	
19.....	13005
121.....	12849
130.....	13347
191.....	13006
22 CFR	
41.....	13080
42.....	13080
23 CFR	
Ch. II.....	13128
24 CFR	
5.....	13081
203.....	13000
220.....	13000
221.....	13000
232.....	13000
234.....	13000
1000.....	13000
25 CFR	
PROPOSED RULES:	
221.....	13242
26 CFR	
PROPOSED RULES:	
1.....	12843, 12845, 13091, 13242
28 CFR	
PROPOSED RULES:	
5.....	13343
29 CFR	
462.....	13001
512.....	13211
PROPOSED RULES:	
40.....	13174
1207.....	13176
31 CFR	
520.....	13001

32 CFR	Page
1.....	13326
2.....	13329
3.....	13329
4.....	13330
7.....	13331
8.....	13332
11.....	13332
13.....	13336
15.....	13336
18.....	13337
855.....	13081
1001.....	13217
1002.....	13217
1003.....	13217
1004.....	13217
1007.....	13218
1010.....	13219
1013.....	13219
1017.....	13220
1018.....	13220
1030.....	13220
1053.....	13220
1054.....	13220
32A CFR	
PROPOSED RULES:	
Ch. X.....	12924, 13050
33 CFR	
202.....	13129
204.....	13129
36 CFR	
311.....	13313
326.....	13172
37 CFR	
1.....	12922
38 CFR	
3.....	13088, 13172
36.....	13003
39 CFR	
822.....	13172
41 CFR	
5-12.....	13337
9-1.....	13046
9-2.....	13046
9-3.....	13046
22-1.....	13001
42 CFR	
22.....	12939

43 CFR	Page
PUBLIC LAND ORDERS:	
1195 (revoked in part by PLO 4099).....	12950
PUBLIC LAND ORDERS—Continued	
3152 (revoked in part by PLO 4104).....	12951
3584 (revoked in part by PLO 4104).....	12951
4097.....	12950
4098.....	12950
4099.....	12950
4100.....	12950
4101.....	12951
4102.....	12951
4103.....	12951
4104.....	12951
45 CFR	
6.....	12842
7.....	12842
8.....	12842
170.....	13220
46 CFR	
PROPOSED RULES:	
2.....	12860
24.....	12860
30.....	12860
70.....	12860
90.....	12860
110.....	12860
175.....	12860
188.....	12860
189.....	12860
190.....	12860
191.....	12860
192.....	12860
193.....	12860
194.....	12860
195.....	12860
196.....	12860
47 CFR	
1.....	13228
2.....	13230
73.....	13234, 13237
91.....	13230
99.....	13230
PROPOSED RULES:	
31.....	13244
33.....	13244
73.....	12965, 13245, 13246
50 CFR	
32.....	12923, 12939, 13003, 13004, 13048, 13049, 13088, 13130, 13240, 13241, 13342
33.....	12939

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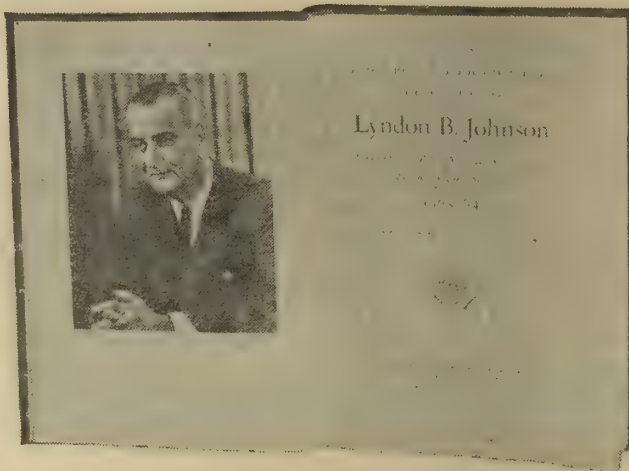
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VOLUME 31 • NUMBER 201

Saturday, October 15, 1966 • Washington, D.C.

Pages 13377-13407

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Consumer and Marketing Service
Customs Bureau
Defense Department
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
General Accounting Office
Housing and Urban Development
Department
Immigration and Naturalization
Service
Interstate Commerce Commission
Justice Department
Land Management Bureau
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National Bureau of Standards
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Securities and Exchange Commission
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Detailed list of Contents appears inside.



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Contents

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

General Electric Co.; issuance of amended operating license----- 13397

CIVIL AERONAUTICS BOARD

Notices

Air Express charge investigation; postponement of prehearing conference ----- 13399

COMMERCE DEPARTMENT

See Maritime Administration; National Bureau of Standards.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Fruit:

California and Arizona; handling limitations:-----

Lemons----- 13386

Oranges, Valencia----- 13385

Florida; shipment limitations:

Avocados----- 13386

Tangerines----- 13385

Proposed Rule Making

Hops of domestic production; date on which excess becomes reserve----- 13394

Milk in Ozarks and Fort Smith, Ark., marketing areas; hearing----- 13395

Vegetables grown in Colorado; termination proceedings----- 13394

CUSTOMS BUREAU

Rules and Regulations

Ports of entry; Pittsburgh, Pa----- 13390

Notices

Vertical water wheel electrical generators; appraisal----- 13396

DEFENSE DEPARTMENT

Notices

Secretary of the Army et al.; authority delegation----- 13396

FEDERAL AVIATION AGENCY

Rules and Regulations

Control zone; alteration----- 13390

Control zones and transition areas:-----

Alteration----- 13389

Alteration and designation----- 13390

Products and parts; issuance of type certificates to foreign manufacturers----- 13387

Transition area; designation----- 13389

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Radio frequency devices; measurement procedure----- 13391

Notices

Hearings, etc.:

Black Hawk Broadcasting Co. (KWVL-TV)----- 13397

Hawaiian Paradise Park Corp. and Friendly Broadcasting Co----- 13398

Porter County Broadcasting Corp. and Northwestern Indiana Radio Co., Inc----- 13398

Video Service Co----- 13399

Williams, Arthur Powell----- 13397

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:

American and Australian Steamship Lines joint service----- 13399

Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference----- 13399

Federal New Zealand Lines et al----- 13400

Federal New Zealand Lines joint service----- 13399

Manz Line joint service----- 13400

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Arkansas Louisiana Gas Co----- 13400

Connecticut Light and Power Co----- 13400

Florida Gas Transmission Co-- 13401

Green Mountain Power Corp-- 13401

Midwestern Gas Transmission Co----- 13401

Pecos Co----- 13402

Texas Eastern Transmission Corp----- 13402

FEDERAL RESERVE SYSTEM

Notices

First Virginia Corp.; hearing----- 13402

FISH AND WILDLIFE SERVICE

Rules and Regulations

Sport fishing at Mattamuskeet National Wildlife Refuge, N.C.; correction ----- 13391

GENERAL ACCOUNTING OFFICE

Rules and Regulations

Civil claims by the Government for money or property----- 13381

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Redelegations of authority:

Cayton, Howard, or Don I. Patch ----- 13397

Craun, Bernard T----- 13396

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Documentary requirements for immigrants and waivers thereof ----- 13387

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Proposed Rule Making

Adequacy of railroad freight car ownership, utilization, and distribution; investigation----- 13393

Independent action; public notice of tariff publication proposals by individual carriers where publication is to be effected by rate conference----- 13392

Notices

Fourth section applications for relief ----- 13405

Manion, Raymond R.; statement of changes in financial interests----- 13405

Motor carrier:

Temporary authority applications ----- 13404

Transfer proceedings (2 documents) ----- 13403, 13404

JUSTICE DEPARTMENT

See also Immigration and Naturalization Service.

Rules and Regulations

Civil claims by the Government for money or property----- 13381

LAND MANAGEMENT BUREAU

Notices

Arizona; opening of lands----- 13396

MARITIME ADMINISTRATION

Notices

Alaska Steamship Co.; bareboat charters ----- 13396

(Continued on next page)

**NATIONAL BUREAU OF
STANDARDS****Rules and Regulations**

Certified properties and purity;
pH standards..... 13390

Notices

Radio Station WWV, Greenbelt,
Md.; relocation to Fort Collins,
Colo 13396

POST OFFICE DEPARTMENT**Proposed Rule Making**

Mail chutes; slip-joint construc-
tion 13394

**SECURITIES AND EXCHANGE
COMMISSION****Notices***Hearings, etc.:*

Broad Street Investing Corp. 13403
Mississippi Power & Light Co. 13403

TREASURY DEPARTMENT

See Customs Bureau.

VETERANS ADMINISTRATION**Rules and Regulations**

Adjudication; evaluation of in-
come 13390

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

4 CFR

Ch. II 13381

7 CFR

905 13385
908 13385
910 13386
915 13386

PROPOSED RULES:

972 13394
991 13394
1067 13395
1102 13395

8 CFR

211 13387

14 CFR

21 13387
71 (4 documents) 13389, 13390

15 CFR

230 13390

19 CFR

1 13390

38 CFR

3 13390

39 CFR**PROPOSED RULES:**

43 13394

47 CFR

15 13391

49 CFR**PROPOSED RULES:**

Ch. I 13392
95-97 13393

50 CFR

33 13391

Rules and Regulations

Title 4—ACCOUNTS

Chapter II—Federal Claims Collection Standards (General Accounting Office—Department of Justice)

JOINT REGULATIONS PRESCRIBING STANDARDS FOR ADMINISTRATIVE COLLECTION, COMPROMISE, TERMINATION OF AGENCY COLLECTION ACTION, AND REFERRAL TO GENERAL ACCOUNTING OFFICE, AND TO DEPARTMENT OF JUSTICE FOR LITIGATION, OF CIVIL CLAIMS BY GOVERNMENT FOR MONEY OR PROPERTY

Pursuant to section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 309, Title 4 of the Code of Federal Regulations is amended to promulgate joint regulations prescribing standards for the administrative collection, compromise, termination of agency collection action, and the referral to the General Accounting Office, and to the Department of Justice for litigation, of civil claims by the Government for money or property, by adding a new Chapter II as follows:

Part

- 101 Scope of standards.
- 102 Standards for the administrative collection of claims.
- 103 Standards for the compromise of claims.
- 104 Standards for suspending or terminating collection action.
- 105 Referrals to GAO or for litigation.

PART 101—SCOPE OF STANDARDS

Sec.

- 101.1 Prescription of standards.
- 101.2 Omissions not a defense.
- 101.3 Fraud, antitrust, and tax claims excluded.
- 101.4 Compromise, waiver, or disposition under other statutes not precluded.
- 101.5 Conversion claims.
- 101.6 Subdivision of claims not authorized.
- 101.7 Required administrative proceedings.
- 101.8 Referral for litigation.

AUTHORITY: The provisions of this Part 101 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 101.1 Prescription of standards.

The regulations in this chapter, issued jointly by the Comptroller General of the United States and the Attorney General of the United States under section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 309, prescribe standards for the administrative collection, compromise, termination of agency collection action, and the referral to the General Accounting Office, and to the Department of Justice for litigation, of civil claims by the Federal Government for money or property. Regulations prescribed by the head of an agency pursuant to section 3 of the Federal Claims Collection Act of 1966 will be reviewed

by the General Accounting Office as a part of its audit of the agency's activities.

§ 101.2 Omissions not a defense.

The standards set forth in this chapter shall apply to the administrative handling of civil claims of the Federal Government for money or property but the failure of an agency to comply with any provision of this chapter shall not be available as a defense to any debtor.

§ 101.3 Fraud, antitrust, and tax claims excluded.

The standards set forth in this chapter do not apply to the handling of any claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, or to any claim based in whole or in part on conduct in violation of the antitrust laws. Only the Department of Justice has authority to compromise or terminate collection action on such claims. However, matters submitted to the Department of Justice for consideration without compliance with the regulations in this chapter because there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, may be returned to the agency forwarding them for further handling in accordance with the regulations in this chapter if it is determined that action based upon the alleged fraud, false claim, or misrepresentation is not warranted. Tax claims, as to which differing exemptions, administrative consideration, enforcement considerations, and statutes apply, are also excluded from the coverage of this chapter.

§ 101.4 Compromise, waiver, or disposition under other statutes not precluded.

Nothing contained in this chapter is intended to preclude agency disposition of any claim under statutes other than the Federal Claims Collection Act of 1966, 80 Stat. 308, providing for the compromise, termination of collection action, or waiver in whole or in part of such a claim. See, e.g., "The Federal Medical Care Recovery Act," 76 Stat. 593, 42 U.S.C. 2651, et seq., and applicable regulations, 28 CFR 43.1, et seq. The standards set forth in this chapter should be followed in the disposition of civil claims by the Federal Government by compromise or termination of collection action (other than by waiver pursuant to statutory authority) under statutes other than the Federal Claims Collection Act of 1966, 80 Stat. 308, to the extent such other statutes or authorized regulations issued pursuant thereto do not establish standards governing such matters.

§ 101.5 Conversion claims.

The instructions contained in this chapter are directed primarily to the recovery of money on behalf of the Government and the circumstances in which Government claims may be disposed of for less than the full amount claimed. Nothing contained in this chapter is intended, however, to deter an agency from demanding the return of specific property or from demanding, in the alternative, either the return of property or the payment of its value.

§ 101.6 Subdivision of claims not authorized.

A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one of less than \$20,000, exclusive of interest, for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Federal Claims Collection Act of 1966, 80 Stat. 308.

§ 101.7 Required administrative proceedings.

Nothing contained in this chapter is intended to require an agency to omit or foreclose administrative proceedings required by contract or by law.

§ 101.8 Referral for litigation.

As used in this chapter referral for litigation means referral to the Department of Justice for appropriate legal proceedings, unless the agency concerned has statutory authority for handling its own litigation.

PART 102—STANDARDS FOR THE ADMINISTRATIVE COLLECTION OF CLAIMS

Sec.

- 102.1 Aggressive agency collection action.
- 102.2 Demand for payment.
- 102.3 Collection by offset.
- 102.4 Personal interview with debtor.
- 102.5 Contact with debtor's employing agency.
- 102.6 Suspension or revocation of license or eligibility.
- 102.7 Liquidation of collateral.
- 102.8 Collection in installments.
- 102.9 Exploration of compromise.
- 102.10 Interest.
- 102.11 Documentation of administrative collection action.
- 102.12 Additional administrative collection action.

AUTHORITY: The provisions of this Part 102 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 102.1 Aggressive agency collection action.

The head of an agency or his designee shall take aggressive action, on a timely basis with effective followup, to collect all claims of the United States for money or property arising out of the activities of,

or referred to, his agency in accordance with the standards set forth in this chapter. However, nothing contained in this chapter is intended to require the General Accounting Office or the Department of Justice to duplicate collection actions previously undertaken by any other agency.

§ 102.2 Demand for payment.

Appropriate written demands shall be made upon a debtor of the United States in terms which inform the debtor of the consequences of his failure to cooperate. Three written demands, at 30-day intervals, will normally be made unless a response to the first or second demand indicates that further demand would be futile or unless prompt suit or attachment is required in anticipation of the departure of the debtor or debtors from the jurisdiction or his or their removal or transfer of assets, or the running of the statute of limitations. There should be no undue time lag in responding to any communication received from the debtor or debtors.

§ 102.3 Collection by offset.

Collections by offset will be undertaken administratively on claims which are liquidated or certain in amount in every instance in which this is feasible. Collections by offset from persons receiving pay or compensation from the Federal Government shall be effected over a period not greater than the period during which such pay or compensation is to be received. See 5 U.S.C. 5514. Collection by offset against a judgment obtained by the debtor against the United States shall be accomplished in accordance with the Act of March 3, 1875, 18 Stat. 481, as amended, 31 U.S.C. 227. Appropriate use should be made of the cooperative efforts of other agencies in effecting collections by offset, including utilization of the Army Holdup List, and all agencies are enjoined to cooperate in this endeavor.

§ 102.4 Personal interview with debtor.

Agencies will undertake personal interviews with their debtors when this is feasible, having regard for the amounts involved and the proximity of agency representatives to such debtors.

§ 102.5 Contact with debtor's employing agency.

When a debtor is employed by the Federal Government or is a member of the military establishment or the Coast Guard, and collection by offset cannot be accomplished in accordance with 5 U.S.C. 5514, the employing agency will be contacted for the purpose of arranging with the debtor for payment of the indebtedness by allotment or otherwise in accordance with section 206 of Executive Order 11222 of May 8, 1965, 3 CFR, pp. 130, 131 (1965 Supp.) (30 F.R. 6469).

§ 102.6 Suspension or revocation of license or eligibility.

Agencies seeking the collection of statutory penalties, forfeitures, or debts provided for as an enforcement aid or for compelling compliance will give serious consideration to the suspension or revocation

of licenses or other privileges for any inexcusable, prolonged or repeated failure of a debtor to pay such a claim and the debtor will be so advised. Any agency making, guaranteeing, insuring, acquiring, or participating in loans will give serious consideration to suspending or disqualifying any lender, contractor, broker, borrower or other debtor from doing further business with it or engaging in programs sponsored by it if such a debtor fails to pay its debts to the Government within a reasonable time and the debtor will be so advised. The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported to the Treasury Department at once. Notification that a surety's certificate of authority to do business with the Federal Government has been revoked or forfeited by the Treasury Department will be forwarded by that Department to all interested agencies.

§ 102.7 Liquidation of collateral.

Agencies holding security or collateral which may be liquidated and the proceeds applied on debts due it through the exercise of a power of sale in the security instrument or a non-judicial foreclosure should do so by such procedures if the debtor fails to pay his debt within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure. Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety or insurance concern unless such action is expressly required by statute or contract.

§ 102.8 Collection in installments.

Claims, with interest in accordance with section 102.10 of this chapter, should be collected in full in one lump sum whenever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments. The size and frequency of such installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. If possible the installment payments should be sufficient in size and frequency to liquidate the Government's claim in not more than 3 years. Installment payments of less than \$10 per month should be accepted in only the most unusual circumstances. An agency holding an unsecured claim for administrative collection should attempt to obtain an executed confess-judgment note, comparable to the Department of Justice form USA-70a, from a debtor when the total amount of the deferred installments will exceed \$750. Such notes may be sought when an unsecured obligation of a lesser amount is involved. Security for deferred payments, other than a confess-judgment note, may be accepted in appropriate cases. An agency may accept installment payments notwithstanding the refusal of a debtor to execute a confess-judgment note or to give other security, at the agency's option.

§ 102.9 Exploration of compromise.

Agencies will attempt to effect compromises (preferably during the course of personal interviews), of claims of \$20,000 or less exclusive of interest, in accordance with the standards set forth in Part 103 of this chapter in all cases in which it can be ascertained that the debtor's financial ability will not permit payment of the claim in full, or in which the litigative risks or the costs of litigation dictate such action.

§ 102.10 Interest.

In cases in which prejudgment interest is not mandated by statute, contract or regulation, the agency may forego the collection of prejudgment interest as an inducement to voluntary payment. In such cases demand letters should inform the debtor that prejudgment interest will be collected if suit becomes necessary. When a debt is paid in installments and interest is collected, the installment payments will first be applied to the payment of accrued interest and then to principal, in accordance with the so-called "U.S. Rule", unless a different rule is prescribed by statute, contract or regulation. Prejudgment interest should not be demanded or collected on civil penalty and forfeiture claims unless the statute under which the claim arises authorizes the collection of such interest. See *Rodgers v. United States*, 332 U.S. 371.

§ 102.11 Documentation of administrative collection action.

All administrative collection action should be documented and the bases for compromise, or for termination or suspension of collection action, should be set out in detail. Such documentation should be retained in the appropriate claims file.

§ 102.12 Additional administrative collection action.

Nothing contained in this chapter is intended to preclude the utilization of any other administrative remedy which may be available.

PART 103—STANDARDS FOR THE COMPROMISE OF CLAIMS

- Sec.
- 103.1 Scope and application.
 - 103.2 Inability to pay.
 - 103.3 Litigative probabilities.
 - 103.4 Cost of collecting claim.
 - 103.5 Enforcement policy.
 - 103.6 Joint and several liability.
 - 103.7 Settlement for a combination of reasons.
 - 103.8 Further review of compromise offers.
 - 103.9 Restrictions.

AUTHORITY: The provisions of this Part 103 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 103.1 Scope and application.

The standards set forth in this part apply to the compromise of claims, pursuant to section 3(b) of the Federal Claims Collection Act of 1966, 80 Stat. 309, which do not exceed \$20,000 exclusive of interest. The head of an agency or his designee may exercise such com-

promise authority with respect to claims for money or property arising out of the activities of his agency prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. The Comptroller General or his designee may exercise such compromise authority with respect to claims referred to the General Accounting Office prior to their further referral for litigation. Only the Comptroller General or his designee may effect the compromise of a claim that arises out of an exception made by the General Accounting Office in the account of an accountable officer, including a claim against the payee, prior to its referral by that Office for litigation.

§ 103.2 Inability to pay.

A claim may be compromised pursuant to this part if the Government cannot collect the full amount because of (a) the debtor's inability to pay the full amount within a reasonable time, or (b) the refusal of the debtor to pay the claim in full and the Government's inability to enforce collection in full within a reasonable time by enforced collection proceedings. In determining the debtor's inability to pay the following factors, among others, may be considered: Age and health of the debtor; present and potential income; inheritance prospects; the possibility that assets have been concealed or improperly transferred by the debtor; the availability of assets or income which may be realized upon by enforced collection proceedings. The agency will give consideration to the applicable exemptions available to the debtor under State and Federal law in determining the Government's ability to enforce collection. Uncertainty as to the price which collateral or other property will bring at forced sale may properly be considered in determining the Government's ability to enforce collection. A compromise effected under this section should be for an amount which bears a reasonable relation to the amount which can be recovered by enforced collection procedures, having regard for the exemptions available to the debtor and the time which collection will take. Compromises payable in installments are to be discouraged. However, if payment of a compromise by installments is necessary, an agreement for the reinstatement of the prior indebtedness less sums paid thereon and acceleration of the balance due upon default in the payment of any installment should be obtained, together with security in the manner set forth in § 102.8 of this chapter, in every case in which this is possible. If the agency's files do not contain reasonably up-to-date credit information as a basis for assessing a compromise proposal such information may be obtained from the individual debtor by obtaining a statement executed under penalty of perjury showing the debtor's assets and liabilities, income and expense. Forms such as Department of Justice form DJ-35 may be used for this purpose. Similar data may be obtained from corporate

debtors by resort to balance sheets and such additional data as seems required.

§ 103.3 Litigative probabilities.

A claim may be compromised pursuant to this part if there is a real doubt concerning the Government's ability to prove its case in court for the full amount claimed either because of the legal issues involved or a bona fide dispute as to the facts. The amount accepted in compromise in such cases should fairly reflect the probability of prevailing on the legal question involved, the probabilities with respect to full or partial recovery of a judgment having due regard to the availability of witnesses and other evidentiary support for the Government claim, and related pragmatic considerations. Proportionate weight should be given to the probable amount of court costs which may be assessed against the Government if it is unsuccessful in litigation, having regard for the litigative risks involved. Cf. 28 U.S.C. 2412, as amended by Public Law 89-507, 80 Stat. 308.

§ 103.4 Cost of collecting claim.

A claim may be compromised pursuant to this part if the cost of collecting the claim does not justify the enforced collection of the full amount. The amount accepted in compromise in such cases may reflect an appropriate discount for the administrative and litigative costs of collection having regard for the time which it will take to effect collection. Cost of collecting may be a substantial factor in the settlement of small claims. The cost of collecting claims normally will not carry great weight in the settlement of large claims.

§ 103.5 Enforcement policy.

Statutory penalties, forfeitures, or debts established as an aid to enforcement and to compel compliance may be compromised pursuant to this part if the agency's enforcement policy in terms of deterrence and securing compliance, both present and future, will be adequately served by acceptance of the sum to be agreed upon. Mere accidental or technical violations may be dealt with less severely than willful and substantial violations.

§ 103.6 Joint and several liability.

When two or more debtors are jointly and severally liable collection action will not be withheld against one such debtor until the other or others pay their proportionate share. The agency should not attempt to allocate the burden of paying such claims as between the debtors but should proceed to liquidate the indebtedness as quickly as possible. Care should be taken that compromise with one such debtor does not release the agency's claim against the remaining debtors. The amount of a compromise with one such debtor shall not be considered a precedent or as morally binding in determining the amount which will be required from other debtors jointly and severally liable on the claim.

§ 103.7 Settlement for a combination of reasons.

A claim may be compromised for one or for more than one of the reasons authorized in this part.

§ 103.8 Further review of compromise offers.

If an agency holds a debtor's firm written offer of compromise which is substantial in amount and the agency is uncertain as to whether the offer should be accepted, it may refer the offer, the supporting data, and particulars concerning the claim to the General Accounting Office or to the Department of Justice. The General Accounting Office or the Department of Justice may act upon such an offer or return it to the agency with instructions or advice.

§ 103.9 Restrictions.

Neither a percentage of a debtor's profits nor stock in a debtor corporation will be accepted in compromise of a claim. In negotiating a compromise with a business concern consideration should be given to requiring a waiver of the tax-loss-carry-forward and tax-loss-carry-back rights of the debtor.

PART 104—STANDARDS FOR SUSPENDING OR TERMINATING COLLECTION ACTION

Sec.

- 104.1 Scope and application.
- 104.2 Suspension of collection activity.
- 104.3 Termination of collection activity.
- 104.4 Transfer of claims.

AUTHORITY: The provisions of this Part 104 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 104.1 Scope and application.

The standards set forth in this part apply to the suspension or termination of collection action pursuant to section 3(b) of the Federal Claims Collection Act of 1966, 80 Stat. 309, on claims which do not exceed \$20,000 exclusive of interest. The head of an agency or his designee may suspend or terminate collection action under this part with respect to claims for money or property arising out of activities of his agency prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. The Comptroller General or his designee may exercise such authority with respect to claims referred to the General Accounting Office prior to their further referral for litigation.

§ 104.2 Suspension of collection activity.

Collection action may be suspended temporarily on a claim when the debtor cannot be located after diligent effort and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim having consideration for its size and the amount which may be realized thereon. The following sources may be of assistance in locating missing debtors: Telephone directories; city directories; postmasters; drivers' license

records; automobile title and license records; state and local governmental agencies; district directors of Internal Revenue; other Federal agencies; employers, relatives, friends; credit agency skip locate reports. Suspension as to a particular debtor should not defer the early liquidation of security for the debt. Every reasonable effort should be made to locate missing debtors sufficiently in advance of the bar of the applicable statute of limitations, such as Public Law 89-505, 80 Stat. 304, to permit the timely filing of suit if such action is warranted. If the missing debtor has signed a confess-judgment note and is in default, referral of the note for the entry of judgment should not be delayed because of his missing status. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is unable to make payments on the Government's claim or effect a compromise thereof at the time but his future prospects justify retention of the claim for periodic review and action and (a) the applicable statute of limitations has been tolled or started running anew or (b) future collection can be effected by offset notwithstanding the statute of limitations.

§ 104.3 Termination of collection activity.

The head of an agency or his designee may terminate collection activity and consider the agency's file on the claim closed under the following standards:

(a) *Inability to collect any substantial amount.* Collection action may be terminated on a claim when it becomes clear that the Government cannot collect or enforce collection of any significant sum from the debtor having due regard for the judicial remedies available to the Government, the debtor's future financial prospects, and the exemptions available to the debtor under State and Federal law. In determining the debtor's inability to pay the following factors, among others, may be considered: Age and health of the debtor; present and potential income; inheritance prospects; the possibility that assets have been concealed or improperly transferred by the debtor; the availability of assets or income which may be realized upon by enforced collection proceedings.

(b) *Inability to locate debtor.* Collection action may be terminated on a claim when the debtor cannot be located, there is no security remaining to be liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset notwithstanding the bar of the statute of limitations is too remote to justify retention of the claim.

(c) *Cost will exceed recovery.* Collection action may be terminated on a claim when it is likely that the cost of further collection action will exceed the amount recoverable thereby.

(d) *Claim legally without merit.* Collection action should be terminated on a claim whenever it is determined that the claim is legally without merit.

(e) *Claim cannot be substantiated by evidence.* Collection action should be

terminated when it is determined that the evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and efforts to induce voluntary payment are unavailing.

§ 104.4 Transfer of claims.

When an agency has doubt as to whether collection action should be suspended or terminated on a claim it may refer the claim to the General Accounting Office for advice. When a significant enforcement policy is involved in reducing a statutory penalty or forfeiture to judgment, or recovery of a judgment is a prerequisite to the imposition of administrative sanctions, such as the suspension or revocation of a license or the privilege of participating in a Government sponsored program, an agency may refer such a claim for litigation even though termination of collection activity might otherwise be given consideration under § 104.3 (a) or (c). Claims on which an agency holds a judgment by assignment or otherwise will be referred to the Department of Justice for further action if renewal of the judgment lien or enforced collection proceedings are justified under the criteria discussed in this part, unless the agency concerned has statutory authority for handling its own litigation.

PART 105—REFERRALS TO GAO OR FOR LITIGATION

Sec.	
105.1	Prompt referral.
105.2	Current address of debtor.
105.3	Credit data.
105.4	Report of prior collection actions.
105.5	Preservation of evidence.
105.6	Minimum amount of referrals to the Department of Justice.
105.7	Referrals to GAO.

AUTHORITY: The provisions of this Part 105 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 105.1 Prompt referral.

Claims on which collection action has been taken in accordance with Part 102 of this chapter and which cannot be compromised, or on which collection action cannot be suspended or terminated, in accordance with Parts 103 and 104 of this chapter, will be referred to the General Accounting Office in accordance with R.S. 236, as amended, 31 U.S.C. 71, or to the Department of Justice, if the agency concerned has been granted an exception from referrals to the General Accounting Office. Such referrals should be made as early as possible consistent with aggressive agency collection action and the observance of the regulations contained in this chapter and in any event well within the time limited for bringing a timely suit against the debtor.

§ 105.2 Current address of debtor.

Referrals to the General Accounting Office, and to the Department of Justice for litigation, will be accompanied by the current address of the debtor or the name and address of the agent for a corporation upon whom service may be made. Reasonable and appropriate steps will be

taken to locate missing parties in all cases. Referrals to the General Accounting Office, and referrals to the Department of Justice for the institution of foreclosure or other proceedings, in which the current address of any party is unknown will be accompanied by a listing of the prior known addresses of such a party and a statement of the steps taken to locate him.

§ 105.3 Credit data.

(a) Claims referred to the General Accounting Office, and to the Department of Justice for litigation, will be accompanied by reasonably current credit data indicating that there is a reasonable prospect of effecting enforced collections from the debtor, having due regard for the exemptions available to the debtor under State and Federal law and the judicial remedies available to the Government.

(b) Such credit data may take the form of (1) a commercial credit report, (2) an agency investigative report showing the debtor's assets and liabilities and his income and expenses, (3) the individual debtor's own financial statement executed under penalty of perjury reflecting his assets and liabilities and his income and expenses, or (4) an audited balance sheet of a corporate debtor.

(c) Such credit data may be omitted if (1) a surety bond is available in an amount sufficient to satisfy the claim in full, (2) the forced sale value of the security available for application to the Government's claim is sufficient to satisfy its claim in full, (3) the referring agency wishes to liquidate loan collateral through judicial foreclosure but does not desire a deficiency judgment, (4) the debtor is in bankruptcy or receivership, or (5) the debtor's liability to the Government is fully covered by insurance, in which case the agency will furnish such information as it can develop concerning the identity and address of the insurer and the type and amount of insurance coverage.

§ 105.4 Report of prior collection actions.

A checklist or brief summary of the actions previously taken to collect or compromise a claim will be forwarded with the claim upon its referral to the General Accounting Office or to the Department of Justice. If any of the administrative collection actions enumerated in Part 102 of this chapter have been omitted, the reason for their omission will be given with the referral. The General Accounting Office and the Department of Justice may return or retain claims at their option when there is insufficient justification for the omission of one or more of the administrative collection actions enumerated in Part 102 of this chapter.

§ 105.5 Preservation of evidence.

Care will be taken to preserve all files, records and exhibits on claims referred or to be referred to the General Accounting Office, or to the Department of Justice for litigation.

§ 105.6 Minimum amount of referrals to the Department of Justice.

Agencies will not refer claims of less than \$250, exclusive of interest, for litigation unless (a) referral is important to a significant enforcement policy or (b) the debtor has not only the clear ability to pay the claim but the Government can effectively enforce payment having due regard to the exemptions available to the debtor under State or Federal law and the judicial remedies available to the Government.

§ 105.7 Referrals to GAO.

Referrals of claims to the General Accounting Office will be in accordance with instructions, including monetary limitations, contained in the General Accounting Office Policy and Procedures Manual for the Guidance of Federal Agencies.

The foregoing joint regulations shall become effective upon the 15th day of January 1967.

Signed at Washington, D.C.

ELMER B. STAATS,
Comptroller General.

OCTOBER 11, 1966.

RAMSEY CLARK,
Acting Attorney General.

OCTOBER 7, 1966.

[F.R. Doc. 66-11266; Filed, Oct. 14, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangerine Reg. 32]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon

which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 17, 1966. The Growers Administrative Committee held an open meeting on October 11, 1966, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangerines grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the production area at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

§ 905.488 Tangerine Regulation 32.

(a) **Order.** (1) During the period beginning at 12:01 a.m., e.s.t., October 17, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall, except to the extent otherwise permitted under this paragraph, ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(2) During any week of the aforesaid period, any handler may ship a quantity of tangerines which are smaller than the size prescribed in subparagraph (1) (ii) of this paragraph if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total standard packed boxes of all sizes of tangerines shipped by such handler during the same week; and (ii) such smaller tangerines are of a size not smaller than 2 $\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Tangerines.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., e.s.t., on Monday of one calendar week and ending at 12:01 a.m., e.s.t., on Monday of the following calendar week; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (7 CFR 51.1810-51.1834).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 12, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11300; Filed, Oct. 14, 1966; 8:50 a.m.]

[Valencia Orange Reg. 183]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.483 Valencia Orange Regulation 183.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges

and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 13, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 16, 1966, and ending at 12:01 a.m., P.s.t., October 23, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 400,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 14, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11333; Filed, Oct. 14, 1966; 11:15 a.m.]

[Lemon Reg. 236]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.536 Lemon Regulation 236.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter

provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 11, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 16, 1966, and ending at 12:01 a.m., P.s.t., October 23, 1966, are hereby fixed as follows:

- (i) District 1: 5,580 cartons;
- (ii) District 2: 84,630 cartons;
- (iii) District 3: 109,740 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 13, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11299; Filed, Oct. 14, 1966; 8:50 a.m.]

[Avocado Order 8, Amdt. 5]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the stage of maturity of the variety of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on October 12, 1966. After consideration of all available information relative to the growing conditions prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such

provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.308 (31 F.R. 7394, 8592, 9678, 12398, 13135) are hereby amended by changing the date "10/17/66" in Table I applicable to the Booth 8 variety of avocados to "10/24/66", and the date "October 17, 1966", in subparagraph (6) to "October 24, 1966".

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., October 17, 1966.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 13, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11321; Filed, Oct. 14, 1966; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Visas

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 211.1 is amended to read as follows:

§ 211.1 Visas.

(a) *General.* A valid unexpired immigrant visa shall be presented by each arriving immigrant alien applying for admission to the United States for lawful permanent residence, except an immigrant alien who: (1) Is a child born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa; or (2) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admission to the United States is made within 2 years of his birth, the child is accompanied by his parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States.

(b) *Aliens returning to an unrelinquished lawful permanent residence—* (1) *Form I-151, Alien Registration Receipt Card.* In lieu of an immigrant visa,

an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year may present Form I-151, Alien Registration Receipt Card, duly issued to him, provided that during such absence he did not travel to, in, or through any of the following places: Albania, Cuba, Outer Mongolia, and Communist portions of China, Korea, or Viet-Nam, and, except for children who have not attained the age of 16 at the time they apply for admission into the United States, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), the Union of Soviet Socialist Republics, or Yugoslavia. The foregoing restrictions shall not apply when the alien has passed in direct and continuous transit through the Soviet Zone of Germany to Berlin from West Germany by automobile, rail, or plane and returned to West Germany; or when the alien has passed in direct and continuous transit through Yugoslavia to or from Austria, Greece, or Italy. An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year may, in lieu of an immigrant visa, present Form I-151 duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman. When returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, a spouse or child of a member of the Armed Forces of the United States stationed foreign pursuant to official orders may, in lieu of an immigrant visa, present Form I-151, provided such spouse or child resided abroad with the member of the Armed Forces and is preceding or accompanying the member, or is following to join the member in the United States within 4 months of the member's return, and during the temporary absence did not travel to, in, or through any of the restricted places named in this subparagraph except those named places concerning which the restrictions do not apply when an alien has passed in direct and continuous transit through such areas.

(2) *Reentry permit.* In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad may present a valid, unexpired reentry permit duly issued to him. A reentry permit shall be invalid when presented by an alien who, during his temporary absence abroad, traveled to, in, or through any restricted place or places named in subparagraph (1) of this paragraph, unless his permit bears an endorsement, or he presents a letter issued to him by an officer of the Service, or by the Department of State, stating that the restriction with respect to any such place or places

has been waived. With respect to Albania, Cuba, Outer Mongolia, and Communist portions of China, Korea, and Viet-Nam, a waiver of the restriction will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(3) *Waiver of visas.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is good cause for his failure to present an immigrant visa, Form I-151, or reentry permit may, upon application on Form I-193, be granted a waiver of that requirement. If the alien has traveled to, in, or through Albania, Cuba, Outer Mongolia, or Communist portions of China, Korea, or Viet-Nam, a waiver will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(c) *Immigrants having occupational status defined in section 101(a)(15) (A), (E), or (G) of the Act.* An immigrant visa, reentry permit, or Form I-151 shall be invalid when presented by an alien who has an occupational status under section 101(a)(15) (A), (E), or (G) of the Act, unless he has previously submitted, or submits at the time he applies for admission to the United States, the written waiver required by section 247(b) of the Act and Part 247 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits on persons affected thereby.

Dated: October 12, 1966.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 66-11285; Filed, Oct. 14, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7294; Amdt. 21-12]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Issuance of Class II Provisional Type Certificates and Provisional Amendments to Type Certificates to Foreign Manufacturers

The purpose of this amendment to Part 21 of the Federal Aviation Regula-

tions is to allow certain foreign manufacturers of aircraft to apply for and obtain Class II provisional type certificates and provisional amendments to type certificates. The objective of the regulation is to provide a means whereby air carriers can obtain as much experience as possible with foreign manufactured aircraft which, although safe for flight, have not been approved for the issuance of a type or amended type certificate.

This action was published as a notice of proposed rule making (31 F.R. 5969, Apr. 19, 1966) and circulated as Notice 66-14 dated April 11, 1966. All of the comments received in response to the notice expressed agreement with the objective of the proposal and supported the change. However, the comments also recommended additional changes as discussed below.

Expressing concern over deletion of the requirement that the 100-hours flight time for prototype aircraft must have been under an experimental certificate or under a Class I provisional airworthiness certificate, one commentator recommended that some provision be made to assure that the foreign country of manufacture has prototype requirements at least equivalent to U.S. standards. As the notice stated, applicants for Class II provisional type certificates are limited to those foreign manufacturers who manufacture aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import. Moreover, since an applicant for a provisional certificate must have applied for a type certificate, the prototype requirements for the aircraft are governed by the provisions of § 21.29. Under that section, a foreign country must certify that the foreign manufactured aircraft has been examined, tested and found to meet the airworthiness requirements of the Federal Aviation Regulations or the airworthiness requirements of the foreign country and any other requirements the Administrator may prescribe to provide a level of safety equivalent to that provided by the Federal Aviation Regulations.

For the foregoing reasons, the Agency does not believe that added regulatory provisions are necessary to assure that the country of manufacture has prototype requirements at least equivalent to U.S. standards.

Another commentator, citing an exemption granted under the predecessor section of proposed § 21.85(d), stated its belief that the requirement for the FAA's flight test program to be in progress as a prerequisite for provisional amendment to a type certificate is unwarranted. The commentator then recommended that consideration be given to making that section compatible with the requirement for issuance of a Class II provisional type certificate.

Insofar as the requirements concerning the existence of a flight test program are concerned, the proposal merely added a clause recognizing that for foreign manufactured aircraft the flight test program would be identified as the pro-

gram of the foreign country and not necessarily the FAA flight test program. Therefore, the recommendation to delete the requirement that a flight test program must be in progress at the time of the issuance of a Class II provisional type certificate or a provisional amendment to a type certificate goes beyond the scope of the notice. Moreover, contrary to the commentator's position, an examination of the notice in this matter reveals that the requirement concerning the existence of a flight test program is the same for the issuance of a Class II provisional type certificate as for the issuance of a provisional amendment to a type certificate.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

In consideration of the foregoing, Part 21 of the Federal Aviation Regulations is amended effective October 15, 1966, as follows:

1. Section 21.73 is amended by redesignating paragraph (b) as paragraph (c) and inserting the following new paragraph (b):

§ 21.73 Eligibility.

(b) Any manufacturer of aircraft manufactured in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import may apply for a Class II provisional type certificate, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.

§ 21.75 [Amended]

2. Section 21.75 is amended by inserting the words "and in the case of the European, African, and Middle East Region, the Chief, Aircraft Certification Staff" immediately after the words "Aircraft Engineering Division."

3. Section 21.83 is amended to read as follows:

§ 21.83 Requirements for issue and amendment of Class II provisional type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section, and §§ 91.41 and 121.207 of this chapter.

(b) An applicant who manufactures aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to the issue or amendment of a Class II provisional type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the

requirements of paragraph (f) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section and §§ 91.41 and 121.207 of this chapter.

(c) The applicant must apply for a type certificate, in the transport category, for the aircraft.

(d) The applicant must hold a U.S. type certificate for at least one other aircraft in the same transport category as the subject aircraft.

(e) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.

(f) The applicant or, in the case of a foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(g) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.

(h) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(i) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(j) The applicant must show that a prototype aircraft has been flown for at least 100 hours. In the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

4. Section 21.85 is amended to read as follows:

§ 21.85 Provisional amendments to type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to a provisional amendment to a type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the

appropriate limitations contained in this subchapter.

(b) An applicant who manufactures aircraft in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to a provisional amendment to a type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (e) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(c) The applicant must apply for an amendment to the type certificate.

(d) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.

(e) The applicant or, in the case of foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(f) The applicant must submit a report showing that the aircraft incorporating the modifications involved has been flown in all maneuvers necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in §§ 91.41 and 121.207 of this chapter.

(g) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight maneuvers, loading, and operation of controls and equipment, unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(h) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(i) The applicant must operate a prototype aircraft modified in accordance with the corresponding amendment to the type certificate for the number of hours found necessary by the Administrator.

§ 21.223 [Amended]

5. Section 21.223(a)(2) and (f) is amended by striking out the reference “§ 21.83(g)” and inserting the reference “§ 21.83(h)” in place thereof.

§ 21.225 [Amended]

6. Section 21.225(a)(2) and (e) is amended by striking out the reference to “§ 21.85(f)” and inserting the reference “§ 21.85(g)” in place thereof.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on October 10, 1966.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 66-11263; Filed, Oct. 14, 1966; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-AL-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10537) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area in the vicinity of Cape Decision, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments; but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Cape Decision, Alaska, transition area is added as follows:

CAPE DECISION, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 278° bearing from the Cape Decision RBN, extending from 6 miles W to 12 miles W of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles S and 5 miles N of the 278° and 098° bearings from the Cape Decision RBN, extending from 7 miles E of the RBN to the W boundary of Federal Airway Amber 1.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 10, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11238; Filed, Oct. 14, 1966; 8:45 a.m.]

[Airspace Docket No. 66-AL-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10536) stating that the Federal Aviation Agency was

considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Yakutat, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Aircraft Owners and Pilots Association. For simplicity of charting, the AOPA suggested that a semicircular transition area with a floor of 700 feet or 1,200 feet suitable to fill the traffic control needs be designated. In view of the control zone extensions, it did not appear to the AOPA that there is a need for a 700-foot transition area. Accordingly, they recommended a semicircular transition area with a 1,200-foot floor.

After a review of the AOPA comments, we agree that some simplicity of charting can be met by a slight modification of the control zone extension to the northwest, and the elimination of the 1,200-foot transition area extension to the northwest. However, there is a need for the 15-mile radius, 700-foot floor transition area to protect holding patterns and procedure turn areas. The 1,200-foot transition areas to the southeast and southwest are required to protect aircraft on missed approach procedures.

Since these modifications involve an insignificant amount of additional airspace, the Administrator has determined that further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065) the Yakutat, Alaska, control zone is amended to read:

YAKUTAT, ALASKA

Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; within 2 miles each side of the Yakutat VORTAC 229° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC; and that airspace within an 8-mile radius of the Yakutat RR, extending clockwise from a line 2.5 miles S of and parallel to the 283° bearing from the Yakutat RR to a line 2 miles NE of and parallel to the 315° bearing from the Yakutat RR.

2. In § 71.181 (31 F.R. 2149) the Yakutat, Alaska transition area is amended to read:

YAKUTAT, ALASKA

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Yakutat RR, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 229° radial, extending from the 15-mile radius areas to 18 miles SW of the VORTAC.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 10, 1966.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 66-11264; Filed, Oct. 14, 1966;
8:47 a.m.]

[Airspace Docket No. 66-PC-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10418) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a part-time control zone and alter the transition area at Molokai, Hawaii.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 25, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065), the following control zone is added:

MOLOKAI, HAWAII

Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the VORTAC, from 0700 to 1200 hours and from 1400 to 1800 hours local time daily.

2. In § 71.181 (31 F.R. 2149), the Molokai, Hawaii, transition area is amended to read:

MOLOKAI, HAWAII

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15, and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°22'00" N., longitude 156°48'00" W., thence to latitude 21°14'00" N., longitude 156°31'30" W., thence to latitude 21°29'00" N., longitude 156°25'00" W., thence to latitude 21°31'00" N., longitude 156°34'05" W., thence to latitude 21°25'00" N., longitude 156°49'30" W., thence to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Honolulu, Hawaii, on October 7, 1966.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 66-11268; Filed, Oct. 14, 1966;
8:48 a.m.]

[Airspace Docket No. 66-CE-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

Correction

In F.R. Doc. 66-10899 appearing in the issue for Friday, October 7, 1966, at page 13038, in the third paragraph, the effective date "December 3, 1966" should read "December 8, 1966".

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

PH STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment increases the price of standard reference material 185d.

The following amends 15 CFR Part 230:

Section 230.8-1 *pH standards* is amended to increase the price of standard 185d as follows:

Sample No.	Kind	pH (S) (at 25° C)	Approximate weight in grams	Price
185d...	Acid potassium phthalate.	4.004	60	\$7.50

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959, 15 U.S.C. 275a)

Dated: October 5, 1966.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 66-11236; Filed, Oct. 14, 1966;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-220]

PART 1—GENERAL PROVISIONS

Ports of Entry

OCTOBER 7, 1966.

In recent years, there has been a trend for carriers of bonded merchandise in

Pittsburgh, Pa., to move their truck terminals outside the existing port limits in order to avoid traffic congestion and resulting delays in delivering shipments to consignees. Therefore, in order to provide for customs services at these relocated terminals and service for other increased customs activities outside the existing port limits, it has been decided to extend the port limits of Pittsburgh, Pa.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of Pittsburgh, Pa., in the Philadelphia, Pa. district (Region III), comprising the area within the corporate limits of the city of Pittsburgh, Pa., are extended to include all of Allegheny County and that portion of Westmoreland County in the State of Pennsylvania bounded on the north and east by the Pennsylvania Turnpike, on the south by U.S. Route No. 30, and on the west and northwest by the Allegheny-Westmoreland County line.

Section 1.2(c) of the Customs Regulations is amended by inserting "(including the territory described in T.D. 66-220)" after "Pittsburgh, Pa." in the column headed "Ports of entry" in the Philadelphia, Pa., district (Region III).

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL]

TRUE DAVIS,

Assistant Secretary of the Treasury.

[F.R. Doc. 66-11249; Filed, Oct. 14, 1966;
8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EVALUATION OF INCOME

In § 3.262, paragraphs (i) and (j) (2) and (3) are amended and paragraph (j) (4) is added to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(i) *Compensation (civilian) for injury or death.* (1) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or by Social Security Administration, or by Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of

personal injury or death, less medical, legal, or other expenses incident to the injury or death or the collection or recovery of such moneys will be considered income as received, except as provided in subparagraph (2) of this paragraph.

(2) For pension, effective October 7, 1966, if payments based on permanent and total disability or death are received from the Bureau of Employees' Compensation, Social Security Administration or Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, there will be excluded 10 percent of the payments received after deduction of medical, legal and other expenses as authorized by subparagraph (1) of this paragraph. The 10 percent exclusion does not apply to damages collected incident to a tort suit under other than an employer's liability law of the United States or a political subdivision of the United States, or to determinations of dependency for compensation purposes or eligibility for dependency and indemnity compensation.

(j) *Commercial insurance.* * * *

(2) *Life insurance; general.* In determining dependency, or eligibility for dependency and indemnity compensation, or for pension under Public Law 86-211 (73 Stat. 432), the full amount of payments is considered income as received. For pension under Public Law 86-211, effective October 7, 1966, 10 percent of the payments received will be excluded.

(3) *Life insurance; protected pension.* For pension under laws in effect on June 30, 1960, 10 percent of the payments received will be excluded. Where it is considered that life insurance was received in a lump sum in the calendar year in which the veteran died and payments are actually received in succeeding years, no part of the payments received in succeeding years will be considered income until an amount equal to the lump sum face value of the policy has been received, after which 10 percent of the payments received will be excluded. The 10 percent exclusion is authorized effective October 7, 1966.

(4) *Disability, accident or health insurance.* For pension, effective October 7, 1966, there will be excluded 10 percent of the payments received for disability after deduction of medical, legal, or other expenses incident to the disability. For compensation or for dependency and indemnity compensation, after deduction of such expenses, the full amount of payments is considered income as received.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: October 7, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11251; Filed, Oct. 14, 1966;
8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—RADIO FREQUENCY DEVICES

Measurement Procedure

In the matter of amendment of § 15.75 of the Commission's rules and regulations to effect certain editorial changes therein.

1. On May 18, 1966, the Commission adopted an order amending § 15.75(b) of its rules by the addition of a new subparagraph (4) (31 F.R. 7469). As made clear in the order, the purpose of the amendment was to provide an alternate procedure for receiver radiation measurement, i.e., the procedure described in International Electrotechnical Commission (IEC) Publication 106 (1959) and Supplement 106A (1962).

2. The IEC publication also includes a procedure for measurement of conducted interference, which procedure has not as yet been correlated with other standard procedures. Through inadvertence, the new subparagraph (4) of § 15.75(b) included a reference to the measurement of conducted interference. The subparagraph is being amended herein to delete such reference. Further, with the elimination of the reference to conducted interference, the words, "For frequencies above 25 Mc/s" within the parentheses are no longer necessary, and are being deleted.

3. Since the amendments adopted herein are editorial in nature and serve only to clarify the intent of the prior order, compliance with the notice, procedural, and effective date provisions of the Administrative Procedure Act is unnecessary.

4. The amendment of § 15.75(b) (4) of the rules adopted herein is issued pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's Rules.

Accordingly, it is ordered, That, effective October 18, 1966, Part 15 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Adopted: October 12, 1966.

Released: October 12, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 15.75(b) (4) is amended to read as follows:

§ 15.75 Measurement procedure.

* * * * *

(b) * * *
(4) International Electrotechnical Commission Publication No. 106 (1959) and Supplement 106A (1962) for measurement of radiated interference from broadcast receivers. (A conversion factor of 0.1 (−20 db) shall be applied to the measured values for comparison with the limits of § 15.63.)

NOTE: This publication and supplement may be purchased from the United States of America Standards Institute (formerly American Standards Association), 10 East 40th Street, New York, N.Y. 10016.

* * * * *

[F.R. Doc. 66-11272; Filed, Oct. 14, 1966;
8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mattamuskeet National Wildlife Refuge, N.C.; Correction

In F.R. Doc. 65-11847, appearing at page 13954 of the issue for November 4, 1965, subparagraph (1), should read as follows:

(1) The sport fishing season on the refuge extends from January 15, 1966, through November 6, 1966, except bank fishing along the causeway (State Route 94 crossing Mattamuskeet Lake) is permitted on a year-round basis up to a distance of 100 yards on each side of the road right-of-way.

WALTER A. GRESH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 66-11246; Filed, Oct. 14, 1966;
8:46 a.m.]

Proposed Rule Making

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. 253]

NOTICE OF INDEPENDENT ACTION; PUBLIC NOTICE OF TARIFF PUBLI- CATION PROPOSALS BY INDIVID- UAL CARRIERS WHERE PUBLICA- TION IS TO BE EFFECTED BY A RATE CONFERENCE

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of September, A.D. 1966.

Section 5a of the Interstate Commerce Act provides that the Commission, under such rules and regulations as it may prescribe, shall approve agreements entered into among two or more carriers relating to the joint consideration and initiation of rates, fares, classifications, divisions, allowances, or charges, provided that the furtherance of the national transportation policy requires that such agreements be relieved from the operation of the antitrust laws and that they are not otherwise prohibited by the Act. Many rate conference agreements, together with the rules, regulations, and internal procedures established by the individual conferences, have been approved.

It has been the Commission's consistent practice before approving a rate conference's procedures to require that they include effective means for giving public notice of proposed conference action. This may be done by publication in a transportation journal of general circulation or, in certain instances, by the conference's providing personal notice by mail to all persons requesting it.

Section 5a(6) of the Act provides:

The Commission shall not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action either before or after any determination arrived at through such procedure.

In approving rate conference agreements, the Commission requires that the conference procedures specifically provide for complete freedom on the part of each carrier member to publish any rate or to initiate any practice independently of the conference. There can lawfully be no restraint imposed by a conference upon a carrier which would prevent its publishing its own schedules.

It is a common practice, however, for carriers proposing to take independent action to arrange for tariff publication

through the rate conferences to which they belong. Moreover, it is also a common practice—and one which the Commission has approved—for the regulations and procedural rules of rate conferences to provide that, where a member wishes to proceed in this way, the conference will give notice to its other members. It is also common for such regulations to provide that the proposal will be published so as to be applicable to all the conference's members, except those notifying it of their desire to be excluded, or in the alternative, to any members notifying it of their desire to be included. For example, Rule 3.2 of the Code of Procedures for Rate Committees of the Middle Atlantic Conference provides:

Where independent action is announced, notification will be given promptly by the publishing agent to competing and other interested carriers. Such notification, depending on the nature of the rate on which independent action is taken, will state whether or not it—

(a) Will be published for the account of all carriers which do not within 10 days instruct otherwise, or

(b) Will be published only for the account of the carrier taking independent action, unless within 10 days competitive carriers desire publication made also for their account.

This provision, among others, was approved by the Commission in 1951 in Middle Atlantic Conference—Agreement, 283 ICC 683.

The question has been raised whether a rate proposal which originates as the independent action of a single carrier but which is circulated by a rate conference to its members, subject to terms and conditions which could result in the proposal's being published for the account of such other carriers, actually remains the "independent action" of the initiating carrier; or whether it is, in fact, tantamount to a proposed "conference action" concerning which interested members of the general public are entitled to notice.

Upon consideration of the foregoing matters, and good cause appearing:

It is ordered, That a proceeding be, and it is hereby, instituted under Part I of the Interstate Commerce Act, and more particularly under sections 5a and 12(1) thereof, 49 U.S.C. §§ 5b and 12(1), to inquire into the operations of conferences, bureaus, committees, or other organizations the operations of which require approval by the Commission pursuant to section 5a of the Act, in order to determine whether it is necessary and desirable to adopt regulations requiring such organizations to establish procedures for giving public notice of proposals initiated by individual members, but in which other members are given the opportunity to join; and to take such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all conferences, bureaus, committees, or other or-

ganizations which operate pursuant to approval obtained from the Commission under section 5a of the Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearings be scheduled for receiving testimony unless the need therefor should later appear, but that respondents and any other interested person may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments and replies to such statements. All written statements and replies thereto will be considered as evidence and as part of the record in this proceeding.

Twenty-five copies of all initial written statements, the original of which shall be verified, shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before December 5, 1966.

Twenty-five copies of all reply statements shall be filed on or before January 4, 1967.

In order to save time and expense, all parties who have interests in common are urged to file joint statements.

Parties submitting written statements are particularly invited to express their views and opinions concerning the desirability and workability of the Commission's requiring every rate conference to adopt and abide by the following rule or a rule of similar effect:

Where independent action is announced, and notification is given by the publishing agent to competing and other interested carriers, the subject proposal will be considered as constituting proposed conference action, and notification thereof will be given to all the same persons and in the same manner as is the case with respect to conference action.

And it is further ordered, That a copy of this notice and order be served upon all conferences, bureaus, committees, or other organizations which operate pursuant to approval obtained from the Commission under section 5a of the Act; that a copy be mailed to the Governor of every State and to the Public Utility Commission or Board, or similar regulatory body having jurisdiction over the rates and practices of rail, motor, and water carriers and freight forwarders; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the **FEDERAL REGISTER** as notice to all interested persons.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

This is a list of the parties to be served with all statements and pleadings.

SERVICE LIST

Household Goods Carriers' Bureau, F. L. Wyche, Executive Secretary, 1424 16th Street NW., Washington, D.C. 20036.

Western Railroad Traffic Association, James M. Souby, Jr., Chairman and Counsel, Room 514, Union Station Building, Chicago, Ill. 60606.

Eastern Railroads, C. S. Baxter, Chairman, One Park Avenue, New York, N.Y. 10016.

Movers' & Warehousemen's Association of America, Inc., Carroll F. Genovese, Executive Secretary, Suite 1101 Warner Building, Washington, D.C. 20004.

Southern Freight Association, R. E. Boyle, Jr., Chairman, 101 Marietta Street Building, Atlanta, Ga. 30303.

Association of American Railroads, C. A. Lauby, Executive Vice-Chairman, Transportation Building, Washington, D.C. 20006.

National Bus Traffic Association, Inc., Rice, Carpenter & Carraway, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004.

Waterways Freight Bureau, Wesley A. Rogers, Chairman, Suite 711, 1319 F Street NW., Washington, D.C. 20004.

General Tariff Bureau, Inc., Kenneth L. Colchin, Manager, 818 Townsend Street, Post Office Box 1223, Lansing 4, Mich.

Interstate Freight Carriers' Conference, Inc., T. A. L. Loretz, 510 South Spring Street, Los Angeles, Calif. 90013.

North Atlantic Port Railroads, Joseph F. Eshelman, General Attorney, The Pennsylvania Railroad Co., 1740 Broad Street Station Building, Philadelphia 4, Pa.

Lake Coal Demurrage Committee, % Miss Mary Barrett, Secretary, Bessemer & Lake Erie Railroad Co., Greenville, Pa.

Atlantic-Gulf Coastwise Steamship Freight Bureau, W. S. Jermain, 140 Cedar Street, New York, N.Y.

Southwestern Motor Freight Bureau, Inc., J. D. Hughett, 4112 San Jacinto Street, Dallas, Tex. 75204.

Southern Ports Foreign Freight Committee, H. M. Engdahl, Chairman, Room 305 Union Station, 516 West Jackson Boulevard, Chicago, Ill. 60606.

Illinois Freight Association, H. R. Johnson, Chairman, Union Station Building, 516 West Jackson Boulevard, Chicago, Ill. 60606.

Pacific Inland Tariff Bureau, Inc., E. J. Barry, General Manager, 1732 N. W. Quimby Street, Portland, Oreg. 97209.

San Francisco Movers Tariff Bureau, William M. Larimore, Agent, 260 California Street, San Francisco, Calif. 94111.

New England Motor Rate Bureau, Inc., 125 Lincoln Street, Boston, Mass. 02111.

Railroad Interterritorial Agreement, 301 Baltimore & Ohio Building, Baltimore, Md.

Midwest Motor Carriers Bureau, Inc., 807 Colcord Building, 15 North Robinson Street, Oklahoma City, Okla. 73102.

Middle Atlantic Conference, Post Office Box 10213, Washington, D.C. 20018.

Tobacco Transporters Association, C. F. Hardy, 314 South Seventh Street, Richmond, Va.

Chicago Suburban Motor Carriers, Association, Inc., W. B. Jeffrey, General Manager, 1957 Ridge Road, Homewood, Ill. 60430.

Columbia River Tariff Bureau, E. J. Berry, General Manager, 1100 Jackson Tower, Portland, Oreg.

Central States Motor Freight Bureau, Inc., 316 East Ohio Street, Chicago, Ill. 60611.

Oil Field Haulers Association, Inc., Post Office Drawer 647, Kansas City, Mo. 64141.

Oil Field Haulers Association, Inc., Post Office Box 488, Austin, Tex. 78767.

Wearing Apparel Carriers, Herman B. J. Weckstein, Attorney, 1060 Broad Street, Newark, N.J.

Southern Illinois Motor Rate Conference, L. K. Mocabee, 633 Collinsville Avenue, East St. Louis, Ill.

California Household Goods Carriers' Bureau, T. A. L. Loretz, Agent, 510 South Spring Street, Los Angeles, Calif. 90013.

Western States Movers' Conference, T. A. L. Loretz, Agent, 510 South Spring Street, Los Angeles, Calif. 90013.

Kansas Oil Field and Heavy Machinery Haulers, George D. Hutchins, Traffic Manager, Kansas Motor Carriers Association, 2900 South Topeka Boulevard, Topeka, Kans. 66611.

Great Lakes Freight Bureau, Inc., John Boland III, Chairman, c/o Boland & Carnelius, Marine Trust Building, Buffalo, N.Y.

Niagara Frontier Tariff Bureau, Inc., Gerald W. Vaillancourt, 631 Niagara Street, Buffalo, N.Y.

Southern Motor Carriers Rate Conference, Inc., Post Office Box 7347, Station C, 1307 Peachtree Street NE., Atlanta, Ga. 30309.

Mississippi Valley Motor Freight Bureau, Inc., 415 Buder Building, Post Office Box 2104, St. Louis, Mo.

Eastern Central Motor Carriers Association, Inc. (The), Post Office Box 3600, Akron, Ohio 44310.

Central and Southern Motor Freight Tariff Association, Inc., Post Office Box 21143, Louisville, Ky. 40221.

Indiana Motor Rate and Tariff Bureau, Inc., 2011 North Meridan Street, Indianapolis, Ind. 46202.

Freight Forwarders Conference, Thomas M. Joseph, Executive Secretary, 9 Lincoln Avenue, Post Office Box 256, Rutherford, N.J.

Intercoastal Steamship Freight Association, Roy G. Banks, Chairman, 26 Broadway, New York, N.Y.

Heavy and Specialized Carriers Tariff Bureau, F. H. Floyd, 1616 P Street NW., Washington, D.C. 20030.

Motor Carriers Traffic Association, Inc., 2701 South Elm Street, Post Office Box 1500, Greensboro, N.C. 28206.

Machinery Haulers Association, A. R. Fowler, 2288 University Avenue, St. Paul, Minn.

Jamestown Area Furniture Haulers Association, Inc., 631 Niagara Street, Buffalo, N.Y. 14201.

Rocky Mountain Motor Tariff Bureau, Inc., Post Office Box 5746 Terminal Annex, Denver, Colo. 80217.

National Classification Committee, F. G. Freund, 1616 P Street NW., Washington, D.C. 20036.

Intermountain Tariff Bureau, Inc., Collier L. Allen, Post Office Box 686, Salt Lake City, Utah 84110.

Eastern Tank Carrier Conference, Inc., William M. Watt, 808 Warner Building, Washington, D.C. 20004.

Steel Carriers' Tariff Association, Inc., 16611 Chagrin Boulevard, Shaker Heights, Ohio 44120.

Equipment Interchange Association, 1616 P Street NW., Washington, D.C. 20036.

Western Tank Truck Carriers' Conference, Inc., Delmar S. Eno, 1077 South Gilpin Street, Denver, Colo.

Perishables Tariff Bureau, F. D. Dollarhide, 318 Cadiz Street, Dallas, Tex. 75207.

Western Motor Tariff Bureau, Inc., Post Office Box 3244, Huntington Park, Calif. 90258.

Motor Carrier Inter-Related Rate Agreement, Roland Rice, 1111 E Street NW., Washington, D.C. 20004.

Ohio Motor Freight Tariff Committee, Inc., Jesse L. Himmelreich, 40 West Gay Street, Columbus, Ohio 43215.

West Carriers Tariff Bureau, William M. Larimore, 260 California Street, San Francisco, Calif.

Pacific Motor Tariff Bureau, Inc., Daniel W. Baker, 11858 San Pablo Avenue, El Cerrito, Calif.

Texas Motor Express and Film Carriers Association, J. L. Burch, Jr., 1224 Milam Building, San Antonio, Tex.

Nationwide Household Movers Association, Robert E. Tate, Motor Carrier Consultants, Inc., 2031 Ninth Avenue South, Birmingham, Ala.

Mobile Housing Carriers Conference, Thomas F. Kilroy, Warner Building, 501 13th Street NW., Washington, D.C. 20004.

Hawaiian Freight Tariff Bureau, Inc., 760 Warehouse Street, Post Office Box 21283, Market Station, Los Angeles, Calif.

New York Movers Tariff Bureau, Inc., Beverly S. Sims, 612 Barr Building, 910 17th Street NW., Washington, D.C.

Alaska Carriers Association, Inc., Edward R. Sanders 1701 East First Avenue, Anchorage, Alaska.

Oil Capital Tariff Bureau, Inc., Grant M. Lankford, Post Office Box 15460, 4101 South 74th East Avenue, Tulsa, Okla. 74115.

National Association of Specialized Carriers, Inc., Mert Starnes, 5003 Jensen Drive, Post Office Box 16355, Houston, Tex.

Wyoming Trucking Association, Inc., Post Office Box 1889, Casper, Wyo. 82602.

Maine Motor Rate Bureau, Roland Rice, Rice, Carpenter & Carraway, 618 Perpetual Building, Washington, D.C. 20004.

Automobile Transporters Tariff Bureau, Inc., 3380 Penobscot Building, Detroit, Mich. 48226.

[F.R. Doc. 66-11261; Filed, Oct. 14, 1966; 8:47 a.m.]

[49 CFR Parts 95-97]

[Ex Parte No. 241]

RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Investigation of Adequacy; Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 3, held at its Office in Washington, D.C., on the 4th day of October A.D. 1966.

Upon consideration of the record in this proceeding and of the request of certain parties for postponement of the date for filing a reply statement to the statement of Witness Robinson; and good cause appearing:

It is ordered, That subparagraphs numbered 6 and 7 in the fourth ordering paragraph of the order of July 29, 1964 (29 F.R. 11653), as modified by the orders dated October 19, 1964 (29 F.R. 14754), October 12, 1965 (30 F.R. 13267), February 14, 1966 (31 F.R. 3081), and August 5, 1966 (31 F.R. 10853), be further modified to read as follows:

6. Prior to November 30, 1966, any party may file and serve replies to the statement of Witness Robinson. The date for filing replies to the other statements filed on July 1, 1966, is unchanged (October 15, 1966).

7. Prior to December 30, 1966, any party may file and serve a request for oral hearing, together with justification therefor. Any reply thereto must be filed and served prior to January 16, 1967.

It is further ordered, That all other provisions of the aforesaid order of

July 29, 1964, as modified, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served upon those persons shown on the service list published with the order dated May 17, 1965; that a copy be posted in the office of the Secretary of this Commission, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11260; Filed, Oct. 14, 1966;
8:47 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 43]

MAIL DEPOSIT AND COLLECTION

Slip-Joint Construction of Mail Chutes

Notice is hereby given of proposed rule making consisting of a proposed amendment to Part 43 of Title 39, Code of Federal Regulations. The proposed amendment to § 43.6(c)(2)(i) will require slip-joint construction of mail chutes to reduce manpower costs due to maintenance.

Although the procedures in 39 CFR Part 43 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to comment on the proposed amendments. Written data, views, and arguments may be filed with the Director, Delivery Services Branch, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments read as follows:

§ 43.6 Mail chutes and receiving boxes.

(c) Specifications for construction of chutes. * * *

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein. Slip-joint construction shall be utilized whereby the upper section will fit into the end of the lower section providing an overlap of not less than 2 inches.

NOTE: The corresponding Postal Manual section is 153.632a.

(5 U.S.C. 301, 39 U.S.C. 501, 6001, 6003)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 66-11265; Filed, Oct. 14, 1966;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 972]

VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

Notice of Rule Making With Respect to Termination of Marketing Agreement and Order

Notice is hereby given that the Secretary of Agriculture is considering termination of Marketing Order No. 972 (formerly Marketing Order No. 910) and Marketing Agreement No. 67. The marketing agreement and order (hereinafter referred to as "order") provide for the regulation of grades and sizes in handling cauliflower and fresh peas grown in the production area, the San Luis Valley, Colo. This order, in effect since August 9, 1936, was issued under the Agricultural Adjustment Act, as amended, and was continued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, et seq.).

Prior to World War II, production and marketing of fresh peas and cauliflower were important both to San Luis Valley producers and to the late summer supply and market price structure for these commodities. They continued so after the war, with 6,400 acres in fresh peas in 1948 and 3,200 acres in cauliflower. Since then, with the advent of competition from frozen vegetables, production and marketing of fresh peas and cauliflower in the production area have declined rapidly, especially in the decade last past. Current reports indicate the San Luis Valley fresh pea production this season on not more than 100 acres and cauliflower on only about 10 acres.

The last grade and size regulations under this order were during the 1958 season. Neither the cauliflower marketing committee nor the fresh pea marketing committee have recommended any regulations since then. The relative significance of these two commodities is minimal both to the agricultural economy of the San Luis Valley and to the supply and marketing price structure for these crops.

Economic and marketing conditions for these two commodities indicate no existing or continuing need for this marketing order.

It is concluded, therefore, it should be terminated.

Consideration will be given to any data, views, or arguments pertaining to this notice which are filed with the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department

of Agriculture, Washington, D.C. 20250, not later than 30 days following its publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the aforesaid Director, Fruit and Vegetable Division, during regular business hours (7 CFR 1.27(b)).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 12, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-11270; Filed, Oct. 14, 1966;
8:48 a.m.]

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Date on Which Excess Hops Become Reserve; 1966 Crop

Notice is hereby given of a proposal, unanimously recommended by the Hop Administrative Committee. The proposal would permit hops baled, packaged, processed, or otherwise prepared for market, that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association to become reserve hops on November 15, 1966. The authorization for the proposal would be pursuant to § 991.39 of Marketing Order No. 991 (31 F.R. 9713, 10072), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 991.39 provides that in the absence of another prescribed date, the aforementioned hops become reserve hops on November 1. Because this is the initial year of program operations, certain producers will not receive their respective allotment bases until late October. Since the determination of the allotment base is necessary to finalize a producer's annual allotment, the late date will interfere with the producer's ability to fill production deficiencies as authorized by § 991.38(d), prior to November 1, the date excess hops would become reserve hops and subject to the applicable limitations.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than October 20, 1966. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.202 Date on which excess hops become reserve hops, 1966 crop.

Pursuant to § 991.39, hops of the 1966 crop, baled, packaged, processed, or

otherwise prepared for market that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a co-operative marketing association and are held by any producer-handler or association on November 15, 1966, shall be reserve hops.

Dated: October 14, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11336; Filed, Oct. 14, 1966;
11:48 a.m.]

[7 CFR Parts 1067, 1102]

[Docket Nos. AO-222-A21, AO-237-A15]

MILK IN THE OZARKS AND FORT SMITH, ARK., MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, 2402 North College Street, Fayetteville, Ark., beginning at 10 a.m., local time, on November 2, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Ozarks and Fort Smith, Ark. marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to a redefinition of the Ozarks and Fort Smith, Ark., mar-

keting areas raises the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

OZARKS (ORDER No. 67)

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers, Square Deal Milk Producers and Acee Milk Co.:
Proposal No. 1. Delete from § 1067.6 Ozarks marketing area, the Arkansas counties of Benton, Boone, Marion, and Washington.

Proposed by Foremost Dairies, Inc.:
Proposal No. 2. Extend the Ozarks marketing area to include the following counties, all in the State of Arkansas: Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone.

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers and Square Deal Milk Producers:

Proposal No. 3. Delete the proviso in § 1067.51(a), "Class prices", and substitute in lieu thereof the following: "Provided, That the price for fluid milk products delivered by handlers to the Fort Smith marketing area shall be priced at the Fort Smith Class I price less a location adjustment from point of delivery to the handlers pool plant location computed pursuant to § 1067.53."

Proposed by the Acee Milk Co., Fort Smith, Ark.:

Proposal No. 4. Delete the proviso in § 1067.51(a), "Class prices", and substitute in lieu thereof the following proviso: "Provided, That the price for Class I packaged milk and milk products delivered by handlers to the Fort Smith marketing area shall be priced at the Fort Smith Class I price."

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers and Square Deal Milk Producers:

Proposal No. 5. Delete all of paragraph (b) of Section 1067.82.

FORT SMITH, ARKANSAS (ORDER No. 102)

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers, Square Deal Milk Producers, and Acee Milk Co.:

Proposal No. 6. Amend § 1102.6 *Fort Smith, Ark., marketing area*, to read as follows:

§ 1102.6 Fort Smith, Ark., marketing area.

Fort Smith, Ark., marketing area, means all territory within the counties of: Scott, Yell, Sebastian, Logan, Crawford, Franklin, Johnson, Washington, Madison, Benton, Carroll, and Boone all in the State of Arkansas.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators, Fred L. Shipley, 2710 Hampton Avenue, St. Louis, Mo. 63139; and from Charles S. McDonald, Post Office Box 4225, Asher Avenue Station, Little Rock, Ark. 72204, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 11, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-11252; Filed, Oct. 14, 1966;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 66-221]

VERTICAL WATER WHEEL ELECTRICAL GENERATORS

Appraisement

OCTOBER 11, 1966.

Decision in C.A.D. 881, that a penalty constituted a reduction in the manufacturer's actual profit, limited.

In the case of English Electric Export & Trading Co., Inc., et al. v. United States, the U.S. Court of Customs and Patent Appeals stated, in a decision dated June 16, 1966, published as C.A.D. 881, that a penalty of \$175,300 constituted a reduction in the manufacturer's actual profit and should have been subtracted from the appraised value, even though the transaction involving the penalty occurred after exportation.

No further judicial proceedings in connection with the case are contemplated. However, further judicial review of the point will be sought at an appropriate opportunity. Consequently, the decision shall be limited to the facts of the above case.

[SEAL]

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-11250; Filed, Oct. 14, 1966;
8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY ET AL.

Delegation of Authority Regarding Secrecy of Certain Inventions and Withholding of Patents

Delegations of authority to Secretaries of Army, Navy, and Air Force with respect to secrecy of certain inventions and withholding of patent.

The Secretary of Defense approved the following delegations of authority September 30, 1966:

Reference: DoD Directive 5535.2, dated July 15, 1953, published at 18 F.R. 4241 (hereby canceled).

I. *Delegation.* Under the provisions of section 133(d) of title 10, United States Code, I hereby delegate to the Secretary of the Army, Secretary of the Navy, and the Secretary of the Air Force, all powers conferred upon the Secretary of Defense by sections 181, 182, and 184 of title 35, United States Code, with respect to secrecy of certain inventions and withholding of patent. The said delegates may redelgate this authority to a patent ad-

visory board under the management control of the Department of the Army.

II. *Cancellation.* The reference is hereby superseded and canceled.

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Administration).

[F.R. Doc. 66-11267; Filed, Oct. 14, 1966;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Phoenix 085082]

ARIZONA

Order Providing for Opening of Lands

OCTOBER 7, 1966.

1. Pursuant to the Act of May 13, 1946 (60 Stat. 179), the following lands are opened to entry, subject to the terms and conditions cited below:

GILA AND SALT RIVER MERIDIAN

T. 24 N., R. 14 W.

Sec. 30, SW $\frac{1}{4}$ and E $\frac{1}{2}$.

The area described aggregates 480 acres.

2. The lands are located in Mohave County. The soil is sandy loam. The topography is flat and rolling.

3. No application for these lands will be allowed under the homestead, desert land or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. This order shall become effective at 10 a.m. on November 12, 1966.

4. Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-11247; Filed, Oct. 14, 1966;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ALASKA STEAMSHIP CO.

Bareboat Charters

Notice of tentative findings justifying the continuance of bareboat charters covering three CI-M-AV1 type Govern-

ment-owned ships during calendar year 1967.

Notice is hereby given that the Acting Maritime Administrator has tentatively found, in accordance with section 5(e) (1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters during calendar year 1967 of the Government-owned CI-M-AV1 type ships MS "Coastal Monarch," MS "Coastal Nomad," and MS "Coastal Rambler," presently under charter to Alaska Steamship Co., which are due for annual review on or about November 1, 1966.

Any interested person may request a hearing with respect to the Acting Administrator's findings by filing written objections, in triplicate, stating the reasons therefor, with the Secretary, Maritime Administration, Washington, D.C. 20235, within 10 days of the date of this notice.

The findings will become final if no objection or no request for a hearing is received.

Dated: October 11, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-11253; Filed, Oct. 14, 1966;
8:46 a.m.]

National Bureau of Standards

NBS RADIO STATION WWV, GREENBELT, MD.

Relocation to Fort Collins, Colo.

During the month of November 1966, a voice announcement will be made from WWV between 3 and 4 minutes after each hour giving notice of the relocation of WWV to Fort Collins, Colo., effective December 1, 1966.

Dated: October 5, 1966.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 66-11237; Filed, Oct. 14, 1966;
8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

BERNARD T. CRAUN

Redelegation of Authority With Re- spect to Low-Income Housing Dem- onstration Program

Bernard T. Craun is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Devel-

opment with respect to the low-income housing demonstration program under section 207 of the Housing Act of 1961, as amended (42 U.S.C. 1436):

1. To execute contracts and contract amendments within the amounts and conditions of allocation orders approved by the Assistant Secretary for Demonstrations and Intergovernmental Relations.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

(Secretary's delegation to Assistant Secretary for Demonstrations and Intergovernmental Relations effective July 1, 1966 (31 F.R. 9752, July 19, 1966))

Effective date. This redelegation of authority shall be effective as of October 15, 1966.

H. RALPH TAYLOR,
Assistant Secretary for Demon-
strations and Intergovern-
mental Relations.

[F.R. Doc. 66-11283; Filed, Oct. 14, 1966;
8:49 a.m.]

HOWARD CAYTON OR DON I. PATCH

Redelegation of Authority With Re- spect to Urban Renewal Demon- stration Program

Howard Cayton or in his absence Don I. Patch is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to the urban renewal demonstration program under section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a):

1. To execute contracts and contract amendments within the amounts and conditions of allocation orders approved by the Assistant Secretary for Demonstrations and Intergovernmental Relations.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

(Secretary's delegation to Assistant Secretary for Demonstrations and Intergovernmental Relations effective July 1, 1966 (31 F.R. 9752, July 19, 1966))

Effective date. This redelegation of authority shall be effective as of October 15, 1966.

H. RALPH TAYLOR,
Assistant Secretary for Demon-
strations and Intergovern-
mental Relations.

[F.R. Doc. 66-11284; Filed, Oct. 14, 1966;
8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-70]

GENERAL ELECTRIC CO.

Notice of Issuance of Amended Operating License

Please take notice that, no request for a hearing or petition to intervene having

been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5 to Facility License No. TR-1 to the General Electric Co. authorizing operation of the General Electric Test Reactor (GETR) located near Pleasanton, Calif., at power levels up to 50 Mw with revised Technical Specifications for operation of the facility.

The amended operating license was issued substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER September 1, 1966, 31 F.R. 11558, except that in the Technical Specifications of the license typographical corrections were made, the stack limits set forth in Table I were converted from microcuries per milliliter to microcuries per second, and certain operating limitations were made more conservative.

Dated at Bethesda, Md., this 6th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11235; Filed, Oct. 14, 1966;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16864; FCC 66M-1368]

ARTHUR POWELL WILLIAMS

Order Continuing Prehearing Conference

In re application of Arthur Powell Williams, Docket No. 16864, File No. BR-1852, for renewal of license of Station KLAV, Las Vegas, Nev.

On the unopposed oral request of counsel for applicant: *It is ordered*, This 10th day of October 1966, that the prehearing conference is further rescheduled from October 14 to October 26, 1966, at 9:30 a.m., in Washington, D.C.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11273; Filed, Oct. 14, 1966;
8:48 a.m.]

[Docket No. 16722; FCC 66R-396]

BLACK HAWK BROADCASTING CO. (KWWL-TV)

Memorandum Opinion and Order Modifying Designation Order

In re application of Black Hawk Broadcasting Co. (KWWL-TV), Waterloo, Iowa, Docket No. 16722, File No. BPCT-3606; for construction permit.

1. The above-captioned application of Black Hawk Broadcasting Co. (KWWL-

TV) for a construction permit to relocate its antenna site and make certain other changes in its television station at Waterloo, Iowa, was, subsequent to consideration of a petition to deny and other pleadings, designated for hearing by Commission order released June 24, 1966. WMT-TV, Inc., and the Association of Maximum Service Telecasters, Inc., were named parties respondent to the proceeding. Among the several issues designated the following are pertinent to our consideration here.

(1) To determine whether there is an area within which the applicant could locate its transmitter in conformity with all of the requirements of the Commission's rules and provide service to the public equivalent to that proposed in the application.

(4) To determine whether circumstances exist which would warrant a waiver of § 73.610(a) of the Commission's rules and, if so, to determine the necessary conditions to be met in order to assure that "equivalent protection" will be provided to Station KHQA-TV, Hannibal, Mo., on the basis of the standards set forth in Docket No. 13340.

The Commission in its fifth ordering clause specified that:

The burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1 herein is placed on the parties respondent.

On July 14, 1966, WMT-TV, Inc., filed a motion to amend, modify or enlarge issues. On the same date Maximum Service Telecasters filed a motion which, by reference to the WMT-TV motion, seeks identical relief.¹ Both of the above-described motions will therefore be considered in this document. The parties respondent would have us delete Issue No. 1 in its entirety or modify it by deleting that part of the issue which would require a showing that the alternate site meeting the mileage separation would enable the applicant to provide service to the public equivalent to that afforded by the proposed application. If Issue 1 is not deleted they would have us delete the ordering clause which places the burden of going forward and the burden of proof on the parties respondent. The parties respondent would also have us add an issue concerning the effect of the proposed move on the development of UHF television.

2. It is argued that Issue No. 1 is redundant, since all the evidence which would be introduced pursuant to issue 1 could also be introduced pursuant to is-

¹ The Review Board has for consideration the following pleadings: Motion to Review Board to amend, modify or enlarge issues, filed by WMT-TV, Inc., July 14, 1966; opposition by Black Hawk Broadcasting Co. to motions to amend, modify or enlarge issues, filed July 27, 1966; Broadcast Bureau's partial opposition to WMT's petition to amend, modify or enlarge issues, filed July 27, 1966; reply of WMT-TV, Inc., filed Aug. 4, 1966; motion to Review Board to amend, modify or enlarge issues, filed by Association of Maximum Service Telecasters, Inc., July 14, 1966; and reply of Association of Maximum Service Telecasters, Inc., filed Aug. 4, 1966.

due 4. Moreover, the parties respondent note that in a similar recently decided case² the Commission included an issue identical to issue 4 but did not include an issue comparable to issue 1. They then argue that to include issue 1 in the present proceeding is arbitrary. In support of their contingent request to modify, they note that the Commission in the text of the designation order spoke in terms of alternate sites which permit the applicant "to achieve its objectives" or "to achieve its purposes" rather than "to provide service to the public equivalent to that proposed in the application," the language of the issue. Thus they argue the language of the issue was not fully considered by the Commission.

3. These arguments do not persuade the Board that the issue should be modified or deleted. The text of the designation order, supra, explicitly discusses the problems posed by the alternate sites question, and in paragraph 15 notes that:

Having considered all of the matters raised by the pleadings, we find that, except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed.

The respondents have advanced no facts not set forth in the pleadings which were considered by the Commission at the time the matter was designated for hearing. The argument that it is a logical impossibility to provide "equivalent service" from different sites must fall because it stems from a literal reading of the issue, which is not warranted by the context in which the language is used. The meaning attributed to the critical phrase by the Bureau³ is more appropriate in view of the context in which the words are used and established Commission practice.⁴

The arguments based on the WTCN case, supra, are likewise not persuasive. The crux of the matter is that, in the instant case, the Commission after carefully considering all of the facts and arguments, including citations to WTCN and other cases relied upon by respondents, which were set forth by the parties at great length in their prehearing pleadings, has concluded that it requires more detailed information concerning the alternate sites question than would be submitted pursuant to issue 4. It has therefore spelled out the specific questions contained in issue 1. The facts sought in issue 1 are relevant to a resolution of issue 4. In view of the foregoing, issue 1 will be neither modified nor deleted.

² WTCN Television, Inc., 1 FCC 2d 337, 5 RR 2d 573 (1965).

³ In discussing this matter in its opposition, the Bureau stated that " * * * the Commission wants to know whether the public benefits derived from a grant at an alternate site; namely, a predicted grade B signal to underserved areas, would be equal to or greater than the public benefits derived from a grant of KWWL's proposal."

⁴ Cf. Mid-America Broadcasting System, Inc., 19 RR 599 (1959) and cases cited therein.

4. With respect to issue 1 there remains the request of the parties respondent that the burden of proof concerning issue 1 be shifted to the applicant. In support of this request they rely heavily upon the WTGN case, supra. In that case, on petition for reconsideration, the Commission reversed its prior holding to conclude that a showing with respect to alternate sites was appropriate in considering the propriety of a waiver of § 73.610. Among other things in discussing burden of proof the Commission there held that,

where the applicant seeks waiver of our rules, * * * the applicant has the burden of proof on the question, if it is raised, as to whether there are other sites available which would equally serve the public interest and at the same time comply with our rules.

In view of this and other language in that case, we must agree with the Bureau, that in designating this matter the Commission inadvertently overlooked its ruling in the WTCN case to the effect, that the applicant has the ultimate burden of persuasion on this as on other aspects of the waiver question. This does not however necessitate a modification of the ordering clause with respect to going forward with the proof. Inasmuch as the respondents have urged that suitable alternate sites are available, it is appropriate that they be afforded an opportunity to submit proof of their allegations.⁵ On the other hand, if the respondents submit such evidence and the applicant is unwilling to concede that alternate sites from which it can render service to the public "equivalent to that proposed in the application" are available, then it must ultimately persuade the Commission of the propriety of its position. The fifth ordering clause will therefore be modified leaving the burden of going forward with the proof pursuant to issue 1 on the parties respondent but to place the ultimate burden of proof on this aspect of the waiver question upon the applicant.

5. The parties respondent seek an issue to determine the effect of the KWWL-TV proposal on the development of UHF television. All of the pertinent matters concerning this question were fully developed in the prehearing pleading and were considered in paragraphs 12 and 13 of the Commission's memorandum opinion and order designating the matter for hearing. The Review Board will therefore not include the requested issue.

Accordingly, it is ordered, This 10th day of October 1966, that the motions to amend, modify or enlarge issues, filed July 14, 1966, by WMT-TV, Inc., and Maximum Service Telecasters, Inc., are granted to the extent indicated above, and are denied in all other respects; and

It is further ordered, That the fifth ordering clause in Commission order FCC 66-559 released June 24, 1966, be modified to read as follows: "It is further ordered, That the burden of proceeding with the introduction of evidence as to issue 1 is hereby placed on the parties

⁵ See WTCN Television, Inc., 1 FCC 2d 337, at p. 339.

respondent, but the ultimate burden of proof with respect thereto rests upon the applicant."

Released: October 11, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,⁶

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11274; Filed, Oct. 14, 1966;
8:48 a.m.]

[Docket No. 16889; FCC 66M-1371]

HAWAIIAN PARADISE PARK CORP. AND FRIENDLY BROADCASTING CO.

Order Scheduling Hearing

In reapplication of Hawaiian Paradise Park Corp (Assignor), and Friendly Broadcasting Co. (Assignee), Docket No. 16889, File Nos. BALCT-293, BALTS-185; for assignment of licenses of Stations KTRG-TV and KUT-67, Honolulu, Hawaii.

It is ordered, This 4th day of October 1966, that Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 22, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 28, 1966, commencing at 9 a.m.: And it is further ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11275; Filed, Oct. 14, 1966;
8:48 a.m.]

[Dockets Nos. 16627, 16628; FCC 66M-1370]

PORTER COUNTY BROADCASTING CORP. AND NORTHWESTERN INDI- ANA RADIO CO., INC.

Order Regarding Procedural Dates

In re applications of Porter County Broadcasting Corp., Valparaiso, Ind., Docket No. 16627, File No. BPH-4972; Northwestern Indiana Radio Co., Inc., Valparaiso, Ind., Docket No. 16628, File No. BPH-5045; for construction permits.

The Hearing Examiner having under consideration the petition for postponement of procedural dates filed by Porter County Broadcasting Corp. on October 7, 1966;

It appearing, that a joint petition has been filed with the Review Board seeking approval of an agreement for dismissal of the Northwestern Indiana Radio Co., Inc. application; and

It further appearing, that in the light of this action other parties have consented to a grant of the request; and

⁶ Dissenting statement of Review Board Member Nelson, concurred in by Member Keesler, filed as part of original document.

It further appearing, that under the circumstances no purpose would be served in going forward with the hearing on engineering currently scheduled for October 11 and on nonengineering for October 18;

It is ordered, This 10th day of October 1966, that the hearing dates of October 11 and October 18 are canceled and hearing on the engineering issues will commence December 12, 1966, and will commence on nonengineering issues December 19, 1966.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11276; Filed, Oct. 14, 1966;
8:48 a.m.]

[Docket No. 16865; FCC 66M-1369]

VIDEO SERVICE CO.

Order Canceling Hearing

In re applications of Video Service Co., Atlanta, Ga., Docket No. 16865, File Nos. 1816/17-C1-P-66, CATV 100-101, for construction permits for new fixed (Video) Radio Stations at Lafayette and Waynetown, Ind. (KSQ-36 and KSQ-37).

The Hearing Examiner having under consideration a request for postponement of the hearing date now scheduled for November 2, 1966;

It appearing, That all parties requested this postponement at a prehearing conference held October 10 in order to permit action by the Commission on a petition for reconsideration;

It is ordered, This 10th day of October 1966, that the hearing date of November 2 is canceled and a further prehearing conference will be held December 15, 1966 at 10 a.m.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11277; Filed, Oct. 14, 1966;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17037]

AIR EXPRESS CHARGE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 17, 1966, is postponed to December 1, 1966, 10 a.m., e.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., October 12, 1966.

[SEAL]

MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-11262; Filed, Oct. 14, 1966;
8:47 a.m.]

FEDERAL MARITIME COMMISSION AMERICAN AND AUSTRALIAN STEAMSHIP LINES JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7787-5 among the member lines of the American and Australian Steamship Lines Joint Service modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of ratemaking authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11278; Filed, Oct. 14, 1966;
8:49 a.m.]

MEMBER LINES OF ATLANTIC AND GULF/PANAMA CANAL ZONE, COLON AND PANAMA CITY CON- FERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, 11 Broadway, New York, N.Y. 10004.

Agreement 3868-20, between the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference, will modify the basic agreement, as amended to date, to provide for on-carriage of cargo to Panama City and other Canal Zone points from Cristobal and Balboa by Panamanian Motor Carriers in addition to the Panama Railroad Company under the terms and conditions set forth in said agreement.

Dated: October 12, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11279; Filed, Oct. 14, 1966;
8:49 a.m.]

FEDERAL NEW ZEALAND LINES JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7786-2, among the member lines of the Federal New Zealand Lines Joint Service, modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of rate-making authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11280; Filed, Oct. 14, 1966;
8:49 a.m.]

FEDERAL NEW ZEALAND LINES ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Joint Service of Federal New Zealand Lines, Shaw Savill & Albion Co., Ltd., Port Line, Ltd., and Blue Star Line, Ltd.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., % Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 8535-4, among the member lines of the Joint Service of Federal New Zealand Lines, Shaw Savill & Albion Co., Ltd., Port Line, Ltd., and Blue Star Line, Ltd., modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of ratemaking authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences

in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11281; Filed, Oct. 14, 1966;
8:49 a.m.]

MANZ LINE JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7814-4 among the member lines of the Manz Line Joint Service, modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of rate-making authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11282; Filed, Oct. 14, 1966;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-89]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 11, 1966.

Take notice that on October 4, 1966, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP67-89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the

construction and operation of certain facilities for the transportation and sale in interstate commerce of volumes of natural gas to a new industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 9,000 feet of 3½-inch line from Applicant's existing 18-inch line "L" with the necessary metering and regulating equipment, which will extend to the new plant facility of the Dow Chemical Co., near Magnolia, Columbia County, Ark.

Applicant estimated the natural gas requirements of the new service to be approximately 3,400 Mcf per day and approximately 1,125,000 Mcf per year.

The total estimated cost of construction is \$27,980, which will be obtained from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11239; Filed, Oct. 14, 1966;
8:45 a.m.]

[Project No. 2604]

CONNECTICUT LIGHT & POWER CO.

Notice of Application for License for Constructed Project

OCTOBER 10, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the Connecticut Light & Power Co. (correspondence to: Vincent J. Hayes, Vice President, the Connecticut Light & Power Co., Post Office Box 2010, Hartford, Conn. 06101), for constructed Project No. 2604, known as Bulls Bridge Project, located on the Housatonic River, near Gaylordsville, in the towns of New Milford and Kent.

The existing Bulls Bridge Project consists of: (1) Two dams—(a) a cyclopean concrete gravity-arch dam, on the east channel, about 203 feet long and 24 feet high with an overflow spillway 195 feet long; and (b) a masonry gravity dam, on the west channel, about 156 feet long and 17 feet high with an overflow spillway 120 feet long topped by 3-foot flashboards; (2) a reservoir at elevation 354 feet about 4.5 miles long with an area of about 120 acres and a gross storage of 1,800 acre feet of which 233 acre feet, at a drawdown of 2 feet, is normally used; (3) canal spillways consisting of two gated sections and two overflow sections; (4) a headgate structure controlling flow into the canal; (5) a power canal about 2 miles long; (6) a 6-acre forebay; (7) a forebay intake structure with penstock gates; (8) two steel penstocks about 420 feet long; (9) two steel surge tanks 96 and 98 feet in height, respectively; (10) a powerhouse containing six 2,000 hp. turbines each connected to a generator rated at 1,400 kw.; (11) an indoor substation containing six 1.15–27.6 kv transformers; and (12) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 30, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11240; Filed, Oct. 14, 1966;
8:45 a.m.]

[Docket No. RP66-4]

FLORIDA GAS TRANSMISSION CO.

Order Prescribing Hearing Procedure

OCTOBER 10, 1966.

Florida Gas Transmission Co. (Respondent), on August 16, 1965, tendered for filing First Revised Sheets Nos. 27 and 63 to its FPC Gas Tariff, Original Volume No. 2, to become effective October 1, 1965, proposing an increase in its transportation rates and charges of approximately \$1,732,000 annually over the rates currently in effect, based on data for the year ended May 31, 1965, as adjusted.

The Commission, on September 30, 1965, ordered a hearing on the lawfulness of Respondent's rates, charges, classification and services as proposed to be amended. It also suspended and deferred the use of the proposed tariff changes until November 1, 1965, and provided for filing of a motion required by section 4(e) of the Natural Gas Act, with the agreement and undertaking described in paragraph (D) of the order. The motion and agreement and undertaking were filed on October 18, 1965.

Florida Public Utilities Commission filed a notice of intervention. Petitions

to intervene were filed by Mobil Oil Corp. (formerly Socony Mobil Oil Co., Inc.), Florida Power & Light Co., Sun Oil Co., and Florida Power Corp. The Commission permitted participation of the four above-named petitioners in this proceeding by order issued October 21, 1965.

Our order issued September 30, 1965, also stated that the dates service of testimony by the Commission staff and interveners, the date for a prehearing conference, and the designation of the Presiding Examiner would be specified by a later order of the Commission.

The Commission orders:

(A) Pursuant to the Commission's rules of practice and procedure, particularly §§ 1.27, 1.30(j), and 3.4(e) (6) thereof, Presiding Examiner William L. Ellis shall preside at the prehearing conference hereinafter provided, and at subsequent prehearing conferences and hearings which he may deem appropriate in these proceedings and to render an Initial Decision on all issues.

(B) Florida Gas shall serve its complete case-in-chief on all issues upon all parties of record, including the Commission Staff, on or before November 7, 1966.

(C) All other parties of record, including the Commission Staff, desiring to present evidence on any issue shall serve their testimony and exhibits on or before December 19, 1966.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t., on January 11, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of defining the issues, reaching an agreement and stipulation thereon and on any facts relevant to this matter, and, if necessary, to prescribe procedure for hearing herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11241; Filed, Oct. 14, 1966;
8:45 a.m.]

[Project No. 2606]

GREEN MOUNTAIN POWER CORP.

Notice of Application for License for Constructed Project

OCTOBER 10, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Green Mountain Power Corp. (correspondence to: Glen M. McKibben, President, Green Mountain Power Corp., 1 Main Street, Burlington, Vt. 05401) for constructed Project No. 2606, known as Montpelier Project, located on the Winooski River, in the city of Montpelier, towns of Berlin and East Montpelier, in Washington County, Vt.

The existing Montpelier Project consists of: (1) A concrete gravity-type dam about 22 feet high and 213 feet long in three sections: (a) An abutment about

25 feet long, (b) a spillway 152 feet long with 3-foot flashboards, and, (c) a waste-gate-and-intake section 36 feet long; (2) a reservoir at normal elevation 613.2 feet containing a surface area of about 7 acres; (3) a steel penstock 2,918 feet long in three sections: (a) 7-foot diameter, 987 feet long, (b) 6.5-foot diameter, 1,010 feet long, and (c) 6-foot diameter, 921 feet long; (4) a reinforced-concrete-brick powerhouse containing two generating units, each rated at 300 kw, totaling 600 kw; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 30, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11242; Filed, Oct. 14, 1966;
8:45 a.m.]

[Docket Nos. G-18313, CP66-172]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on October 4, 1966, Midwestern Gas Transmission Co. (Petitioner), Post Office Box 774, Chicago, Ill. 60690, filed in Docket Nos. G-18313 and CP67-172 a petition to amend the orders issued in the said dockets on October 31, 1959, and March 25, 1966, respectively by requesting authorization to extend the term of the contract dated March 25, 1966, between Petitioner and Trans-Canada Pipe Lines, Ltd. (Trans-Canada), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The order of March 25, 1966, in Docket No. CP66-172, et al., authorized Petitioner to sell up to 25,000 Mcf of natural gas per day to its existing northern system customers on an interruptible basis for a term ending on October 31, 1966. That order also, by further amending paragraph (M) of the Commission's order issued October 31, 1959, in Docket No. G-18313, et al., as amended by order issued August 10, 1965, in Docket No. CP64-308, et al., authorized Petitioner to import on an interruptible basis up to 25,000 Mcf of natural gas daily from Trans-Canada during the same term.

Petitioner commenced service to its northern system customers as authorized and commenced the importation of natural gas as authorized from Trans-Canada. Recently Petitioner has received requests from its northern customers for an extension of the availability of the interruptible service after October 31, 1966.

Accordingly, Petitioner specifically requests that the Commission's order of March 25, 1966, in Docket No. CP66-172,

et al., be amended to extend the term of such authorization for a period terminating on November 1, 1967, and that the Commission order of October 31, 1959, in Docket No. G-18313, et al., be further amended to authorize the continued importation of 25,000 Mcf per day of natural gas on an interruptible basis for the same term.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11243; Filed, Oct. 14, 1966;
8:45 a.m.]

[Docket No. G-11260]

PECOS CO.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on August 19, 1966, Pecos Co. (Petitioner), El Paso Natural Gas Building, El Paso, Tex. 79999, filed in Docket No. G-11260 a petition to amend the order issuing a certificate of public convenience and necessity to Hunt Oil Co. (Operator) in said docket by authorizing Petitioner in lieu of Hunt Oil Co. to sell natural gas to El Paso Natural Gas Co. from the Wilshire Gasoline Plant, Upton County, Tex., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes to sell natural gas at a rate of 18.2430 cents per Mcf at 14.65 psia pursuant to a contract on file with the Commission as Hunt Oil Co. (Operator) FPC Gas Rate Schedule No. 31. Said rate is in effect subject to refund in Docket No. RI65-74 and Petitioner has filed a motion to be made co-respondent in said proceeding and has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 3, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11244; Filed, Oct. 14, 1966;
8:45 a.m.]

[Dockets Nos. CP61-203, CP64-5]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on October 4, 1966, Texas Eastern Transmission Corp. (Pe-

tititioner), Post Office Box 2521, Houston, Tex. 77001, filed in Dockets Nos. CP61-203 and CP64-5 a petition to amend the orders issued in the said dockets on December 17, 1962, and December 19, 1963, respectively, by requesting authorization to sell to Mount Carmel Public Utilities Co. (Mount Carmel) a portion of the natural gas authorized to be sold under these orders to the city of Grayville, Ill. (Grayville), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in Docket No. CP61-203 Petitioner was ordered to deliver up to 3,570 Mcf per day of natural gas to Grayville which was to distribute it to Mount Carmel. Subsequently, the allocation of natural gas to Grayville to meet the requirements of Grayville and Mount Carmel was increased by 1,880 Mcf per day to a total of 6,419 Mcf per day by the order issued December 19, 1963, in Docket No. CP64-5, allotments for the sole use of Grayville having been made in separate orders.

Petitioner specifically requests the Commission to allocate the existing authorized sales of natural gas to Grayville in the total amount of 6,419 Mcf per day between Grayville and Mount Carmel so as to authorize Petitioner to sell a total of 1,647 Mcf per day to Grayville and 4,772 Mcf per day to Mount Carmel commencing November 1, 1966. Natural gas will be delivered to Mount Carmel at the existing point of delivery by Petitioner to Grayville and Grayville will continue to transport natural gas to Mount Carmel.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11245; Filed, Oct. 14, 1966;
8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956, as amended by Public Law 89-485 (12 U.S.C. 1843(c) (8)), and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by The First Virginia Corp., Arlington, Va., a bank holding company, for a determination that the proposed additions to the insurance activities of its nonbanking subsidiaries, First Virginia Life Insurance Agency, Inc. and First General Insurance

Agency, Inc., are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the ownership of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c) (8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c) (8) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on November 1, 1966, at 10 a.m., at the offices of the Board of Governors of the Federal Reserve System, Washington, D.C., before a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of Title 5 of the United States Code, such hearing to be conducted according to the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however*, That, on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Richmond, Richmond, Va., on or before October 28, 1966, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely request will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 10th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11260; Filed, Oct. 14, 1966;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1970]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Order Exempting Sale of Shares

OCTOBER 11, 1966.

Notice is hereby given that Broad Street Investing Corp. ("applicant"), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6 (c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at net asset value, without a sales charge, in exchange for the assets of Nichols Securities Corp. ("Nichols") as more fully described below. The shares of applicant are offered to the public at a price which includes a sales charge in addition to the net asset value.

All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Nichols, incorporated in Missouri in 1922, is an investment company having 31 stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Prior to April 30, 1964, Nichols was engaged in the aluminum fabricating business and on such date sold substantially all of its assets and business. Since that date it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between applicant and Nichols, substantially all of the cash and securities owned by Nichols, with a value of approximately \$3,452,092 as of June 13, 1966, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Nichols to be transferred to applicant by the net asset value per share of the applicant, both to be determined as of valuation time, as defined in the transfer agreement. If the valuation under the agreement had taken place on June 13, 1966, Nichols would have received 225,480 of applicant's shares. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Nichols the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to Nichols' stockholders on the liquidation of Nichols. The appli-

cant has been advised by the management of Nichols that, to the best of its knowledge, none of the stockholders of Nichols has any present intention of redeeming or otherwise transferring any significant number of shares of the applicant to be received on such liquidation.

No affiliation exists between Nichols or its officers, directors or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. The Board of Directors of the applicant approved the agreement as being in the best interest of its shareholders, taking all relevant considerations into account, including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 27, 1966, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11286; Filed, Oct. 14, 1966;
8:49 a.m.]

[File No. 70-4417]

MISSISSIPPI POWER & LIGHT CO.

Notice of Filing of Amendment to Declaration

OCTOBER 12, 1966.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), Jackson, Miss., an electric utility subsid-

iary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed with this Commission an amendment to its declaration in this proceeding increasing from \$7 to \$10 million the principal amount of first mortgage bonds proposed to be issued and sold at competitive bidding. Notice of filing of the declaration was issued September 28, 1966 (Holding Company Act Release No. 15570). The amendment states that the increase in the principal amount of bonds to be issued is necessitated by an estimated increase of approximately \$1,100,000 in Mississippi's 1966 construction program and by current conditions regarding short-term bank borrowings for interim financing of the program.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11287; Filed, Oct. 14, 1966;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1426]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69044. By order of October 7, 1966, the Transfer Board approved the transfer to Rabe Bros., Inc., Richmond Hill, N.Y., of the operating rights in certificate No. MC-75488, issued December 16, 1959, to George F. Meyer, doing business as Rabe Brothers, Richmond Hill, N.Y., authorizing the transportation, over irregular routes, of household goods between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia. Irving Abrams, Brodsky, Linett, and Altman, 1776 Broadway, New York, N.Y. 10019, attorneys for applicants.

No. MC-FC-69086. By order of October 7, 1966, the Transfer Board approved the transfer to Bortner Bus Co., a corporation, Rural Delivery No. 1,

Sharpsville, Pa., of the certificates in Nos. MC-111191 and MC-111191 (Sub-No. 1), issued November 15, 1950, and January 19, 1956, respectively, to Paul Bortner, Rural Delivery No. 1, Sharpsville, Pa., the former authorizing the transportation of passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at points in that part of Mercer County, Pa., on and west of U.S. Highway 19 and extending to points in Ohio, those in that part of New York on and west of a line extending from Olcott southerly along New York Highway 78 to East Aurora, N.Y., and thence along New York Highway 16 to the New York-Pennsylvania State line, and points in that part of West Virginia on and north of U.S. Highway 50; and, the latter authorizing the transportation of passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, over regular routes between Grove City, Pa., and Sharon, Pa., serving all intermediate points.

No. MC-FC-69089. By order of October 7, 1966, the Transfer Board approved the transfer to Flash Bonded Warehouse, Inc., 320 Northeast 75th Street, Miami, Fla. 33138 of License No. MC-12071 and certificate No. MC-17609 issued July 11, 1940, and February 16, 1942, to Flash Bonded Storage Co., Inc., 320 Northeast 75th Street, Miami, Fla. 33138, said license authorizing the holder to engage in brokerage operations in arranging for the transportation of: Household goods between points in Florida, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Missouri, Wisconsin, and the District of Columbia. The operating rights in the certificate covering the transportation of: Household goods, over irregular routes, between Miami, Fla., on the one hand, and, on the other, points and places within 10 miles of Miami, including Miami.

No. MC-FC-69108. By order of October 7, 1966, the Transfer Board approved the transfer to Lester M. Gundrum and Charles Bothwell, a partnership, doing business as P. & E. Buehler Trucking, Troy, N.Y., of the operating rights of Lester M. Gundrum, doing business as P. & E. Buehler Trucking, Troy, N.Y., in certificate No. MC-115059 and certificate of registration No. MC-115059 (Sub-No. 2), issued April 11, 1955, and amended June 24, 1960, and May 26, 1964, respectively, issued in the name of Ernest P. Buehler and Lester M. Gundrum, a partnership, doing business as P. & E. Buehler Trucking and acquired the name of Lester M. Gundrum, doing business as P. & E. Buehler Trucking pursuant to No. MC-FC-68897 approved July 14, 1966, effective August 17, 1966, authorizing the transportation, over regular

routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Cherryplain, N.Y., and Albany, N.Y., and in certificate of registration authorizing the transportation, of general commodities as defined in the contemporaneously effective order of the New York Public Service Commission in case MT-4467, between the hamlet of Cherryplain (Rensselaer County) and the city of Albany, and between the city of Troy and the hamlet of Averill Park (Rensselaer County) via N.Y. 66, and returning via the same route; cut piece goods, in shipper's containers, from the city of Troy to the village of Cobleskill (Schoharie County); and children's dresses in shipper's containers, from the village of Cobleskill (Schoharie County) to the city of Troy. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC-FC-69109. By order of October 7, 1966, the Transfer Board approved the transfer to Dickinson's Express, Inc., Canaan, Conn., of the operating rights of William M. Balch, Jr., and Carl D. Currier, Jr., a partnership, doing business as Dickinson's Express, North Canaan, Conn., in certificate of registration No. MC-121331 (Sub-No. 1), issued January 27, 1964, authorizing the transportation of general commodities, other than household goods and office furniture and equipment, and other than commodities which necessitate the use of tank trucks, dump trucks or special equipment, over regular routes, from Sharon to New Haven via Canaan, Winsted and Waterbury, serving Sharon, Kent, Cornwall, Salisbury, Canaan, North Canaan, Norfolk, Winsted, Torrington, Litchfield, Thomaston, Watertown, Waterbury, Naugatuck, Bethany, East Haven, West Haven, Hamden, North Haven, and New Haven. Miss Catherine G. Roraback, Post Office Box 935, Canaan, Conn. 06018, attorney for applicants.

No. MC-FC-68970. By order of September 29, 1966, the Transfer Board approved the transfer to Skyline Transport, 4501 Curtis Avenue, Baltimore, Md. 21225, of the portion of the operating rights in certificate No. MC-59292, issued April 19, 1966, to the Maryland Transportation Co., a corporation, 1111 Frankfur Avenue, Baltimore, Md. 21225, authorizing the transportation of: Molasses, in bulk, in tank vehicles, from Baltimore, Md., to points in Delaware, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, liquid and invert sugar, in bulk, in tank vehicles, from Baltimore, Md., to points in New Jersey, Delaware, Pennsylvania, Ohio, and North Carolina, with no transportation for compensation on return except as otherwise authorized.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 66-11255; Filed, Oct. 14, 1966;
8:46 a.m.]

[Notice 1426-A]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

OCTOBER 12, 1966.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-69178. By application filed October 4, 1966, IRA E. JOHNSON, 2405 Redwood Street, Amarillo, Tex., seeks temporary authority to lease the operating rights of LOWAL LEON HAND, doing business as LOWAL HAND TRUCKING COMPANY, 112 North Hoy Street, Buffalo, Okla., under section 210 a(b). The transfer to IRA E. JOHNSON, of the operating rights of LOWAL LEON HAND, doing business as LOWAL HAND TRUCKING COMPANY, is presently pending.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 66-11256; Filed, Oct. 14, 1966;
8:46 a.m.]

[Notice 270]

**MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS**

OCTOBER 12, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 115523 (Sub-No. 132 TA), filed October 10, 1966. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Post Office Box 1895, Salt Lake City, Utah 84116. Applicant's representative: Franklin D. Johnson, 422 Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth, in bulk, and in bags, from Clark*

and Colado, Nev., to points in Wyoming, Idaho, Utah, and Montana, for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 124926 (Sub-No. 3 TA), filed October 10, 1966. Applicant: DIXON BROS., Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Ward A. White, Post Office Box 568, 1600 Van Lennen Avenue, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, on flatbed equipment only, from Newcastle, Wyo., to points in Iowa, for 180 days. Supporting shipper: Berman Forest Products, Post Office Box 490, Newcastle, Wyo. 82701. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, D. & S. Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 128634 TA, filed October 10, 1966. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer Place, Detroit, Mich. 48226. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, Vermont, Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, Maryland, District of Columbia, Delaware, Virginia, and West Virginia, for 180 days. Supporting shipper: Great Markwestern Packing Co., 1825 Scott Street, Detroit, Mich. 48207. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11257; Filed, Oct. 14, 1966;
8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 12, 1966.

Protests to the granting of an application must be prepared in accordance with

Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40738—*Liquefied petroleum gas from Melstone, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 436), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Melstone, Mont., to points in southwestern and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Trans-Continental Freight Bureau, agent, tariff ICC 1741.

FSA No. 40739—*Beet or cane sugar from Hereford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8906), for interested rail carriers. Rates on beet or cane sugar, dry, in bulk, in carloads, from Hereford, Tex., to East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA No. 40740—*Rates from and to points in Kansas and Nebraska.* Filed by Chicago, Rock Island & Pacific Railroad Co. (No. 901), for itself and interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, between points in Kansas and Nebraska on the CRI&P RR., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—Abandonment of a portion of Chicago, Rock Island & Pacific Railroad Co. between Horton, Kans., and Jansen, Nebr., under authority of ICC Finance Docket No. 23748.

FSA No. 40741—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 583), for interested rail carriers. Rates on brick and related articles; newsprint paper and corn oil, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 58 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40743—*Soda ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A4950), for interested rail

carriers. Rates on soda ash, in carloads, from Saltville, Va., to Fairburn, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 66 to Southern Freight Association, agent, tariff ICC S-517.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40742—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 584), for interested rail carriers. Rates on dried beans, lentils, or peas, iron or steel articles, brick and related articles, newsprint paper and corn oil, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 58 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11258; Filed, Oct. 14, 1966;
8:47 a.m.]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809 and 31 F.R. 930) during the 6 months' period ended July 2, 1966.

REVISED LIST OF SECURITIES

A.T. & T.
I.T. & T.
Scott Paper.
Continental Can.
Control Data.
Minnesota Mining & Manufacturing.
Monarch Equity Realty Investment.
Nationwide Corp.
United Aircraft Products.

RAYMOND R. MANION.

JULY 2, 1966.

[F.R. Doc. 66-11259; Filed, Oct. 14, 1966;
8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	7 CFR—Continued	Page	16 CFR—Continued	Page
PROCLAMATIONS:		PROPOSED RULES—Continued		PROPOSED RULES:	
3749	12935	1006	13272	303	13353
3750	12995	1038	12954		
3751	13197	1041	13136		
		1067	13395	18 CFR	
EXECUTIVE ORDERS:		1069	13091	204	12840
Sept. 24, 1847 (revoked by		1102	13395		
PLO 4100)	12950	1126	13005	19 CFR	
April 17, 1926 (revoked in part		Ch. XI	12956	1	12938, 13080, 13390
by PLO 4098)	12950			PROPOSED RULES:	
11122 (superseded by EO				12	12964
11307)	12917	8 CFR			
11215 (amended by EO 11309)	13075	211	13387	20 CFR	
11307	12917	212	13114	404	13126
11308	12919				
11309	13075	9 CFR		21 CFR	
11310	13199	97	13114	8	12840
				17	12949
4 CFR		12 CFR		27	12949
Ch. II	13381	329	12837	51	12950
		526	13039	53	12840
5 CFR		545	12838, 12839, 13000	120	13210
213	12833, 12937, 13113	563	13167	121	12841, 13128
1700	13113	PROPOSED RULES:		146	12841
		222	12965	PROPOSED RULES:	
7 CFR		13 CFR		19	13005
81	13203	121	12840	121	12849
110	13203	PROPOSED RULES:		130	13347
112	13203	121	12849, 12924, 13353	191	13006
113	13203				
210	13035	14 CFR		22 CFR	
319	12834	21	13387	41	13080
354	13203	37	12941	42	13080
701	13035	39	12921, 13167		
719	13204	47	13313	23 CFR	
722	13035, 13036, 13132, 13168, 13205, 13303	71	12840, 12921, 12943, 13038, 13039, 13115, 13207, 13314, 13315, 13389, 13390.	Ch. II	13128
728	13036			24 CFR	
729	12921, 12940	73	12922, 12944, 13115	5	13081
811	13133, 13313	95	12944	203	13000
874	12940	97	13116, 13316	220	13000
905	12835, 13385	121	13078	221	13000
908	12836, 13077, 13385	208	12947	232	13000
909	13134	295	12948	234	13000
910	12837, 13077, 13386	378	12948	1000	13000
915	13135, 13386	PROPOSED RULES:			
932	13171	39	12924	25 CFR	
947	13171	71	12925	PROPOSED RULES:	
958	12940	73	12925	221	13242
993	13037	75	13176		
1038	13078	91	13352	26 CFR	
1421	13078			PROPOSED RULES:	
1443	12837	15 CFR		1	12843, 12845, 13091, 13242
1446	13207	230	13167, 13390		
1490	12997	372	13040	28 CFR	
PROPOSED RULES:		373	13040	PROPOSED RULES:	
725	13242	374	13040	5	13343
730	12952	379	13040		
909	13174	382	13040	29 CFR	
929	13136	385	13040	462	13001
948	12953	398	13040	512	13211
972	13394	399	13040	PROPOSED RULES:	
982	12954, 13346			40	13174
984	13005	16 CFR		1207	13176
989	13244	13	12937, 12938, 13078-13080, 13208, 13209, 13337.		
991	13394	15	13210	31 CFR	
993	13136			520	13001
994	13090				
1005	12845, 13090				

32 CFR	Page	38 CFR	Page	46 CFR	Page
1	13326	3	13088, 13172, 13390	PROPOSED RULES:	
2	13329	36	13003	2	12860
3	13329			24	12860
4	13330	39 CFR		30	12860
7	13331	822	13172	70	12860
8	13332	PROPOSED RULES:		90	12860
11	13332	43	13394	110	12860
13	13336			175	12860
15	13336	41 CFR		188	12860
18	13337	5-12	13337	189	12860
855	13081	9-1	13046	190	12860
1001	13217	9-2	13046	191	12860
1002	13217	9-3	13046	192	12860
1003	13217	22-1	13001	193	12860
1004	13217			194	12860
1007	13218	42 CFR		195	12860
1010	13219	22	12939	196	12860
1013	13219			47 CFR	
1017	13220	43 CFR		1	13228
1018	13220	PUBLIC LAND ORDERS:		2	13230
1030	13220	1195 (revoked in part by PLO		15	13391
1053	13220	4099)	12950	73	13234, 13237
1054	13220	3152 (revoked in part by PLO		91	13230
		4104)	12951	99	13230
32A CFR		3584 (revoked in part by PLO		PROPOSED RULES:	
PROPOSED RULES:		4104)	12951	31	13244
Ch. X	12924, 13050	4097	12950	33	13244
33 CFR		4098	12950	73	12965, 13245, 13246
202	13129	4099	12950	49 CFR	
204	13129	4100	12950	PROPOSED RULES:	
36 CFR		4101	12951	Ch. I	13392
311	13313	4102	12951	95-97	13393
26	13172	4103	12951	50 CFR	
37 CFR		4104	12951	32	12923,
1	12922	45 CFR		12939, 13003, 13004, 13048, 13049,	
		6	12842	13088, 13130, 13240, 13241, 13342	
		7	12842	33	12939, 13391
		8	12842		
		170	13220		

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FEDERAL REGISTER

VOLUME 31 • NUMBER 202

Tuesday October 18, 1966 • Washington, D.C.

Pages 13409-13460

(Part II begins on page 13455)

Agencies in this issue—

The President
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Emergency Planning Office
Engineers Corps
Federal Aviation Agency
Federal Reserve System
Federal Trade Commission
Fiscal Service
Fish and Wildlife Service
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Treasury Department
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Contents

THE PRESIDENT

EXECUTIVE ORDERS

Beirut Agreement of 1948; carrying out provisions relating to audio-visual materials.....	13413
Creating a Board of Inquiry to Report on Certain Labor Disputes Affecting the Military Jet Engine Industry, Military Aircraft Industry, Military Armament Industry and Military Electronics Industry of the United States.....	13419
Designating Secretary of State to perform functions relating to certain objects of cultural significance imported into the U.S. for temporary display or exhibition.....	13415
Providing that certain officers may act as Postmaster General.....	13417

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Consumer and Marketing Service.

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Notices	
Blocked-space airfreight tariffs; prehearing conference.....	13449

COMMODITY CREDIT CORPORATION

Notices	
Certain commodities; October sales list; amendment.....	13449

CONSUMER AND MARKETING SERVICE

Rules and Regulations	
Walnuts grown in California, Oregon and Washington; control percentages for 1966-67.....	13421

CUSTOMS BUREAU

Rules and Regulations	
Swedish vessels; coastwise transportation of empty cargo vans and shipping tanks.....	13424

DEFENSE DEPARTMENT

See Engineers Corps.

EMERGENCY PLANNING OFFICE

Notices	
Nebraska; major disaster notice; amendment.....	13450

ENGINEERS CORPS

Rules and Regulations

Danger zones; Atlantic Ocean, Va.....	13445
---------------------------------------	-------

FEDERAL AVIATION AGENCY

Rules and Regulations

Control zones and transition areas; alteration; correction.....	13421
Federal aid to airports; additional technical guidelines.....	13423
Federal airways; designation, revocation, and alteration.....	13421
Prohibited areas.....	13422
Reporting points; revocation.....	13421
Transition area; alteration.....	13422

FEDERAL RESERVE SYSTEM

Rules and Regulations

Loan guarantees for defense production; maximum rates of interest.....	13444
--	-------

FEDERAL TRADE COMMISSION

Rules and Regulations

Administrative opinions and rulings:	
Foreign origin; computers.....	13423
Promotional assistance plans; reasonable and nondiscriminatory.....	13423
Rabiner & Jontow, Inc.; prohibited trade practices.....	13423

FISCAL SERVICE

Notices

Boston Insurance Co. and Boston Old Colony Insurance Co.; termination of authority to qualify as surety on Federal bonds, and change of name.....	13448
---	-------

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting big game at Seney National Wildlife Refuge, Mich.....	13447
Sport fishing at Merritt Island National Wildlife Refuge, Fla.; correction.....	13447

FOOD AND DRUG ADMINISTRATION

Notices

Geigy Chemical Corp.; filing of petition regarding pesticides....	13449
---	-------

GENERAL SERVICES ADMINISTRATION

Notices

Equal employment opportunity; standard Government contract forms; extension of temporary regulation.....	13450
Office furniture; use standards....	13450

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Public Health Service; Social Security Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Rules and Regulations

Firearms and ammunition; interstate traffic; miscellaneous amendments	13443
---	-------

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Motor carriers of household goods; form for report of underestimates	13446
--	-------

Notices

Motor carrier:	
Temporary authority applications	13451
Transfer proceedings.....	13450

LAND MANAGEMENT BUREAU

Rules and Regulations

Forest product disposals; qualification of bidders and purchasers	13446
---	-------

Notices

Alaska; filing of plats of survey..	13448
Idaho; filing of protraction diagrams	13449
Montana; proposed classification of public lands.....	13449

PUBLIC HEALTH SERVICE

Rules and Regulations

Grants for research projects; accounting for grant award payments	13445
---	-------

SOCIAL SECURITY ADMINISTRATION

Rules and Regulations

Federal health insurance for aged: Hospitals; conditions of participation	13424
Physicians, hospital-based; principles of reimbursement for provider costs and services	13456

TREASURY DEPARTMENT

See also Customs Bureau; Fiscal Service; Internal Revenue Service.

Notices

Steel welded wire mesh from Italy; determination of sales at not less than fair value.....	13448
--	-------

(Continued on next page)

VETERANS ADMINISTRATION**Rules and Regulations**

Adjudication; refunds on over-
payments ----- 13446

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

3 CFR	16 CFR	38 CFR
EXECUTIVE ORDERS:	13 ----- 13423	3 ----- 13446
10154 (superseded by EO 11313) --- 13417	15 (2 documents) ----- 13423	
10558 (superseded by EO 11313) --- 13417	19 CFR	42 CFR
10686 (superseded by EO 11313) --- 13417	4 ----- 13424	52 ----- 13445
11311 ----- 13413	20 CFR	43 CFR
11312 ----- 13415	405 (2 documents) ----- 13424, 13456	5430 ----- 13446
11313 ----- 13417	26 CFR	49 CFR
11314 ----- 13419	177 ----- 13443	7 ----- 13446
7 CFR	32A CFR	50 CFR
984 ----- 13421	FRS (Ch. XV) ----- 13444	32 ----- 13447
14 CFR	Reg. V ----- 13444	33 ----- 13447
71 (4 documents) ----- 13421, 13422	33 CFR	
73 ----- 13422	204 ----- 13445	
151 ----- 13423		

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11311

CARRYING OUT PROVISIONS OF THE BEIRUT AGREEMENT OF 1948 RELATING TO AUDIO-VISUAL MATERIALS

By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution of October 8, 1966, Public Law 89-634, and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

1. Pursuant to section 3 (b) of the Joint Resolution, the amendments to the Tariff Schedules of the United States made by section 3 (a) of the Joint Resolution shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on and after January 1, 1967.

2. Pursuant to the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character", made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and related protocol, and to make any determinations and to prescribe any regulations required by headnote 1.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 14, 1966.

[F.R. Doc. 66-11337; Filed, Oct. 14, 1966; 3:11 p.m.]

Executive Order 11312

**DESIGNATING THE SECRETARY OF STATE TO PERFORM FUNCTIONS
RELATING TO CERTAIN OBJECTS OF CULTURAL SIGNIFICANCE IM-
PORTED INTO THE UNITED STATES FOR TEMPORARY DISPLAY OR
EXHIBITION**

By virtue of the authority vested in me by the Act of October 19, 1965, 79 Stat. 985, entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes," and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the functions conferred upon the President by the above-mentioned Act and shall be deemed to be authorized, without the approval, ratification, or other action of the President, (1) to determine that any work of art or other object to be imported into the United States within the meaning of the Act is of cultural significance, (2) to determine that the temporary exhibition or display of any such work of art or other object in the United States is in the national interest, and (3) to cause public notices of the determinations referred to above to be published in the **FEDERAL REGISTER**.

SEC. 2. The Secretary of State, in carrying out this order, may consult with the Secretary of the Smithsonian Institution and with such other officers and such agencies of the Government as may be appropriate.

SEC. 3. The Secretary of State is hereby authorized to delegate within the Department of State the functions conferred upon him by this order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 14, 1966.

[F.R. Doc. 66-11338; Filed, Oct. 14, 1966; 3:11 p.m.]

Executive Order 11313**PROVIDING THAT CERTAIN OFFICERS MAY ACT AS
POSTMASTER GENERAL**

By virtue of the authority vested in me by Section 3347 of Title 5 of the United States Code and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. In the event of a vacancy in the office of Postmaster General or during the absence or disability of the Postmaster General, the Deputy Postmaster General shall act as Postmaster General.

SEC. 2. During any period when, by reason of absence, disability, or vacancy in office, neither the Postmaster General nor the Deputy Postmaster General is available to exercise the powers or perform the duties of the office of Postmaster General, an Assistant Postmaster General or the General Counsel of the Post Office Department, in such order as the Postmaster General may from time to time prescribe in writing, shall act as Postmaster General. If no such order of succession is in effect at that time, they shall act as Postmaster General in the order in which they shall have taken office as Assistant Postmasters General or General Counsel.

SEC. 3. The following are hereby superseded:

- (1) Executive Order No. 10154 of August 22, 1950.
- (2) Executive Order No. 10558 of September 8, 1954.
- (3) Executive Order No. 10686 of November 1, 1956.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 15, 1966.

[F.R. Doc. 66-11383; Filed, Oct. 17, 1966; 10:26 a.m.]

Executive Order No. 11314

CREATING A BOARD OF INQUIRY TO REPORT ON CERTAIN LABOR DISPUTES AFFECTING THE MILITARY JET ENGINE INDUSTRY, MILITARY AIRCRAFT INDUSTRY, MILITARY ARMAMENT INDUSTRY AND MILITARY ELECTRONICS INDUSTRY OF THE UNITED STATES

WHEREAS, there have existed certain labor disputes between General Electric Company and certain of its employees represented by: International Union of Electrical Radio and Machine Workers, AFL-CIO; International Association of Machinists and Aerospace Workers, AFL-CIO; International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO; International Union, Allied Industrial Workers of America, AFL-CIO; International Brotherhood of Electrical Workers, AFL-CIO; Sheet Metal Workers' International Association, AFL-CIO; American Federation of Technical Engineers, AFL-CIO; American Flint Glass Workers' Union of North America, AFL-CIO; United Electrical Radio and Machine Workers of America; United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO; United Steelworkers of America, AFL-CIO; International Union of Operating Engineers, AFL-CIO; International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; Pattern Makers' League of North America, AFL-CIO; International Brotherhood of Firemen and Oilers, AFL-CIO; Syracuse Draftsmens Union; and

WHEREAS, although a tentative resolution of these disputes was arrived at by the parties, or some of them, nevertheless there is a strike at the Evendale, Ohio, plant of General Electric Company by Local No. 647 of the International Union of the United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO, and Locals 34 and 912 of the International Association of Machinists and Aerospace Workers, AFL-CIO, and there exists a threat that there will be further strikes at General Electric Company plants by one or more of the aforesaid international unions or local units thereof; and

WHEREAS, the existing strike at the Evendale, Ohio, plant of General Electric Company will, in my opinion, if permitted to continue, affect a substantial part of the military jet engine industry, which industry is engaged in trade, commerce, transportation, transmission, or communication among the several states or with foreign nations, or engaged in the production of goods for commerce, and which strike, if permitted to continue, will imperil the national safety; and

WHEREAS, threatened strikes at other General Electric Company plants will, in my opinion, if allowed to occur, affect a substantial part of the military jet engine industry, military aircraft industry, military armament industry and military electronics industry, which industries are engaged in trade, commerce, transportation, transmission, or communication among the several states or with foreign nations, or engaged in the production of goods for commerce, and which threatened strikes, if permitted to occur, will imperil the national safety;

NOW THEREFORE by virtue of the authority vested in me by Section 206 of the Labor Management Relations Act of 1947 (61 Stat. 155; 29 U.S.C. 176), I hereby create a Board of Inquiry, consisting of Mr. David L. Cole, Chairman, Mr. John Dunlop and Mr. Jacob Seidenberg, whom I appoint to inquire into the issues involved in these disputes.

The Board shall have powers and duties as set forth in Title II of such Act. The Board shall report to the President in accordance with the provisions of Section 206 of such Act. With respect to the dispute giving rise to the strike at Evendale, Ohio, plant it shall report on or before October 18th, 1966, and with respect to the dispute or disputes resulting in any other such strike, it shall report as soon as possible.

Upon the submission of its report or reports, the Board shall continue in existence to perform such other functions as may be required under such Act.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 17, 1966.

[F.R. Doc. 66-11415; Filed, Oct. 17, 1966; 1:07 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Control Percentages for 1966–67 Marketing Year

Notice was published in the September 30, 1966, issue of the *FEDERAL REGISTER* (31 F.R. 12795) regarding a proposal to establish control percentages applicable to walnuts grown in California, Oregon, and Washington for the marketing year beginning August 1, 1966. The percentages are based on recommendations of the Walnut Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish marketable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the marketable and surplus percentages for walnuts handled during the 1966–67 marketing year are established as follows:

§ 984.214 Marketable and surplus percentages for walnuts during the 1966–67 marketing year.

The marketable and surplus percentages during the marketing year beginning August 1, 1966, shall be as follows:

	District 1	District 2
Marketable	90	95
Surplus	10	5

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and this part require that marketable and surplus percentages des-

ignated for a particular marketing year shall be applicable to all walnuts handled during such year; and (2) the current marketing year began on August 1, 1966, and the percentages established herein will automatically apply to all such walnuts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 12, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11301; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66–SO–80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

Correction

In F.R. Doc. 66–10763, appearing at page 12943 of the issue for Wednesday, October 5, 1966, the fifth line of paragraph seven should be corrected to read “234° radial. Because of the redefining”.

[Airspace Docket No. 66–WA–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Copper, Alaska, Intersection as a low altitude reporting point.

Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alteration to airway configurations. Recent changes obviate the requirement for the Copper Intersection as a low altitude reporting point.

Since this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t.,

December 8, 1966, as hereinafter set forth.

Section 71.211 (31 F.R. 2289) is amended by deleting: “Copper INT: INT Homer, Alaska, 269°, King Salmon, Alaska, 051° radials.”

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–11291; Filed, Oct. 17, 1966; 8:45 a.m.]

[Airspace Docket No. 66–WE–37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Revocation and Alteration of Federal Airways

On August 11, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 10695) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the VOR airway structure in the Phoenix/Prescott/Winslow/Flagstaff, Ariz., area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 2717, 6484) is amended as follows:

a. In V–105 “, including an E alternate via INT of Phoenix 004° and Prescott 135° radials” is deleted.

b. In V–291 “Peach Springs, Ariz.,” is deleted and “12 AGL Flagstaff, Ariz., including an 12 AGL N alternate from Winslow to Flagstaff via INT Winslow 292° and Flagstaff 063° radials.” is substituted therefor.

c. V–327 is added:

V–327 From Phoenix, Ariz., 12 AGL via INT of Phoenix 004° and Flagstaff, Ariz., 187° radials; 12 AGL Flagstaff.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–11292; Filed, Oct. 17, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waycross, Ga., transition area.

The Waycross transition area is described in § 71.181 (31 F.R. 2149). An extension to the 700-foot portion is described as " * * * within 2 miles each side of the Waycross, Ga., VOR 100° radial, extending from the 5-mile radius area to the Waycross VOR 207° and 027° radials * * *." An extension to the 1,200-foot portion is described as " * * * and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 297° radial, extending from the VOR to 12 miles NW * * *."

Because of an error in the description, it is necessary to alter the transition area by redesignating the 700-foot extension predicated on the 100° radial to the 099° radial; redesignate the radials, 207° and 027°, that limit the extension to the 206° and 026° radials; and redesignate the 1,200-foot extension predicated on the 297° radial to the 296° radial.

Since this amendment is editorial in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Waycross, Ga., transition area is amended to read:

WAYCROSS, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross, Ga., VOR 099° radial, extending from the 5-mile radius area to the Waycross VOR 206° and 026° radials; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 296° radial, extending from the VOR to 12 miles NW.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 7, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-11293; Filed, Oct. 17, 1966; 8:45 a.m.]

[Regulatory Docket No. 7672; Amdt. 73-1]

PART 73—SPECIAL USE AIRSPACE
Prohibited Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to establish Subpart C—Prohibited Areas, change the boundaries of

Prohibited Area P-56 as described in Executive Order 10126, and include the redescribed P-56 in the new subpart.

In keeping with its continuing policy of reexamining restrictions on the public use of airspace, the FAA has reviewed the airspace affected by Executive Order 10126 and has determined that it is possible to reduce the size of the prohibited area involved.

Concurrently, the Executive Office of the President has advised that it has no objection to this alteration.

The insertion of the revised description of P-56 in Subpart C of Part 73 does not change the present prohibition of flight therein. No person may navigate an aircraft within the Prohibited Area unless authorization is first obtained from the Administrator of the Federal Aviation Agency.

Due to the length and complexity of the descriptions of prohibited areas, they and all subsequent changes thereto will not be carried in the publication, Federal Aviation Regulations, Part 73, Special Use Airspace. Such descriptions and subsequent changes will be published in the FEDERAL REGISTER and will be included on appropriate aeronautical charts.

Since these amendments return airspace to the public for use, or are editorial in nature, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as follows:

§ 73.1 [Amended]

1. In Subpart A—General, § 73.1 *Applicability* is amended by adding "and Subpart C" after the words "Subpart B".

§ 73.15 [Amended]

2. In Subpart B § 73.15(a) is amended by deleting "part" and substituting "subpart" therefor.

§ 73.21 [Amended]

3. In Subpart B the center heading preceding § 73.21 is deleted.

4. Following Subpart B, add:

Subpart C—Prohibited Areas

Sec.
73.81 Applicability.
73.83 Restrictions.
73.85 Using agency.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS
73.87 P-56, District of Columbia.

AUTHORITY: The provisions of this Subpart C issued under secs. 307, 1501, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1301.

Subpart C—Prohibited Areas**§ 73.81 Applicability.**

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirement for the prohibited area.

NOTE: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.¹

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS**§ 73.87 P-56, District of Columbia.****BOUNDARIES:**

A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);

Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW. (latitude 38°53'45" N.; longitude 77°03'24" W.);

Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K Street NW. (latitude 38°54'08" N.; longitude 77°03'02" W.);

Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE. (latitude 38°54'08" N.; longitude 77°00'14" W.);

Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE. (latitude 38°53'35" N.; longitude 76°59'57" W.);

Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.);

Thence west via a 265° bearing, 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);

Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);

Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.);

Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);

Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.

B. That area within a one-half mile radius from the center of the U.S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).

Designated altitudes: Surface to unlimited.

Time of designation: Continuous.

Using agency: Administrator, Federal Aviation Agency, Washington, D.C.

(Secs. 307, 1501, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1301)

Issued in Washington, D.C., on October 11, 1966.

WILLIAM F. McKEE,
Administrator.

[F.R. Doc. 66-11294; Filed, Oct. 17, 1966; 8:45 a.m.]

¹ The airspace descriptions in this part and their subsequent changes are published in the FEDERAL REGISTER. Due to their complexity and length, they will not be included in this publication of Part 73.

SUBCHAPTER I—AIRPORTS

[Docket No. 7673; Amdt. 151-15]

PART 151—FEDERAL AID TO AIRPORTS

Additional Technical Guidelines

Appendix I sets forth the list of Advisory Circulars providing technical guidelines that are made mandatory by § 151.72 of the Federal Aviation Regulations (14 CFR 151.72). The purpose of this amendment is to add to Appendix I to Part 151 an additional Advisory Circular, AC 150/5335-1, "Airport Taxiways"; to cancel AC 150/5340-4 and replace it with AC 150/5340-4A; and to cancel AC 150/5345-1 and replace it with AC 150/5345-1A.

This rule-making action is taken on the authority of sections 2 through 15, and 17 through 20 of the Federal Airport Act (49 U.S.C. 1101-1114, 1116-1119), and under the delegation of authority to the Director, Airports Service in § 151.72(b) of the Federal Aviation Regulations (14 CFR 151.72(b)). Since this amendment relates to public grants and benefits, notice and public procedure thereon are not required.

In consideration of the foregoing, effective November 17, 1966, Part 151, Appendix I, subsection (a), "Circulars available free of charge", is amended as follows:

1. By inserting Advisory Circular 150/5335-1, "Airport Taxiways", immediately following the listing of Advisory Circular 150/5330-2, "Runway/Taxiway Widths and Lengths", and preceding the listing of Advisory Circular 150/5340-1A, "Marking of Serviceable Runways and Taxiways".

2. By deleting AC 150/5340-4, "Installation Details for In-Runway Lighting", and inserting in its place AC 150/5340-4A, "Installation Details for Centerline and Touchdown Zone Lighting Systems".

3. By deleting AC 150/5345-1, "Approved Airport Lighting Equipment", and inserting in its place AC 150/5345-1A, "Approved Airport Lighting Equipment".

Issued in Washington, D.C., on October 10, 1966.

CHESTER G. BOWERS,
Acting Director, Airports Service.

[F.R. Doc. 66-11295; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8629 o.]

PART 13—PROHIBITED TRADE PRACTICES

Rabiner & Jontow, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 Advertising expenses; § 13.825 Allowances for services or facilities.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Rabiner & Jontow, Inc., New York, N.Y., Docket 8629, Sept. 19, 1966]

Order requiring a New York City manufacturer of ladies' coats and suits to cease discriminating among its competing retail customers in paying promotional allowances in violation of section 2(d) of the Clayton Act.

The order to cease and desist, is as follows:

Now, therefore, it is ordered, That respondent Rabiner & Jontow, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11309; Filed, Oct. 17, 1966; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Assistance Plans Must Be Reasonable and Nondiscriminatory

§ 15.94 Promotional assistance plans must be reasonable and nondiscriminatory.

(a) The Commission issued an advisory opinion regarding the obligations of a supplier in offering alternatives to his basic plan for providing promotional assistance to his competing, retailer-customers by placing advertisements on shopping carts.

(b) The requesting party, a promoter, had a basic promotional assistance plan which some competing retailer-customers of suppliers participating in the plan were functionally unable to use be-

cause the retailer-customers did not have or use shopping carts. The plan provided that such competing retailer-customers were to be offered a reasonably usable alternative way of obtaining the proportionally equal assistance to which they are entitled under the provisions of section 2 (d) and (e) of the Robinson-Patman amendment to the Clayton Act.

(c) The question presented was whether a retailer-customer, whose business operation was such that he was functionally able to use and benefit from the basic—shopping cart—plan could demand the alternative form of assistance, if he so desired.

(d) In its opinion, the Commission stated that whether a supplier's promotional assistance plans are reasonable and nondiscriminatory in their application is essentially a question of fact. The Commission held that if the retailer-customer was able, in fact, to use and benefit from the basic plan offered, but rejected same, the supplier need not offer such retailer-customer the alternative plan. The Commission pointed out that the burden of proof on this issue of fact as it may arise in particular cases will rest upon the supplier. The Commission added that if a competing retailer-customer is unable to use the basic plan, because of the nature of his business operation, he must be offered an alternative plan. However, if he rejects the alternative plan for reasons of his own and said plan could be reasonably used to his benefit, then, the supplier would incur no liability for declining to offer another alternative.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: October 17, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11306; Filed, Oct. 17, 1966; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin; Computers

§ 15.95 Foreign origin; computers.

The Commission issued an Advisory Opinion to the effect that it would be improper to use the "Made in U.S.A." designation in labeling or advertising a computer of which 23 percent of the factory cost was accounted for by imported parts and 77 percent was accounted for by domestically produced parts, assembling and factory testing in the United States.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 17, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11307; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-224]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Empty Cargo Vans and Shipping Tanks by Swedish Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Sweden extends to vessels of the United States in ports of Sweden privileges reciprocal to those provided for in § 4.93(a) of the Customs Regulations. Vessels of Sweden are therefore entitled to the privileges granted by this section.

Accordingly, § 4.93(b) of the Customs Regulations is amended by the insertion of "Sweden" in appropriate alphabetical order in the list of countries in that section.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 883)

[SEAL]

LESTER D. JOHNSON,
Commissioner of Customs.

Approved: October 11, 1966.

TRUE DAVIS,

*Assistant Secretary of
the Treasury.*

[F.R. Doc. 66-11303; Filed, Oct. 17, 1966;
8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Adminis- tration, Department of Health, Edu- cation, and Welfare

[Reg. No. 5]

PART 405—FEDERAL HEALTH INS- URANCE FOR THE AGED (1965 -----)

Subpart J—Conditions of Participa- tion; Hospitals

In the matter of proposing regulations relating to conditions of participation by hospitals in the Health Insurance for the Aged program (Title XVIII of the Social Security Act, as amended); on February 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 2748). Interested parties were given the opportunity to submit written views or arguments within 30 days after publication of such notice.

All of the written comments submitted were considered, and modifications have been made in the proposed regulations accordingly. In addition, changes in the proposed regulations which are editorial and clarifying in nature were made

throughout the sections. Discussion of the more significant changes follows:

(1) Section 405.1001 was amended by adding a paragraph (g) which gives recognition to the American Osteopathic Association hospital accreditation program, and stipulates that periodic reevaluation of the implementation of the American Osteopathic Association accreditation program will be undertaken.

(2) Section 405.1027 has been changed to indicate, more precisely, the role of the consulting pharmacist and the functions of the pharmacy and therapeutics committee, and also, to indicate more clearly that it is acceptable for a hospital to dispense combination drugs.

(3) In § 405.1031 there has been added revised language designed to indicate more clearly the services which may appropriately be available in a rehabilitation department, and to clarify who can serve as the director of a separate physical or occupational therapy department. Additionally, language of paragraph (d) (3) and (4) was modified to more clearly define the qualifications of required personnel where physical and/or occupational therapy services are offered.

Chapter III, Title 20 is amended by adding thereto Subpart J of Part 405 to read as set forth below. The addition of Subpart J of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 3, 1966.

[SEAL]

ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 8, 1966.

WILBUR J. COHEN,
*Acting Secretary of Health,
Education, and Welfare*

Subpart J—Conditions of Participation; Hospitals

Sec.

- 405.1001 General.
- 405.1002 Conditions of participation; general.
- 405.1003 Standards; general.
- 405.1004 Certification by State agency.
- 405.1005 Principles for the evaluation of hospitals to determine whether they meet the conditions of participation.
- 405.1006 Time limitations on certifications of substantial compliance.
- 405.1007 Certificate of noncompliance.
- 405.1008 Criteria for determining substantial compliance.
- 405.1009 Documentation of findings.
- 405.1010 Authorization for special certification in areas where necessary to providing access to hospital care.
- 405.1011 Provision of emergency services by nonparticipating hospitals.
- 405.1020 Condition of participation—compliance with State and local laws.
- 405.1021 Condition of participation—Governing body.
- 405.1022 Condition of participation—Physical environment.
- 405.1023 Condition of participation—Medical staff.
- 405.1024 Condition of participation—Nursing department.

Sec.

- 405.1025 Condition of participation—Dietary department.
- 405.1026 Condition of participation—Medical record department.
- 405.1027 Condition of participation—Pharmacy or drug room.
- 405.1028 Condition of participation—Laboratories.
- 405.1028 Condition of participation—Radiology department.
- 405.1030 Condition of participation—Medical library.
- 405.1031 Condition of participation—Complementary departments.
- 405.1032 Condition of participation—Outpatient department.
- 405.1033 Condition of participation—Emergency service or department.
- 405.1034 Condition of participation—Social work department.
- 405.1035 Condition of participation—Utilization review plan.
- 405.1036 Special rules and exceptions applying to psychiatric and tuberculosis hospitals.
- 405.1037 Condition of participation—Special medical record requirements for psychiatric hospitals.
- 405.1038 Condition of participation—Special staff requirements for psychiatric hospitals.
- 405.1039 Condition of participation—Special medical record requirements for tuberculosis hospitals.
- 405.1040 Condition of participation—Special staff requirements for tuberculosis hospitals.

AUTHORITY: The provisions of this Subpart J issued under secs. 1102, 1861 (c), (f), and (g), 1864 and 1871; 49 Stat. 647, as amended; 79 Stat. 314-316, 79 Stat. 326; 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.1001 General.

(a) In order to participate as a hospital in the health insurance program for the aged, an institution must be a "hospital" within the meaning of section 1861(e) of the Act. This section of the law states a number of specific requirements which must be met by participating hospitals and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of health and safety of beneficiaries.

Section 1861. For purposes of this title—

* * * * *

(e) The term "hospital" (except for purposes of section 1814(d), subsection (a) (2) of this section, paragraph (7) of this subsection, and subsections (l) and (n) of this section) means an institution which—

(1) is primarily engaged in providing, by or under the supervision of physicians, to inpatients, (a) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or (b) rehabilitation services for the rehabilitation of injured, disabled, or sick persons;

(2) maintains clinical records on all patients;

(3) has bylaws in effect with respect to its staff of physicians;

(4) has a requirement that every patient must be under the care of a physician;

(5) provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(6) has in effect a hospital utilization review plan which meets the requirements of subsection (k);

(7) In the case of an institution in any State which State or applicable local law provides for the licensing of hospitals, (a) is licensed pursuant to such law or (b) is approved, by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing; and

(8) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the institution, except that such other requirements may not be higher than the comparable requirements prescribed for the accreditation of hospitals by the Joint Commission on Accreditation of Hospitals (subject to the second sentence of sec. 1863). For purposes of subsection (a) (2), such term includes any institution which meets the requirements of paragraph (1) of this subsection. For purposes of sections 1814(d) (including determination of whether an individual received inpatient hospital services for purposes of such section), and subsections (i) and (n) of this section, such term includes any institution which meets the requirements of paragraphs (1), (2), (3), (4), (5), and (7) of this subsection. Notwithstanding the preceding provisions of this subsection, such term shall not, except for purposes of subsection (a) (2), include any institution which is primarily for the care and treatment of mental diseases or tuberculosis unless it is a tuberculosis hospital (as defined in subsection (g)) or unless it is a psychiatric hospital (as defined in subsection (f)). The term "hospital" also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass., but only with respect to items and services ordinarily furnished by such institution to inpatients, and payment may be made with respect to services provided by or in such an institution only to such extent and under such conditions, limitations, and requirements (in addition to or in lieu of the conditions, limitations, and requirements otherwise applicable) as may be provided in regulations. For provisions deeming certain requirements of this subsection to be met in the case of accredited institutions, see section 1865.

(b) The requirements included in the statute and those additional health and safety requirements prescribed by the Secretary are set forth in the Conditions of Participation for Hospitals. A hospital which meets all of the specific statutory requirements and which is found to be in substantial compliance with the additional conditions prescribed by the Secretary may, if it so desires, agree to become a participating hospital.

(c) Although the Secretary, in general, may not establish requirements that are higher than the comparable requirements prescribed for accreditation by the Joint Commission on Accreditation of Hospitals, he may, at the request of a State, approve higher health and safety requirements for that State. Also, where a State or political subdivision imposes higher requirements on institutions as a condition for the purchase of services under a State plan approved under Title I, XVI, or XIX of the Social Security Act, the Secretary is required to impose like requirements as a condition to the payment for services in such institutions in that State or subdivision. Hospitals currently accred-

ited by the Joint Commission on Accreditation of Hospitals will be deemed to meet all of the Conditions for Participation, except the requirement for utilization review and, in the case of tuberculosis and psychiatric hospitals, the additional staffing and medical records requirements considered necessary for the provision of intensive care. Consequently, a JCAH approved general hospital will be able to establish eligibility to participate by furnishing adequate evidence that it has an effective utilization review plan. Ordinarily, a written description of the plan and a certification by the hospital that it is either currently in effect or that it will be in effect no later than the first day on which a hospital expects to become a participating provider of services, will constitute sufficient evidence to support a finding that the utilization review plan of such hospital is or is not in conformity with statutory requirements for such a plan.

(d) Likewise, hospitals currently accredited by the American Osteopathic Association, as specified in the next sentence, will be deemed to meet all of the Conditions of Participation, except the requirement for utilization review and, in the case of tuberculosis and psychiatric hospitals, the additional staffing and medical records requirements considered necessary for the provision of intensive care. Hospitals so accredited will be deemed to meet such conditions if their most recent accreditation survey was conducted after March 1966 or they were most recently evaluated for accreditation under standards in effect after the issuance by the American Osteopathic Association of its revised standards for hospital accreditation of November 1965. Recognition of the American Osteopathic Association accreditation program as provided for in this paragraph will be continued so long as there is continued assurance that hospitals accredited under the program meet the Conditions of Participation.

(e) Attention is invited to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88-352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (sec. 601), and to the implementing regulation issued by the Secretary of Health, Education, and Welfare with the approval of the President (Part 80 of this subtitle).

§ 405.1002 Conditions of participation; general.

For an institution to be eligible for participation in the program, it must meet the statutory requirements of section 1861(e) and there must be a finding of substantial compliance on the part of the institution with all the other conditions. These conditions which are set forth in § 405.1020 through § 405.1040 are requirements related to the quality of care and the adequacy of the services and facilities which the institution provides. They represent essential func-

tions to be performed by the institution and its staff in order to satisfy the requirements for participation. It will not be unusual for hospitals to differ in the manner in which these functions are performed. Variations in the type and size of hospitals and the nature and scope of services offered will be reflected in differences in the details of organization, staffing, and facilities. However, the test is whether there is substantial compliance with each of the conditions.

§ 405.1003 Standards; general.

As a basis for a determination as to whether or not there is substantial compliance with the prescribed conditions in the case of any particular hospital, a series of standards, almost all interpreted by explanatory factors, are listed under each condition. These standards represent a broad range and variety of activities which hospitals may undertake or be pursuing in order to carry out the functions embodied in the conditions. Reference to these standards will enable the State agency surveying a hospital to document the activities of the hospital, to establish the nature and extent of the hospital's deficiencies, if any, with respect to any particular function, and to assess the hospital's need for improvement in relation to the prescribed conditions. In substance, the application of the standards, together with the explanatory factors, will indicate the extent and degree to which a hospital is complying with each condition.

§ 405.1004 Certification by State agency.

(a) Title XVIII of the Social Security Act provides that the services of State agencies operating under agreements with the Secretary will be used by the Secretary in determining whether institutions meet the Conditions of Participation. Pursuant to these agreements, State agencies will certify to the Secretary findings as to whether the facilities and services of the hospital substantially meet the conditions. The Secretary, on the basis of such certifications from the State agency, will determine whether or not an institution is a hospital eligible to participate in the health insurance program as a provider of services.

(b) The certifications by the State agency represent recommendations to the Secretary. Notice of determination of eligibility or noneligibility made by the Secretary on the basis of a State agency certification will be sent to the institution concerned by the Social Security Administration after such review and professional consultation with the Public Health Service as may be required. If it is determined that the institution does not comply with the conditions of participation, the institution has a right to appeal from such determination and request a hearing.

§ 405.1005 Principles for the evaluation of hospitals to determine whether they meet the conditions of participation.

Hospitals (except tuberculosis and psychiatric hospitals, see § 405.1036 et seq.)

will be considered in substantial compliance with the Conditions of Participation upon acceptance by the Secretary of findings, adequately documented and certified by the State agency, showing that:

(a) The hospital is:

(1) Accredited by the Joint Commission on Accreditation of Hospitals or accredited by the American Osteopathic Association as set forth in § 405.1001(d), and

(2) Has established a utilization review plan meeting the statutory requirements of section 1861(k) and such plan is in effect or will be put into effect no later than the first day a hospital expects to become a participating provider of services, or

(b) The hospital meets the specific statutory requirements of section 1861(e) and is found to be operating in accordance with all Conditions of Participation with no significant deficiencies, or

(c) The hospital meets the specific statutory requirements of section 1861(e) but is found to have deficiencies with respect to one or more Conditions of Participation which:

(1) It is making reasonable plans and efforts to correct, and

(2) Notwithstanding the deficiencies, is rendering adequate care and without hazard to the health and safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

§ 405.1006 Time limitations on certifications of substantial compliance.

(a) All initial certifications by the State agency to the effect that a hospital is in substantial compliance with the Conditions of Participation will be for a period of 2 years, beginning with July 1, 1966, or, if later, with the date on which the hospital is first found to be in substantial compliance with the Conditions. Ordinarily, a resurvey will be scheduled to be conducted not later than the 24th month of a 2-year period of certification; however, the resurvey may be conducted earlier than the scheduled time if the circumstances warrant it. State agencies may visit or resurvey institutions where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State finding and certification to the Secretary that an institution is no longer in compliance may occur within a 2-year or subsequent period of certification.

(b) If a hospital is certified by the State agency as in substantial compliance under the provisions of § 405.1005 (c) the following information will be incorporated into the finding and, if the Secretary determines that the hospital is eligible to participate in the program as a provider of services, into a notice of eligibility to the hospital:

(1) A statement of the deficiencies which were found, and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies, and

(3) A scheduled time for a re-survey of the institution to be conducted not later than the 18th month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1007 Certification of noncompliance.

(a) The State agency will certify that an institution is not in compliance with the conditions of participation, or, where a determination of eligibility has been made, that an institution is no longer in compliance where:

(1) The institution is not in compliance with one or more of the statutory requirements of section 1861(e), or

(2) The institution has deficiencies of such character as to seriously limit the capacity of the institution to render adequate care or which place health and safety of individuals in jeopardy, and consultation to the institution has demonstrated that there is no early prospect of such significant improvement as to establish substantial compliance as of a later beginning date, or

(3) After a previous period or part thereof for which the institution was certified under circumstances outlined in § 405.1005(c), there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served.

(b) If, on the basis of a State agency certification, it is determined by the Secretary that a hospital is not in compliance with the conditions of participation, or that a hospital is no longer in compliance and the participation agreement is terminated, the hospital may request that the determination be reviewed.

§ 405.1008 Criteria for determining substantial compliance.

Findings made by a State agency as to whether a hospital is in substantial compliance with the Conditions of Participation require a thorough evaluation of the degree to which operation of a hospital demonstrates adequate performance of the functions which are embodied in the conditions. The State evaluation will take into consideration:

(a) The degree to which each standard, as well as the total set of standards relating to a Condition of Participation, are met; and

(b) When there is a deficiency in meeting a standard: (1) Whether the deficiency is one concerning the statutory requirements which must be met by all hospitals (section 1861(e) of the Act;

(2) Whether the deficiency creates a serious hazard to health and safety; and

(3) Whether the hospital is making reasonable plans and efforts to correct the deficiency within a reasonable period.

§ 405.1009 Documentation of findings.

Where the State agency certification to the Secretary is that an institution is not in compliance with the Conditions of Participation, such documentation is to include a report of all consultation which has been undertaken in an effort to assist the institution to comply with the conditions, a report of

the institution's responses with respect to the consultation, and the State agency's assessment of the prospects for such improvements as to enable the institution to achieve substantial compliance with the conditions.

§ 405.1010 Authorization for special certification in areas where necessary to providing access to hospital care.

(a) Where, by reason of factors such as isolated location or absence of sufficient facilities in an area, the denial of eligibility of an institution to participate would seriously limit the access of beneficiaries to participating hospitals, an institution may, upon recommendation by the State agency, be approved by the Secretary as a provider of services. Such approvals will be granted only where there are no deficiencies of such character and seriousness as to place health and safety of individuals in jeopardy. An institution receiving this special approval shall furnish information showing the extent to which it is making the best use of its resources to improve its quality of care. Re-surveys of such institutions will be made at least annually.

(b) Each case will have to be decided on its individual merits, and while the degree and extent of compliance will vary, the institution must, as a minimum, meet all of the statutory conditions in section 1861(e) (1)-(7) of the Act, in addition to meeting such other requirements as the Secretary finds necessary under section 1861(e) (8) of the Act.

§ 405.1011 Provision of emergency services by nonparticipating hospitals.

An institution which has not been determined by the Secretary as being in compliance with all of the Conditions, or which is not accepted to become a participating hospital may, nevertheless, be paid under the program for emergency services furnished provided it meets the requirements of section 1861(e) (1), (2), (3), (4), (5), and (7) of the Act, as amended.

§ 405.1020 Condition of participation—compliance with State and local laws.

The hospital is in conformity with all applicable State and local laws.

(a) *Standard; licensure of hospital.* The hospital, in any State in which State or applicable local law provides for the licensing of hospitals, is (1) licensed pursuant to such law, or (2) approved, by the agency of the State or locality responsible for licensing hospitals, as meeting the standards established for such licensing.

(b) *Standard; licensure or registration of personnel.* Staff of the hospital is licensed or registered in accordance with applicable laws.

(c) *Standard; conformity with other laws.* The hospital is in conformity with laws relating to fire and safety, to communicable and reportable diseases, to postmortem examinations, and to other relevant matters.

§ 405.1021 Condition of participation—Governing body.

The hospital has an effective governing body legally responsible for the conduct of the hospital as an institution. However, if a hospital does not have an organized governing body, the persons legally responsible for the conduct of the hospital carry out the functions herein pertaining to the governing body.

(a) *Standard; bylaws.* The governing body has adopted bylaws in accordance with legal requirements. The factors explaining the standard are as follows:

(1) The bylaws are in writing and available to all members of the governing body.

(2) The bylaws:

(i) Stipulate the basis upon which members are selected, their term of office, and their duties and requirements;

(ii) Specify to whom responsibilities for operation and maintenance of the hospital, including evaluation of hospital practices, may be delegated; and the methods established by the governing body for holding such individuals responsible;

(iii) Provide for the designation of necessary officers, their terms of office and their duties, and for the organization of the governing body into essential committees;

(iv) Specify the frequency with which meetings will be held;

(v) Provide for the appointment of members of the medical staff; and

(vi) Provide mechanisms for the formal approval of the organization, bylaws, rules and regulations of the medical staff and its departments in the hospital.

(b) *Standard; meetings.* The governing body meets at regular, stated intervals. The factors explaining the standard are as follows:

(1) Meetings are held frequently enough for the governing body to carry on necessary planning for growth and development and to evaluate the conduct of the hospital, including the care and treatment of patients, the control, conservation and utilization of physical and financial assets, and the procurement and direction of personnel.

(2) Minutes of meetings reflect pertinent business conducted, and are regularly distributed to members of the governing body.

(c) *Standard; committees.* The governing body appoints committees. There should be an Executive Committee and others as indicated for special purposes. The factors explaining the standard are as follows:

(1) The number and types of committees appointed are consistent with the size and scope of activities of the hospital.

(2) An Executive Committee, or the governing body as a whole, coordinates the activities and general policies of the various hospital departments and special committees established by the governing body.

(3) Written minutes or reports, which reflect business conducted by the Executive Committee, are maintained for review and analysis by the governing body.

(4) Other committees, including finance, joint conference, and building and maintenance, function in a manner consistent with their duties as assigned by the governing body and maintain written minutes or reports which reflect the enactment of such duties. If such other committees are not appointed, a member or members of the governing body assume those duties normally assigned to such committees.

(d) *Standard; liaison.* The governing body has established a formal means of liaison with the medical staff by a joint conference committee or other appropriate mechanism. The factors explaining the standard are as follows:

(1) A direct and effective method of communication with the medical staff is established on a formal, regular basis, and is documented in written minutes or reports which are distributed to designated members of the governing body and active medical staff.

(2) Such effective liaison is a responsibility of the Joint Conference Committee, the Executive Committee, or designated members of the governing body.

(e) *Standard; medical staff.* The governing body appoints members of the medical staff. The factors explaining the standard are as follows:

(1) A formal procedure is established, governed by written rules and regulations, covering the application for medical staff membership and the method of processing application.

(2) The procedure related to the submission and processing of applications involves the administrator, credentials committee of the medical staff or its counterpart, and the governing body, all functioning on a regular basis.

(3) Selection of physicians and definition of their medical privileges, both for new appointments and reappointments, are based on written, defined criteria.

(4) Actions taken on applications for medical staff appointments by the governing body are put in writing and retained.

(5) Written notification of applicants is made by either the governing body or its designated representative.

(6) Applicants selected for medical staff appointment sign an agreement to abide by the rules, regulations, and bylaws of the hospital.

(7) There is a procedure for appeal and hearing by the governing body or other designated committee if the applicant or medical staff feels the decision is unfair or wrong.

(f) *Standard; qualified hospital administrator.* The governing body appoints a qualified hospital administrator or other chief executive officer. The factors explaining the standard are as follows:

(1) The administrator has had actual experience of a suitable kind, nature and duration in hospital administration.

(2) Preferably the administrator has had formal training in a graduate program in hospital administration ap-

proved for membership in the Association of University Programs in Hospital Administration.

(g) *Standard; administrator duties.* The administrator acts as the executive officer of the governing body, is responsible for the management of the hospital, and provides liaison among the governing body, medical staff, nursing staff, and other departments of the hospital. The factors explaining the standard are as follows:

(1) In discharging his duties, the administrator keeps the governing body fully informed of the conduct of the hospital through annual, monthly, or written reports and by attendance at meetings of the governing body.

(2) The administrator organizes the day-to-day functions of the hospital through appropriate departmentalization and delegation of duties.

(3) The administrator establishes formal means of accountability on the part of subordinates to whom he has assigned duties.

(4) To maintain sufficient liaison between the governing body, medical and nursing staffs and other departments, the administrator holds interdepartmental and departmental meetings, where appropriate, attends or is represented at such meetings on a regular basis, and reports to such departments as well as the governing body the pertinent activities of the hospital.

(5) The administrator has sufficient freedom from other responsibilities to permit adequate attention to the management and administration of the hospital.

(h) *Standard; all patients under physician's care.* The governing body is responsible for establishing a policy which requires that every patient must be under the care of a physician. The factors explaining the standard are as follows:

(1) Patients are admitted to the hospital only on the recommendation of a physician.

(2) A member of the house staff or other physician is on duty or on call at all times and available within 15 to 20 minutes at the most.

(i) *Standard; physical plant.* The governing body is responsible for providing a physical plant equipped and staffed to maintain the needed facilities and services for patients. The factors explaining the standard are as follows:

(1) The governing body receives periodic written reports from appropriate intramural and extramural sources about the adequacy of the physical plant, equipment and personnel, as well as any deficiencies.

(2) A member, members, or committee of the governing body is assigned primary responsibility for this aspect in the conduct of the hospital.

(3) In order to provide a suitable physical plant which is well-equipped and staffed, the governing body is responsible for raising funds or otherwise arranging for the availability of funds, adopting a budget for the institution, and approving schedules of charges.

§ 405.1022 Condition of participation—Physical environment.

The buildings of the hospital are constructed, arranged, and maintained to insure the safety of the patient, and provide facilities for diagnosis and treatment and for special hospital services appropriate to the needs of the community.

(a) *Standard; buildings.* The buildings of the hospital are solidly constructed with adequate space and safeguards for each patient. The factors explaining the standard are as follows:

(1) The physical facility has current approvals following inspection by appropriate State and/or local authorities.

(2) The condition of the physical plant and the over-all hospital environment are developed and maintained in such a manner that the safety and well-being of patients are assured.

(3) The physical plant provides:

(i) Facilities for the physical separation of all isolation patients, particularly those with communicable diseases, and facilities for hand washing and for carrying out good medical and nursing isolation techniques;

(ii) Proper facilities for handling contaminated linens;

(iii) Adequate floor space per bed; in the absence of State or local requirements regarding space per bed, there is at least one hundred square feet of floor area per bed in a private room and eighty square feet per bed in multiple patient rooms;

(iv) Facilities for emergency power and lighting in at least the operating, recovery, intensive care, and emergency rooms and stairwells; in all other areas not serviced by the emergency supply source, battery lamps and flashlights are available; and

(v) Facilities for emergency gas and water supply.

(4) There is regular inspection and cleaning of air intake sources, screens, and filters, with special attention given to "high risk" areas.

(5) Proper facilities are maintained and techniques used for incineration of infectious wastes, as well as sanitary disposal of all other wastes.

(6) Kitchens and dishwashing facilities located outside the dietary department comply with the standards specified for the dietary department.

(7) Corridors and passageways are free of obstacles.

(8) A person is designated responsible for services and for the establishment of practices and procedures in each of the following areas—plant maintenance, laundry operations, and the supervision and training of general housekeeping personnel.

(b) *Standard; fire control.* The hospital provides fire protection by the elimination of fire hazards; the installation of necessary safeguards such as extinguishers, sprinkling devices, and fire barriers to insure rapid and effective fire control; and the adoption of written fire control plans rehearsed three times a year by key personnel. The factors explaining the standard are as follows:

(1) The hospital has:

(i) Written evidence of regular inspection and approval by State or local fire control agencies;

(ii) Fire-resistant buildings, and equipment as close to fireproof as possible;

(iii) Stairwells kept closed by fire doors or equipped with unimpaired automatic closing devices;

(iv) An annual check of fire extinguishers for type, replacement, and renewal dates;

(v) Sprinkler systems at least for trash and laundry chutes, paint and carpenter shops, and most storage areas, and fire detection equipment for bulk storage areas;

(vi) Conductive floors with the required equipment and ungrounded electrical circuits in areas subject to explosion hazards;

(vii) Proper routine storage and prompt disposal of trash;

(viii) "No Smoking" signs prominently displayed, where appropriate, with rules governing the ban on smoking in designated areas of the hospital enforced and obeyed by all personnel; and

(ix) Fire regulations prominently posted and all fire codes rigidly observed and carried out.

(2) Written fire control plans contain provisions for prompt reporting of all fires; extinguishing fires; protection of patients, personnel and guests; evacuation; and cooperation with fire fighting authorities.

(3) There are rigidly enforced written rules and regulations governing proper routine methods of handling and storing explosive agents, particularly in operating rooms and laboratories, and governing the provision of oxygen therapy.

(c) *Standard; sanitary environment.* The hospital provides a sanitary environment to avoid sources and transmission of infections. The factors explaining the standard are as follows:

(1) An infection committee, composed of members of the medical and nursing staffs and administration, is established and responsible for investigating, controlling and preventing infections in the hospital. Its responsibilities include:

(i) The establishment of written infection control measures; and

(ii) The establishment of techniques and systems for discovering and reporting infections in the hospital.

(2) Written procedures govern the use of aseptic techniques and procedures in all areas of the hospital.

(3) To keep infections at a minimum, such procedures and techniques are regularly reviewed by the infection committee, particularly those concerning food handling, laundry practices, disposal of environmental and patient wastes, traffic control and visiting rules in high risk areas, sources of air pollution, and routine culturing of autoclaves and sterilizers.

(4) There is a method of control used in relation to the sterilization of supplies and water, and a written policy requiring

sterile supplies to be reprocessed at specified time periods.

(5) Formal provisions are made to educate and orient all appropriate personnel in the practice of aseptic techniques such as handwashing and scrubbing practices, proper grooming, masking and dressing care techniques, disinfecting and sterilizing techniques, and the handling and storage of patient care equipment and supplies.

(6) There are measures which control the indiscriminate use of preventive antibiotics in the absence of infection, and the use of antibiotics in the presence of infection is based on necessary cultures and sensitivity tests.

(7) Continuing education is provided to all hospital personnel on the cause, effect, transmission, prevention, and elimination of infections.

(8) A continuing process is enforced for inspection and reporting of any hospital employee with an infection who may be in contact with patients, their food or laundry.

(d) *Standard; diagnostic and therapeutic facilities.* The hospital provides adequate diagnostic and therapeutic facilities. The factors explaining the standard are as follows:

(1) Facilities are located for the convenience and safety of patients.

(2) Facilities are available which allow all routine preadmission, admission and discharge procedures to be done as prescribed by the medical staff in bylaws, rules and regulations of the hospital.

(3) Diagnostic and therapeutic facilities, supplies, and equipment permit an acceptable level of patient care to be provided by the medical and nursing staffs.

(4) The extent and complexity of such facilities are determined by the services that the hospital attempts to offer.

§ 405.1023 Condition of participation—Medical staff.

The hospital has a medical staff organized under bylaws approved by the governing body, and responsible to the governing body of the hospital for the quality of all medical care provided patients in the hospital and for the ethical and professional practices of its members.

(a) *Standard; responsibilities toward policies.* The medical staff is responsible for support of medical staff and hospital policies. The factors explaining the standard are as follows:

(1) Medical staff members participate on various staff committees. Committee records verify that committee meetings are attended by the majority of committee members.

(2) There are prescribed enforced disciplinary procedures for infraction of hospital and medical policies.

(b) *Standard; autopsies.* The medical staff attempts to secure autopsies in all cases of unusual deaths and of medical-legal and educational interest. It is recommended that a minimum of 20 percent of all terminal cases be autopsied. The factors explaining the standard are as follows:

(1) The hospital has an autopsy rate consistent with the needs of its ongoing staff education program.

(2) Autopsy reports are distributed to the attending physician and become a part of the patient's record. Whenever possible, they are utilized in conference.

(3) The autopsy is performed by a pathologist or physician versed in autopsy procedure and protocol.

(c) *Standard; consultations.* The medical staff has established policies concerning the holding of consultations:

(1) The status of consultant is determined by the medical staff on the basis of an individual's training, experience, and competence. A consultant must be well qualified to give an opinion in the field in which his opinion is sought.

(2) Except in an emergency, consultations with another qualified physician are required in cases on all services in which, according to the judgment of the attending physician: (i) The patient is not a good medical or surgical risk, (ii) the diagnosis is obscure, (iii) there is doubt as to the best therapeutic measures to be utilized, or (iv) there is a question of criminal action.

(3) A satisfactory consultation includes examination of the patient and the record. A written opinion signed by the consultant must be included in the medical record. When operative procedures are involved, the consultation note, except in an emergency, shall be recorded prior to operation.

(4) The patient's physician is responsible for requesting consultations when indicated. It is the duty of the medical staff, through its chiefs of service and executive committee, to make certain that members of the staff do not fail in the matter of calling consultants as needed.

(5) Routine procedures such as an X-ray examination, electrocardiogram determination, tissue examination, and protoscopic and cystoscopic procedures are not normally considered to be consultations.

(d) *Standard; staff appointments.* Staff appointments are made by the governing body, taking into account recommendations made by the active staff. The factors explaining the standard are as follows:

(1) The governing body has the legal right to appoint the medical staff and the moral obligation to appoint only those physicians who are judged by their fellows to be of good character and qualified and competent in their respective fields.

(2) Reappointments are made periodically, and recorded in the minutes of the governing body. Reappointment policies provide for a periodic appraisal of each member of the staff, including consideration of his physical and mental capabilities. Recommendations for reappointments are noted either in the credential committee or medical staff meetings' minutes.

(3) Temporary staff privileges (for example, locum tenens) are granted for a limited period if the physician is otherwise properly qualified for such.

(e) *Standard; staff qualifications.* Members of the staff are qualified legally, professionally, and ethically for the positions to which they are appointed. The factors explaining the standard are as follows:

(1) To select its members and delineate privileges, the hospital medical staff has a system, based on definite workable standards, to evaluate each applicant by its credentials committee (or in small hospitals, committee-of-the-whole) which makes recommendations to the medical staff and to the governing body.

(2) Privileges are extended to duly licensed qualified physicians to practice in the appropriate fields of general practice, internal medicine, surgery, pediatrics, obstetrics, gynecology, and other recognized and accepted fields according to individual qualifications.

(3) Criteria for selection are individual character, competence, training, experience, and judgment.

(4) Under no circumstances is the accordance of staff membership or professional privileges in the hospital dependent solely upon certification, fellowship, or membership in a specialty body or society. All qualified candidates are considered by the credentials committee.

(5) The scope of privileges to be accorded the physician is indicated. The privileges of each staff member are specifically stated or the medical staff defines a classification system. If a system involving classification is used, the scope of the divisions is well defined, and the standards which must be met by the applicant are clearly stated for each category.

(f) *Standard; active staff.* Regardless of any other categories having privileges in the hospital, there is an active staff, properly organized, which performs all the organizational duties pertaining to the medical staff. These include:

(1) Maintenance of the proper quality of all medical care and treatment in the hospital;

(2) Organization of the medical staff, including adoption of rules and regulations for its government (which require the approval of the governing body), election of its officers or recommendations to the governing body for appointment of the officers, and recommendations to the governing body upon all appointments to the staff and grants of hospital privileges; and

(3) Making other recommendations to the governing body upon matters within the purview of the medical staff.

(g) *Standard; other staff.* In larger hospitals, and in some smaller hospitals, the medical staff may include one or more of the following categories in addition to the active staff, but this in no way modifies the duties and responsibilities of the active staff.

(1) *Honorary staff.* The honorary staff is composed of former active staff, retired or emeritus, and other physicians of reputation whom it is desired to honor.

(2) *Consulting staff.* The consulting staff is composed of recognized special-

ists willing to serve in such capacity. A member of the consulting staff may also be a member of the active staff, but only if the two appointments are made.

(3) *Associate staff.* The associate staff is composed of those members who use the hospital infrequently or those less experienced members undergoing a period of probation before being considered for appointment to the active staff.

(4) *Courtesy staff.* The courtesy staff is composed of those who desire to attend patients in the hospital but who, for some reason not disqualifying, are ineligible for appointment in another category of the staff.

(h) *Standard; staff officers.* There are such officers as may be necessary for the government of the staff. These officers are members of the active staff and are elected by the active staff, unless this is precluded by hospital policy. The factors explaining the standard are as follows:

(1) The officers are elected from and by the active staff or appointed in accordance with hospital policy on the basis of ability and willingness to assume responsibility and devote time to the office.

(2) Where officers are elected, all election rules are carefully spelled out in the bylaws. The election is an open one and most preferably by secret ballot.

(3) The chief of staff:

(i) Has direct responsibility for the organization and administration of the medical staff, in accordance with the terms of the medical staff constitution, bylaws, rules, and regulations;

(ii) In all medico-administrative matters, acts in coordination and cooperation with the hospital administrator in giving effect to the policies adopted by the governing body; and

(iii) Is responsible for the functioning of the clinical organization of the hospital and keeps or causes to be kept careful supervision over the clinical work in all departments.

(i) *Standard; bylaws.* Bylaws are adopted to govern and enable the medical staff to carry out its responsibilities. The factors explaining the standard are as follows:

(1) The bylaws of the medical staff are a precise and clear statement of the policies under which the medical staff regulates itself.

(2) Medical staff bylaws, rules and regulations include the following:

(i) A descriptive outline of medical staff organization;

(ii) A statement of the necessary qualifications which physicians must possess to be privileged to work in the hospital, and of the duties and privileges of each category of medical staff;

(iii) A procedure for granting and withdrawing privileges to physicians;

(iv) A mechanism for appeal of decisions regarding medical staff membership and privileges;

(v) A definite and specific statement forbidding the practice of the division of fees under any guise whatsoever;

(vi) Provision for regular meetings of the medical staff;

(vii) Provision for keeping accurate and complete clinical records;

(viii) A statement to the effect that the physician in charge of the patient is responsible for seeing that all tissue removed at operation is delivered to the hospital pathologist, and that a routine examination and report is made of such tissue;

(ix) Provision for routine examination of all patients upon admission and recording of preoperative diagnosis prior to surgery;

(x) A ruling permitting a surgical operation only on consent of the patient or his legal representative, except in emergencies;

(xi) A statement providing that, except in emergency, consultation is required as outlined above;

(xii) A regulation requiring that physicians' orders be recorded and signed; and

(xiii) If dentists and oral surgeons are to be admitted to staff membership, the necessary qualifications, status, privileges and rights of this group are stated in the bylaws.

(j) *Committees—General.* The structure of committee organization is a decision to be made by the medical staff as long as the required committee functions are carried out. A small staff may wish to function as a committee of the whole. Others may wish to combine committee functions in two or three committees.

(k) *Standard; executive committee.* The executive committee (or its equivalent) coordinates the activities and general policies of the various departments, acts for the staff as a whole under such limitations as may be imposed by the staff, and receives and acts upon the reports of the medical records, tissue, and such other committees as the medical staff may designate. The factors explaining the standard are as follows:

(1) The committee meets at least once a month, exclusive of the summer months, and maintains a permanent record of its proceedings and actions.

(2) Committee membership is made up of the officers of the medical staff, chiefs of major departments or services, and one or more members elected at large from the active medical staff.

(3) Its functions and responsibilities include:

(i) Considering and recommending action to the administrator on all matters which are of a medical-administrative nature;

(ii) Investigating any reports of breach of ethics by members of the medical staff, as referred to this committee by the credentials committee; and

(iii) Acting as the program committee for staff meetings, unless this responsibility is delegated to a specific committee.

(l) *Standard; credentials committee.* The credentials committee (or its equivalent) reviews applications for appointment and reappointment to all categories of the staff. It delineates the privileges to be extended to the applicant and makes appropriate recommendations to the governing body according to the

procedure outlined in the hospital's medical staff bylaws. The factors explaining the standard are as follows:

(1) The committee makes recommendations for initial appointment, hospital privileges, promotions, and demotions.

(2) The committee is advisory and investigative and makes recommendations only. It is not given disciplinary or punitive powers.

(m) *Standard; joint conference committee.* The joint conference committee (or its equivalent) is a medico-administrative advisory committee and the official means of liaison among the medical staff, the governing body, and the administrator. In the absence of a joint conference committee, a formal means of liaison between the governing body and medical staff is established. The factors explaining the standard are as follows:

(1) A formal means of liaison exists even where there is medical staff representation on the governing body.

(2) The committee meets at least four times per year and maintains a permanent record of its minutes.

(3) Purposes of the committee include:

(i) Communications to keep the governing body, medical staff, and administration cognizant of pertinent actions taken or contemplated by one or the other;

(ii) Consideration of plans for growth; and

(iii) Consideration of issues affecting medical care which arise in the operation and affairs of the hospital.

(n) *Standards; medical records committee.* The medical records committee (or its equivalent) supervises the maintenance of medical records at the required standard of completeness. On the basis of documented evidence, the committee also reviews and evaluates the quality of medical care given the patient. The factors explaining the standard are as follows:

(1) The committee meets at least once a month exclusive of the summer months, and submits a written report to the executive committee.

(2) The committee's members represent a cross section of the clinical services. In large hospitals, each major clinical department may have its own committee.

(3) Membership is staggered so that experienced committee physicians are always included. Senior residents may serve on this committee.

(4) Review of the record for completeness can be performed for the most part by the medical record librarian. In addition, on-the-spot scanning of current inpatient records for completeness is done on the floors.

(5) The quality of patient care is evaluated from the documentation on the chart. In some hospitals, this function may be given to an "audit" or "evaluation" committee.

(6) The committee:

(1) Makes recommendations to the medical staff for the approval of, use of, and any changes in form or format of the medical record;

(ii) Advises and recommends policies for medical record maintenance and supervises the medical records to insure that details are recorded in the proper manner and that sufficient data are present to evaluate the care of the patient;

(iii) Insures that there is proper filing, indexing, storage, and availability of all patient records; and

(iv) With the aid of legal counsel, advises and develops policies to guide the medical record librarian, medical staff, and administration so far as matters of privileged communication and legal release of information are concerned.

(o) *Standard; tissue committee.* The tissue committee (or its equivalent) reviews and evaluates all surgery performed in the hospital on the basis of agreement or disagreement among the preoperative, postoperative, and pathological diagnosis, and on the acceptability of the procedure undertaken. The factors explaining the standards are as follows:

(1) The committee meets at least once a month, exclusive of the summer months, and submits a written report to the executive committee.

(2) This committee's work includes continuing education through such mechanisms as utilization of its findings in the form of hypothetical cases or review of cases by category at staff meetings or publishing in coded form physicians' standings in the hospital regarding percentage of cases in which normal tissue is removed.

(p) *Standard; meetings.* Meetings of the medical staff are held to review, analyze, and evaluate the clinical work of its members; the number and frequency of medical staff meetings are determined by the active staff and clearly stated in the bylaws of the staff and attendance, requirements for each individual member of the staff and for the total attendance at each meeting are clearly stated in the bylaws of the staff and attendance records are kept, adequate minutes of all meetings are kept; the method adopted to insure adequate evaluation of clinical practice in the hospital is determined by the medical staff and clearly stated in the bylaws. Any one of the following three methods will fulfill this requirement: Monthly meetings of the active staff; monthly departmental conferences in those hospitals where the clinical services are well organized and each department is large enough to meet as a unit; or monthly meetings of the medical records and tissue committees at which the quality of medical work is adequately appraised, action is taken by the executive committee, and reports are made to the active staff. The factors explaining the standard are as follows:

(1) Absence of a staff member from more than the specified percentage of regular meetings for the year, unless excused by the executive committee for just cause such as absence from the community or sickness, is considered as resignation from the active medical staff.

(2) Staff and departmental meetings are held for the purpose of reviewing the

medical care of patients within the hospital and those recently discharged.

(3) Minutes of such meetings give evidence of the following:

(i) A review of the clinical work done by the staff on at least a monthly basis; this includes consideration of selected deaths, unimproved cases, infections, complications, errors in diagnosis, results of treatment, and review of transfusions;

(ii) Consideration of the hospital statistical report on admissions, discharge, clinical classifications of patients, autopsy rates, hospital infections, and other pertinent hospital statistics;

(iii) Short synopsis of each case discussed;

(iv) Names of discussants; and

(v) Duration of meeting.

(q) *Standard; departments.* (1) Division of the staff into services or departments to fulfill medical staff responsibilities promotes efficiency and is recommended in general hospitals with 75 or more beds. Each autonomous service or department is organized and functions as a unit.

(2) Medical staff members of each service or department are qualified by training and demonstrated competence and are granted privileges commensurate with their individual abilities.

(3) In those hospitals where the review and evaluation of clinical practice are done by committees of the medical staff or by monthly meetings of the entire staff, departmental meetings are optional. In those hospitals where the clinical review is done by the departments, each service or department meets at least once a month. Records of these meetings are kept and become part of the records of the medical staff.

(r) *Standard; chief of service or department.* The chief of services or department is a member of the service or department qualified by training, experience, and administrative ability for the position. He is responsible for the administration of the department, for the general character of the professional care of patients, and for making recommendations as to the qualifications of its members. He also makes recommendations to the administration as to the planning of hospital facilities, equipment, routine procedures, and any other matters concerning patient care. The factors explaining the standard are as follows:

(1) Selection of each chief of service by the governing body is never made without first obtaining reliable medical advice.

(2) Duties and responsibilities of the chief include in addition to those cited above:

(i) Responsibility for arranging and expediting inpatient and outpatient departmental programs embracing organization, educational activities, supervision, and evaluation of the clinical work;

(ii) Responsibility for enforcement of the hospital medical staff bylaws, rules, and regulations, with special attention to those pertaining to his department;

(iii) Cooperation with the hospital administration with respect to the purchase of supplies and equipment and in formulating special regulations and policies applicable to his department, such as standing orders and techniques;

(iv) Maintaining the quality of the medical records in his department; and

(v) Represents his department, in a medical advisory capacity, to the administration and governing body.

§ 405.1024 Condition of participation—Nursing department.

The hospital has an organized nursing department. A licensed registered professional nurse is on duty at all times and professional nursing service is available for all patients at all times.

(a) *Standard; organization.* There is a well-organized departmental plan of administrative authority with delineation of responsibilities and duties of each category of nursing personnel. The factor explaining the standard is as follows: The delineation of responsibilities and duties for each category of the nursing staff may be in the form of a written job description for each category.

(b) *Standard; Licensed registered professional nurse.* There is an adequate number of licensed registered professional nurses to meet the following minimum staff requirements: Director of the department; Assistants to the director for evening and night services; Supervisory and staff personnel for each department or nursing unit to insure the immediate availability of a registered professional nurse for bedside care of any patient when needed; and Registered professional nurse on duty at all times and available for all patients on a 24-hour basis. The factors explaining the standard are as follows: (1) The staffing pattern insures the availability of registered professional nursing care for all patients on a 24-hour basis every day.

(2) If a licensed practical nurse or nursing aide is on duty during the evening and night hours in a ward with patients who do not generally need skilled nursing care, there is a registered professional nurse supervisor who makes frequent rounds and is immediately available to give skilled nursing care when needed. She is free to render bedside care and is not occupied in the operating room, delivery room, or emergency room for long periods of time.

(3) The ratio of registered professional nurses to patients together with the ratio of registered professional nurses to other nursing personnel is adequate to provide proper supervision of patient care and staff performance, taking into consideration the characteristics of the patient load.

(4) A registered professional nurse assigns the nursing care of each patient to other nursing personnel in accordance with the patient's needs and the preparation and competence of the nursing staff available.

(c) *Standard; other nursing personnel.* There are other nursing personnel in sufficient numbers to provide nursing care not requiring the service of a regis-

tered professional nurse. The training and supervision of these personnel are continually planned and carried out to enable them to perform effectively the duties which are assigned to them.

(d) *Standard; non-floor services.* There are adequate nursing personnel for the surgical suite, clinics, and other services of the hospital in keeping with their size and degree of activity. The factors explaining the standard are as follows:

(1) A registered professional nurse is in charge of the operating rooms.

(2) Surgical technicians and licensed practical nurses may be permitted to serve as "scrub nurses" under the direct supervision of a registered professional nurse; they are not permitted to function as circulating nurses in the operating rooms.

(e) *Standard; qualifications.* Individuals selected for the nursing staff are qualified by education, experience, and demonstrated ability for the positions to which they are appointed. The factors explaining the standard are as follows:

(1) The director of nursing makes decisions relative to the selection and promotion of nursing personnel based on their qualifications and capabilities and recommends the termination of employment when this is necessary.

(2) The educational and experiential qualifications of the director of nursing, her assistants, and supervisors are commensurate with the size and complexity of the hospital.

(3) The functions and qualifications of nursing personnel are clearly defined in relation to the duties and responsibilities delegated to them.

(4) There is a procedure to insure that hospital nursing personnel, for whom licensure is required, do have valid and current licensure.

(5) Personnel records including application forms and verification of credentials are on file.

(6) New employees are oriented to the hospital, nursing service, and their jobs.

(f) *Standard; working relationships.* There are well established working relationships with other services of the hospital, both administrative and professional. The factors explaining the standard are as follows:

(1) Registered professional nurses confer with the physicians relative to patient care.

(2) Interdepartmental policies affecting nursing service and nursing care to patients are made jointly with the director of nursing.

(3) There are established procedures for scheduling laboratory and X-ray examinations, for ordering, securing, and maintaining supplies and equipment needed for patient care, for ordering diets, etc.

(g) *Standard; evaluation and review of nursing care.* There is constant review and evaluation of the nursing care provided for patients and there are written nursing care procedures and written nursing care plans for patients. The factors explaining the standard are as follows:

(1) Nursing care policies and procedures are written and consistent with generally accepted practice and are reviewed and revised as necessary to keep pace with best practice and new knowledge.

(2) A registered professional nurse plans, supervises, and evaluates the nursing care for each patient.

(3) Nursing care plans are kept current daily. Plans indicate nursing care needed, how it is to be accomplished, and methods, approaches and modifications necessary to insure best results for the patient.

(4) Nursing notes are informative and descriptive of the nursing care given and include information and observations of significance so that they contribute to the continuity of patient care.

(5) Only (i) a licensed physician or a registered professional nurse or (ii) a licensed practical nurse, a student nurse in an approved school of nursing, or a psychiatric technician, when these three classes of personnel are under the direct supervision of a registered professional nurse, is permitted to administer medications, and in all instances, in accordance with the Nurse Practice Act of the State.

(6) All medical orders are in writing and signed by the physician. Telephone orders are used sparingly, are given only to the registered professional nurse, and are signed or initialed by the physician as soon as possible.

(7) Blood transfusions and intravenous medications are administered in accordance with State law. If administered by registered professional nurses, they are administered only by those who have been specially trained for this duty.

(8) There is an effective hospital procedure for reporting transfusion reactions and adverse drug reactions.

(h) *Standard; staff meetings.* Meetings of the registered professional nursing staff are held at least monthly to discuss patient care, nursing service problems, and administrative policies. The pattern for meetings may be by clinical departments, by categories of the staff, or by the staff as a whole. Minutes of all meetings are kept. The factors explaining the standard are as follows:

(1) Minutes reflect the purpose of the staff meetings; e.g., review and evaluation of nursing care, ways of improving nursing service, discussion or nursing care plans for individual patients, consideration of specific nursing techniques and procedures, establishment and/or interpretation of nursing department policies, interpretation of administrative and medical staff policies, reports of meetings, etc.

(2) Minutes are available to staff members either individually or are maintained in a central place.

§ 405.1025 Condition of participation—Dietary department.

The hospital has an organized dietary department directed by qualified personnel. However, a hospital which has a contract with an outside food management company may be found to meet this

condition of participation if the company has a therapeutic dietician who serves, as required by scope and complexity of the service, on a full-time, part-time, or consultant basis to the hospital, provided the company maintains the minimum standards as listed herein and provides for constant liaison with the hospital medical staff for recommendations on dietetic policies affecting patient treatment.

(a) *Standard; organization.* There is an organized department directed by qualified personnel and integrated with other departments of the hospital. There is a qualified dietician, full-time or on a consultation basis, and, in addition, administrative and technical personnel competent in their respective duties. The factors explaining the standard are as follows:

(1) There are written policies and procedures for food storage, preparation, and service developed by a qualified dietician (preferably meeting the American Dietetic Association's standards for qualification).

(2) The department is under the supervision of a qualified dietician who is responsible for quality food production, service, and staff education. The dietician serves on a full-time basis if possible or, in smaller hospitals, on a regular part-time supervising or consulting basis.

(3) In the absence of a full-time dietician, there is a qualified person serving as full-time director of the department who is responsible for the daily management aspects of the department and a dietician visits the hospital at intervals to supervise and instruct personnel.

(4) The number of professional dietitians is adequate considering the size of the facility and the scope and complexity of dietary functions.

(5) Supervisors, other than dietitians, are assigned in numbers and with ability to provide a satisfactory span of control to meet the needs of the physical facilities and the organization as well as coverage for all hours of departmental operation.

(6) The number of personnel, such as cooks, bakers, dishwashers, and clerks, is adequate to perform effectively all defined functions.

(7) Written job descriptions of all dietary employees are available.

(8) There is an inservice training program for dietary employees which includes the proper handling of food and personal grooming.

(b) *Standard; facilities.* Facilities are provided for the general dietary needs of the hospital. These include facilities for the preparation of special diets. Sanitary conditions are maintained in the storage, preparation, and distribution of food. The factors explaining the standard are as follows:

(1) All dietary areas are appropriately located, adequate in size, well lighted, ventilated and maintained.

(2) The type, size, and layout of equipment provides for ease of cleaning, optimal work-flow and adequate food production to meet the scope and complexity

of the regular and therapeutic diet requirements of the patients.

(3) Equipment and work areas are clean and orderly. Effective procedures for cleaning all equipment and work areas are followed consistently to safeguard the health of the patient.

(4) Lavatories specifically for handwashing, with hot and cold running water, soap and approved disposable towels, are conveniently located throughout the department for use by food handlers.

(5) There are procedures to control dietary employees with infections and open lesions. Routine health examinations at least meet local, State, or Federal codes for food service personnel.

(6) The dietary department is routinely inspected and approved by State or local health agencies as a food handling establishment. Written reports of the inspection are on file at the hospital with notation made by the hospital of action taken to comply with recommendations.

(7) Dry or staple food items are stored at least 12 inches off the floor in a ventilated room which is not subject to sewage or waste water back-flow, or contamination by condensation, leakage, rodents or vermin.

(8) All perishable foods are refrigerated at the appropriate temperature and in an orderly and sanitary manner.

(9) Foods being displayed or transported are protected from contamination and held at proper temperatures in clean containers, cabinets or serving carts.

(10) Dishwashing procedures and techniques are well developed, understood, and carried out in compliance with the State and local health codes and with periodic check on:

(i) Detergent dispenser operation;
(ii) Washing, rinsing, and sanitizing temperatures and cleanliness of machine and jets;

(iii) Routine bacterial counts on dishes, flatware, glasses, utensils and equipment; and

(iv) Thermostatic controls.

(11) All garbage and kitchen refuse which is not disposed of through a disposal is kept in leakproof nonabsorbent containers with close fitting covers and is disposed of daily in a manner that will not permit transmission of disease, a nuisance, or a breeding place for flies. All garbage containers are thoroughly cleaned inside and out each time emptied.

(c) *Standard; diets.* There is a systematic record of diets, correlated, when appropriate, with the medical records. The factors explaining the standard are as follows:

(1) Therapeutic diets are prescribed in written orders on the chart by the physician and are instructive, accurate, and complete as possible; for example, bland low residue diet or, if a diabetic diet is ordered, the exact amounts of carbohydrate, protein, and fat allowed are noted.

(2) Nutrition needs are met in accordance with the current Recommended Dietary Allowances of the Food and Nutrition Board, National Research Council, and in accordance with physician's orders.

(3) The dietician has available an up-to-date manual of regimens for all therapeutic diets, approved jointly by the dietician and medical staff, which is available to dietary supervisory personnel. Diets served to patients are in compliance with these established diet principles.

(4) The dietician correlates and integrates the dietary aspects of patient care with the patient and patient's chart through such methods as patient instruction and recording diet histories and participates appropriately in ward rounds and conferences, sharing specialized knowledge with others of the medical team.

(d) *Standard; conferences.* Departmental and interdepartmental conferences are held periodically. The factors explaining the standard are as follows:

(1) The director of dietetics attends and participates in meetings of heads of departments and functions as a key member of the hospital staff.

(2) The director of dietetics has regularly scheduled conferences with the administrator or his designee to keep him informed, seek his counsel, and present program plans for mutual consideration and solution.

(3) Conferences are held regularly within the department at all levels of responsibility to disseminate information, interpret policy, solve problems, and develop procedures and program plans.

§ 405.1026 Condition of participation— Medical record department.

The hospital has a medical record department with administrative responsibility for medical records. A medical record is maintained, in accordance with accepted professional principles, for every patient admitted for care in the hospital.

(a) *Standard; records maintained.* A medical record is maintained for every patient admitted for care in the hospital. Such records are kept confidential. The factors explaining the standard are as follows:

(1) Only authorized personnel have access to the record.

(2) Written consent of the patient is presented as authority for release of medical information.

(3) Medical records generally are not removed from the hospital environment except upon subpoena.

(b) *Standard; preservation.* Records are preserved, either in the original or by microfilm, for a period of time not less than that determined by the statute of limitations in the respective State.

(c) *Standard; personnel.* Qualified personnel adequate to supervise and conduct the department are provided. The factors explaining the standard are as follows:

(1) Preferably a registered medical record librarian heads the department. If such a professionally qualified person is not in charge of medical records, a qualified consultant or trained part-time medical record librarian organizes the department, trains the regular personnel, and makes periodic visits to the hospital

to evaluate the records and the operation of the department.

(2) A sufficient number of regular full-time and part-time employees are available so that medical record services may be provided as needed. In some hospitals this can mean around-the-clock coverage.

(d) *Standard; identification; filing.* A system of identification and filing to insure the prompt location of a patient's medical record is maintained. The factors explaining the standard are as follows:

(1) Index cards bear at least the full name of the patient, the address, the birthdate, and the medical record number.

(2) Filing equipment and space are adequate to house the records and facilitate retrieval.

(3) A unit record is maintained so that both in- and out-patient treatment are in one folder.

(e) *Standard; centralization of reports.* All clinical information pertaining to a patient's stay is centralized in the patient's record. The factors explaining the standard are as follows:

(1) The original of all reports is filed in the medical record.

(2) All reports or records are completed and filed within a period consistent with good medical practice and not longer than 15 days following discharge.

(f) *Standard; indices.* Records are indexed according to disease, operation, and physician and are kept up-to-date. For indexing, any recognized system may be used. The factors explaining the standard are as follows:

(1) As additional indices become appropriate due to advances in medicine, their use is adopted.

(2) The index lists on a card (or other systematic record) for a specific disease or operation, according to a recognized nomenclature, all essential data on each patient having that particular condition. "Essential data" includes at least the medical record number of the patient so that the record may be located. All conditions for which the patient is treated during the hospitalization are so indexed.

(3) In hospitals using automatic data processing, indexes may be kept on punch cards or reproduced on sheets kept in books.

(4) Diagnoses and operations are expressed in terminology which describes the morbid condition both as to site and etiological factors or the method of procedure.

(5) Indexing is current within six months following discharge of the patient.

(g) *Standard; content.* The medical records contain sufficient information to justify the diagnosis and warrant the treatment and end results. The medical records contain the following information: Identification data; chief complaint; present illness; past history; family history; physical examination; provisional diagnosis; clinical laboratory reports; X-ray reports; consultations; treatment, medical and surgical; tissue report; progress notes; final diagnosis;

discharge summary; autopsy findings. The factors explaining the standards are as follows:

(1) The chief complaint includes a concise statement of complaints which led the patient to consult his physician and the date of onset and duration of each.

(2) The physical examination statement includes all positive and negative findings resulting from an inventory of systems.

(3) The provisional diagnosis is an impression (diagnosis) reflecting the examining physician's evaluation of the patient's condition based mainly on physical findings and history.

(4) A consultation report is a written opinion signed by the consultant, including his findings on physical examination of the patient.

(5) All diagnostic treatment procedures are recorded in the medical record.

(6) Tissue reports include a report of microscopic findings if hospital regulations require that microscopic examination be done. If only gross examination is warranted a statement that the tissue has been received and a gross description are made by the laboratory and filed in the medical record.

(7) Progress notes give a chronological picture of the patient's progress and are sufficient to delineate the course and results of treatment. The condition of the patient determines the frequency with which they are made.

(8) A definitive final diagnosis is expressed in terminology of a recognized system of disease nomenclature.

(9) The discharge summary is a recapitulation of the significant findings and events of the patient's hospitalization and his condition on discharge.

(10) Autopsy findings in a complete protocol are filed in the record when an autopsy is performed.

(11) A chronological summary of the patient's record is maintained in the front of the chart.

(h) *Standard; authorship.* Only members of the medical staff and the house staff are competent to write or dictate medical histories and physical examinations.

(i) *Standard; signature.* Records are authenticated and signed by a licensed physician. The factors explaining the standards are as follows:

(1) Every physician signs the entries which he himself makes.

(2) A single signature on the face sheet of the record does not suffice to authenticate the entire record.

(3) In hospitals with house staff, the attending physician countersigns at least the history and physical examination and summary written by the house staff.

(j) *Standard; promptness of record completion.* Current records and those on discharged patients are completed promptly. The factors explaining the standard are as follows:

(1) Current records are completed within 24-48 hours following admission.

(2) Records of patients discharged are complete within 15 days following discharge.

(3) If a patient is readmitted within a month's time for the same condition, reference to the previous history with an interval note and physical examination suffices.

§ 405.1027 Condition of participation—Pharmacy or drug room.

The hospital has a pharmacy directed by a registered pharmacist or a drug room under competent supervision. The pharmacy or drug room is administered in accordance with accepted professional principles.

(a) *Standard; pharmacy supervision.* There is a pharmacy directed by a registered pharmacist or a drug room under competent supervision. The factors explaining the standard are as follows:

(1) The pharmacist is trained in the specialized functions of hospital pharmacy.

(2) The pharmacist is responsible to the administration of the hospital for developing, supervising, and coordinating all the activities of the pharmacy department.

(3) If there is a drug room with no pharmacist, prescription medications are dispensed by a qualified pharmacist elsewhere, and only storing and distributing are done in the hospital. A consulting pharmacist assists in drawing up the correct procedures, rules, and regulations, for the distribution of drugs, and visits the hospital on a regularly scheduled basis in the course of his duties. Wherever possible the pharmacist, in dispensing drugs, works from the prescriber's original order or a direct copy.

(b) *Standard; physical facilities.* Facilities are provided for the storage, safeguarding, preparation, and dispensing of drugs. The factors explaining the standard are as follows:

(1) Drugs are issued to floor units in accordance with approved policies and procedures.

(2) Drug cabinets on the nursing units are routinely checked by the pharmacist. All floor stocks are properly controlled.

(3) There is adequate space for all pharmacy operations and the storage of drugs at a satisfactory location provided with proper lighting, ventilation, and temperature controls.

(4) If there is a pharmacy, equipment is provided for the compounding and dispensing of drugs.

(5) Special locked storage space is provided to meet the legal requirements for storage of narcotics, alcohol, and other prescribed drugs.

(c) *Standard; personnel.* Personnel competent in their respective duties are provided in keeping with the size and activity of the department. The factors explaining the standard are as follows:

(1) The pharmacist is assisted by an adequate number of additional registered pharmacists and such other personnel as the activities of the pharmacy may require to insure quality pharmaceutical services.

(2) The pharmacy, depending upon the size and scope of its operations, is staffed by the following categories of personnel:

- (i) Chief pharmacist.
- (ii) One or more assistant chief pharmacists.
- (iii) Staff pharmacists.
- (iv) Pharmacy residents (where a program has been activated).
- (v) Nonprofessionally trained pharmacy helpers.
- (vi) Clerical help.

(3) Provision is made for emergency pharmaceutical services.

(4) If the hospital does not have a staff pharmacist, a consulting pharmacist has overall responsibility for control and distribution of drugs and a designated individual(s) has responsibility for day-to-day operation of the pharmacy.

(d) *Standard; records.* Records are kept of the transactions of the pharmacy (or drug room) and correlated with other hospital records where indicated. Such special records are kept as are required by law. The factors explaining the standard are as follows:

(1) The pharmacy establishes and maintains, in cooperation with the accounting department, a satisfactory system of records and bookkeeping in accordance with the policies of the hospital for:

- (i) Maintaining adequate control over the requisitioning and dispensing of all drugs and pharmaceutical supplies, and
- (ii) Charging patients for drugs and pharmaceutical supplies.

(2) A record of the stock on hand and of the dispensing of all narcotic drugs is maintained in such a manner that the disposition of any particular item may be readily traced.

(3) Records for prescription drugs dispensed to each patient (inpatients and outpatients) are maintained in the pharmacy or drug room containing the full name of the patient and the prescribing physician, the prescription number, the name and strength of the drug, the date of issue, the expiration date for all timedated medications, the lot and control number of the drug, the name of the manufacturer (or trademark) and (unless the physician directs otherwise) the name of the medication dispensed.

(4) The label of each out-patient's individual prescription medication container bears the lot and control number of the drug, the name of the manufacturer (or trademark) and (unless the physician directs otherwise) the name of the medication dispensed.

(e) *Standard; control of toxic or dangerous drugs.* Policies are established to control the administration of toxic or dangerous drugs with specific reference to the duration of the order and the dosage. The factors explaining the standard are as follows:

(1) The medical staff has established a written policy that all toxic or dangerous medications, not specifically prescribed as to time or number of doses, will be automatically stopped after a reasonable time limit set by the staff.

(2) The classifications ordinarily thought of as toxic or dangerous drugs are narcotics, sedatives, anticoagulants,

antibiotics, oxytocics, and cortisone products.

(f) *Standard; committee.* There is a committee of the medical staff to confer with the pharmacist in the formulation of policies. The factors explaining the standard are as follows:

(1) A pharmacy and therapeutics committee (or equivalent committee), composed of physicians and pharmacists, is established in the hospital. It represents the organizational line of communication and the liaison between the medical staff and the pharmacist.

(2) The committee assists in the formulation of broad professional policies regarding the evaluation, appraisal, selection, procurement, storage, distribution, use, and safety procedures, and all other matters relating to drugs in hospitals.

(3) The committee performs the following specific functions:

(i) Serves as an advisory group to the hospital medical staff and the pharmacist on matters pertaining to the choice of drugs;

(ii) Develops and reviews periodically a formulary or drug list for use in the hospital;

(iii) Establishes standards concerning the use and control of investigational drugs and research in the use of recognized drugs;

(iv) Evaluates clinical data concerning new drugs or preparations requested for use in the hospital;

(v) Makes recommendations concerning drugs to be stocked on the nursing unit floors and by other services; and

(vi) Prevents unnecessary duplication in stocking drugs and drugs in combination having identical amounts of the same therapeutic ingredients.

(4) The committee meets at least quarterly and reports to the medical staff.

(g) *Standard; drugs to be dispensed.* Therapeutic ingredients of medications dispensed are included (or approved for inclusion) in the United States Pharmacopoeia, National Formulary, United States Homeopathic Pharmacopoeia, New Drugs, or Accepted Dental Remedies (except for any drugs unfavorably evaluated therein), or are approved for use by the pharmacy and drug therapeutics committee (or equivalent committee) of the hospital staff. The factors explaining the standard are as follows:

(1) The pharmacist, with the advice and guidance of the pharmacy and therapeutics committee, is responsible for specifications as to quality, quantity, and source of supply of all drugs.

(2) There is available a formulary or list of drugs accepted for use in the hospital which is developed and amended at regular intervals by the pharmacy and therapeutics committee (or equivalent committee) with the cooperation of the pharmacist (consulting or otherwise) and the administration.

(3) The pharmacy or drug room is adequately supplied with preparations so approved.

§ 405.1028 Condition of participation—Laboratories.

The hospital has a well organized, adequately supervised clinical laboratory with the necessary space, facilities and equipment to perform those services commensurate with the hospital's needs for its patients. Anatomical pathology services and blood bank services are available either in the hospital or by arrangement with other facilities.

(a) *Standard; adequacy of laboratory services.* Clinical laboratory services adequate for the individual hospital are maintained in the hospital. The factors explaining the standard are as follows:

(1) The extent and complexity of services are commensurate with the size, scope, and nature of the hospital, and the demands of the medical staff upon the laboratory.

(2) Basic laboratory services necessary for routine examinations are available regardless of the size, scope, and nature of the hospital.

(3) Necessary space, facilities and equipment to perform both the basic minimum and all other services are provided by the hospital.

(4) All equipment is in good working order, routinely checked, and precise in terms of calibration.

(b) *Standard; clinical laboratory examinations.* Provision is made to carry out adequate clinical laboratory examinations including chemistry, microbiology, hematology, serology, and clinical microscopy. The factors explaining the standard are as follows:

(1) Some or all of these services may be provided under arrangements by the hospital with a laboratory which is:

(i) Part of a hospital approved for participation in the Health Insurance for the Aged program; or

(ii) Approved to provide these services as an independent laboratory under the Supplementary Medical Insurance for the Aged program.

(2) In the case of work performed by an outside laboratory, the original report from this laboratory is contained in the medical record.

(c) *Standard; availability of facilities and services.* Facilities and services are available at all times. The factors explaining the standard are as follows:

(1) Adequate provision is made for assuring the availability of emergency laboratory services, either in the hospital or under arrangements with a laboratory which meets one or more of the alternatives listed under paragraph (b)

(1) of this section. Such services are available 24 hours a day, 7 days a week, including holidays.

(2) Where services are provided by an outside laboratory, the conditions, procedures, and availability of work done are in writing and available in the hospital.

(d) *Standard; personnel.* Personnel adequate to supervise and conduct the services are provided. The factors explaining the standard are as follows:

(1) Services are under the supervision of a physician with training and experience in clinical laboratory services or a laboratory specialist qualified by a doctoral degree.

(2) The laboratory does not perform procedures and tests which are outside the scope of training of the laboratory personnel.

(3) There is a sufficient number of clinical laboratory technologists, preferably registered by the American Society of Clinical Pathology, to promptly and proficiently perform the tests requested of the laboratory.

(e) *Standard; routine examinations.* Routine examinations required on all admissions are determined by the medical staff. These include at least a urinalysis and a hemoglobin or hematocrit. The factors explaining the standard are as follows:

(1) Required tests upon admission, as approved by the medical staff, are consistent with the scope and nature of the hospital.

(2) The required list of tests is in written form and available to all members of the medical staff.

(f) *Standard; laboratory report.* Signed reports are filed with the patient's medical record and duplicate copies kept in the department. The factors explaining the standard are as follows:

(1) The laboratory director is responsible for the laboratory report.

(2) There is a procedure for assuring that all tests are ordered by a physician.

(g) *Standard; pathologist services.* Services of a pathologist are provided as indicated by the needs of the hospital. The factors explaining the standard are as follows:

(1) Services are under the direct supervision of a pathologist on a full-time, regular part-time or regular consultative basis. If the latter pertains, the hospital provides for, at a minimum, monthly consultative visits by a pathologist.

(2) The pathologist participates in staff, departmental and clinicopathologic conferences.

(3) The pathologist is responsible for the qualifications of his staff and their inservice training.

(h) *Standard; tissue examination.* All tissues removed at operation are sent for examination. The extent of examination is determined by the pathology department. The factors explaining the standard are as follows:

(1) All tissues removed from patients at surgery are macroscopically, and if necessary, microscopically examined by the pathologist.

(2) The pathologist or designated physician, in his absence, is responsible for verifying the receipt of tissues for examinations.

(3) A list of tissues which routinely require microscopic examination is developed in writing by the pathologist or designated physician with the approval of the medical staff.

(4) A tissue file is maintained in the hospital.

(5) In the absence of a pathologist or suitable physician substitute, there is an established plan for sending to a pathologist outside the hospital all tissues requiring examination.

(i) *Standard; reports of tissue examination.* Signed reports of tissue exam-

inations are filed with the patient's medical record and duplicate copies kept in the department. The factors explaining the standard are as follows:

(1) All reports of macro and microscopic examinations performed are signed by the pathologist or designated physician.

(2) Provision is made for the prompt filing of examination results in the patient's medical record and notification of the physician requesting the examination.

(3) Duplicate copies of the examination reports are filed in the laboratory in a manner which permits ready identification and accessibility.

(j) *Standard; blood and blood products.* Facilities for procurement, safekeeping and transfusion of blood and blood products are provided or readily available. The factors explaining the standard are as follows:

(1) The hospital maintains, as a minimum, proper blood storage facilities under adequate control and supervision of the pathologist or other authorized physician.

(2) For emergency situations the hospital maintains at least a minimum blood supply in the hospital at all times, can obtain blood quickly from community blood banks or institutions, or has an up-to-date list of donors and equipment necessary to bleed them.

(3) Where the hospital depends on outside blood banks, there is an agreement governing the procurement, transfer and availability of blood which is reviewed and approved by the medical staff, administration and governing body.

(4) There is provision for prompt blood typing and cross-matching, and for laboratory investigation of transfusion reactions, either through the hospital or by arrangements with others on a continuous basis, under the supervision of a physician.

(5) Blood storage facilities in the hospital have an adequate alarm system, which is regularly inspected and is otherwise safe and adequate.

(6) Records are kept on file indicating the receipt and disposition of all blood provided to patients in the hospital.

(7) Samples of each unit of blood used at the hospital are retained according to the instructions of the committee indicated in subparagraph (8) of this paragraph for further testing in the event of reactions. Blood not so retained which has exceeded its expiration date is disposed of promptly.

(8) A committee of the medical staff or its equivalent reviews all transfusions of blood or blood derivatives and makes recommendations concerning policies governing such practices.

(9) The review committee investigates all transfusion reactions occurring in the hospital and makes recommendations to the medical staff regarding improvements in transfusion procedures.

§ 405.1029 Condition of participation—Radiology department.

The hospital has diagnostic X-ray facilities available. If therapeutic X-ray services are also provided, they, as well

as the diagnostic services, meet professionally approved standards for safety and personnel qualifications.

(a) *Standard; radiological services.* The hospital maintains or has available radiological services according to needs of the hospital. For example, the hospital has diagnostic X-ray facilities available in the hospital building proper or in an adjacent clinic or medical facility that is readily accessible to the hospital patients, physicians, and personnel.

(b) *Standard; hazards for patients and personnel.* The radiology department is free of hazards for patients and personnel. The factors explaining the standard are as follows:

(1) Proper safety precautions are maintained against fire and explosion hazards, electrical hazards, and radiation hazards.

(2) Periodic inspection is made by local or State health authorities or a radiation physicist, and hazards so identified are promptly corrected.

(3) Radiation workers are checked periodically for amount of radiation exposure by the use of exposure meters or badge tests.

(4) With fluoroscopes, attention is paid to modern safety design and good operating procedures; records are maintained of the output of all fluoroscopes.

(5) Regulations based on medical staff recommendations are established as to the administration of the application and removal of radium element, its disintegration products, and other radioactive isotopes.

(c) *Standard; personnel.* Personnel adequate to supervise and conduct the services are provided, and the interpretation of radiological examinations is made by physicians competent in the field. The factors explaining the standard are as follows:

(1) The hospital has a qualified radiologist, either full-time or part-time on a consulting basis, both to supervise the department and to interpret films that require specialized knowledge for accurate reading. If the hospital is small, and a radiologist cannot come to the hospital regularly, selected X-ray films are sent to a radiologist for interpretation.

(2) If the activities of the radiology department extend to radiotherapy, the physician in charge is appropriately qualified.

(3) The amount of qualified radiologist and technologist time is sufficient to meet the hospital's requirements. A technologist is on duty or on call at all times.

(4) The use of all X-ray apparatus is limited to personnel designated as qualified by the radiologist or by an appropriately constituted committee of the medical staff. The same limitation applies to personnel applying and removing radium element, its disintegration products, and radioactive isotopes. The use of fluoroscopes is limited to physicians.

(d) *Standard; signed reports.* Signed reports are filed with the patient's record and duplicate copies kept in the depart-

ment. The factors explaining the standard are as follows:

(1) Requests by the attending physician for X-ray examination contain a concise statement of reason for the examination.

(2) Reports of interpretations are written or dictated and signed by the radiologist.

(3) X-ray reports and roentgenographs are preserved or microfilmed in accordance with the statute of limitations.

§ 405.1030 Condition of participation— Medical library.

The hospital has modern textbooks and current periodicals relative to the clinical services offered.

(a) *Standard; hospital library needs.* The hospital maintains a medical library according to the needs of the hospital.

(b) *The factors explaining the standard are as follows:* (1) The medical library is located in or adjacent to the hospital building and its contents are organized, easily accessible, and available at all times to the medical and nursing staffs.

(2) The library contains modern textbooks in basic sciences and other current textbooks, journals, and magazines pertinent to the clinical services maintained in the hospital.

§ 405.1031 Condition of participation— Complementary departments.

Participation is not limited to hospitals which have surgery, anesthesiology, dental, or rehabilitation departments or services, but if these departments or services are present, there are effective policies and procedures, relating to the staff and the functions of the service(s) in order to assure the health and safety of the patients.

(a) *Standard; Department of Surgery.* The Department of surgery has effective policies and procedures regarding surgical privileges, maintenance of the operating rooms, and evaluation of the surgical patient. The factors explaining the standard are as follows:

(1) Surgical privileges are delineated for all physicians doing surgery in accordance with the competencies of each physician. A roster of physicians specifying the surgical privileges of each is kept in the confidential files of the operating room supervisor and in the files of the hospital administrator.

(2) In any procedure with unusual hazard to life, there is present and scrubbed as first assistant a physician designated by the credentials committee as being qualified to assist in major surgery.

(3) Second and third assistants at major operations, and first assistants at lesser operations may be nurses, aides, or technicians if designated by the hospital authorities as having sufficient training to properly and adequately assist at such procedures.

(4) The operating room register is complete and up-to-date.

(5) There is a complete history and physical work-up in the chart of every patient prior to surgery (whether the

surgery is major or minor). If such has been transcribed, but not yet recorded in the patient's chart, there is a statement to that effect and an admission note by the physician in the chart.

(6) A properly executed consent form for operation is in the patient's chart prior to surgery.

(7) There are adequate provisions for immediate post-operative care.

(8) An operative report describing techniques and findings is written or dictated immediately following surgery and signed by the surgeon.

(9) All infections of clean surgical cases are recorded and reported to the administration. A procedure exists for the investigation of such cases.

(10) The operating rooms are supervised by an experienced registered professional nurse.

(11) The following equipment is available in the operating suites: call-in system, cardiac monitor, resuscitator, defibrillator, aspirator, thoracotomy set, and tracheotomy set.

(12) The operating room suite and accessory services are so located that traffic in and out can be and is controlled and there is no through traffic.

(13) Precautions are taken to eliminate hazards of explosions including use of shoes with conductive soles and prohibition of nylon garments.

(14) Rules and regulations and/or policies related to the operating rooms are available and posted.

(b) (1) *Standard; Department of Anesthesia.* The Department of Anesthesia has effective policies and procedures regarding staff privileges, the administration of anesthetics, and the maintenance of strict safety controls. There is required for every patient:

(i) Preanesthetic physical examination by a physician with findings recorded within 48 hours of surgery;

(ii) Anesthetic record on special form;

(iii) Postanesthetic follow-up, with findings recorded, by an anesthesiologist or nurse anesthetist.

(2) *The factors explaining the standard are as follows:*

(i) The Department of Anesthesia is responsible for all anesthetics administered in the hospital.

(ii) In hospitals where there is no Department of Anesthesia, the Department of Surgery assumes the responsibility for establishing general policies and supervising the administration of anesthetics.

(iii) The director of the Department of Anesthesia preferably is also the director in charge of inhalation therapy. In any event, the inhalation therapy service is under the supervision of a qualified physician or physicians.

(iv) If anesthetics are not administered by a qualified anesthesiologist, they are administered by a physician anesthetist or a registered nurse anesthetist under the supervision of the operating physician. The hospital staff designates those persons qualified to administer anesthetics and delineates what the person is qualified to do.

(v) The postanesthetic follow-up note is written 3 to 24 hours after the operation, notes any postoperative abnormalities or complications, and states the blood pressure, the pulse, the presence or absence of the swallowing reflex and cyanosis, and the general condition of the patient.

(vi) Safety precautions include:

- (a) Shockproof and sparkproof equipment;
- (b) Humidity control;
- (c) Proper grounding;
- (d) Safety regulations posted;
- (e) Storage of flammable anesthetic and oxidizing gases meet the standards of the National Fire Protection Association Code.

(c) (1) *Standard; Department of Dentistry and dental staff.* According to the procedure established for the appointment of the medical staff, one or more dentists may be appointed to the dental staff. If the dental service is organized, its organization is comparable to that of other services or departments. Whether or not the dental service is organized as a department, the following requirements are met:

(i) Members of the dental staff are qualified legally, professionally, and ethically for the positions to which they are appointed.

(ii) Patients admitted for dental services are admitted by the dentist either to the Department of Dentistry or, if there is no department, to an organized clinical service.

(iii) There is a physician in attendance who is responsible for the medical care of the patient throughout the hospital stay. A medical survey is done and recorded by a member of the medical staff before dental surgery is performed.

(2) *The factors explaining the standard are as follows:*

(i) There are specific bylaws concerning the dental staff written as combined medical-dental staff bylaws or as separate or adjunct dental bylaws.

(ii) The staff bylaws, rules and regulations specifically delineate the rights and privileges of the dentists.

(iii) Complete records, both medical and dental, are required on each dental patient and shall be a part of the hospital records.

(d) *Standard; Rehabilitation, Physical Therapy, and Occupational Therapy Department.* The Rehabilitation, Physical Therapy, and Occupational Therapy Departments have effective policies and procedures relating to the organization and functions of the service(s) and are staffed by qualified therapists. The factors explaining the standard are as follows:

(1) There may be a rehabilitation department, including both physical and occupational therapy and which may also include other rehabilitation services such as speech therapy, vocational counseling, and other appropriate services or there may be separate physical and/or occupational therapy departments.

(2) The department head has the necessary knowledge, experience, and capabilities to properly supervise and admin-

ister the department. A rehabilitation department head is a physiatrist or other physician with pertinent experience. If separate physical or occupational therapy departments are maintained, the department head is a qualified physical or occupational therapist (as is appropriate) or a physician with pertinent experience.

(3) If physical therapy services are offered, the services are given by or under the supervision of a qualified physical therapist. A qualified physical therapist is a graduate of a program in physical therapy approved by the Council on Medical Education of the American Medical Association (in collaboration with the American Physical Therapy Association) or its equivalent. Additional properly trained and supervised personnel are sufficient to meet the needs of the department.

(4) If occupational therapy services are offered, the services are given by or under the supervision of a professional registered occupational therapist (OTR). Other properly trained and supervised personnel, such as certified occupational therapy assistants (COTA) and aides, are sufficient to meet the needs of the department.

(5) Facilities and equipment for physical and occupational therapy are adequate to meet the needs of the services and are in good condition.

(6) Physical therapy or occupational therapy is given in accordance with a physician's orders, and such orders are incorporated in the patient's record.

(7) Complete records are maintained for each patient provided such services and are part of the patient's record.

§ 405.1032 Condition of participation—Outpatient department.

Participation is not limited to hospitals which have organized outpatient departments, but if they are present, there are effective policies and procedures relating to the staff, functions of the service, and outpatient medical records and adequate facilities in order to assure the health and safety of the patients.

(a) *Standard; organization.* The Outpatient Department is organized into sections (clinics) the number of which depends on the size and the degree of departmentalization of the medical staff, available facilities, and the needs of the patients for whom it accepts responsibility. The factors explaining the standard are as follows:

(1) The outpatient department has appropriate cooperative arrangements and communications with community agencies such as other outpatient departments, public health nursing agencies, the department of health, and welfare agencies.

(2) Clinics are integrated with corresponding inpatient services.

(3) Clinics are maintained for the following purposes:

(i) Care of ambulatory patients unrelated to admission or discharge,

(ii) Study of preadmission patients,

(iii) Followup of discharged hospital patients.

(4) Patients, on their initial visit to the department, receive a general medical evaluation and patients under continuous care receive an adequate periodic reevaluation.

(5) Established medical screening procedures are employed routinely.

(b) *Standard; personnel.* There are such professional and nonprofessional personnel as are required for efficient operation. The factors explaining the standard are as follows:

(1) There is a physician responsible for the professional services of the department. Either this physician or a qualified administrator is responsible for administrative services.

(2) A registered professional nurse is responsible for the nursing services of the department.

(3) The number and type of other personnel employed reflect the volume and type of work carried out and the type of patient served in the outpatient department.

(c) *Standard; facilities.* Facilities are provided to assure the efficient operation of the department. The factors explaining the standard are as follows:

(1) The number of examination and treatment rooms is adequate in relation to the volume and nature of work performed.

(2) Suitable facilities for necessary laboratory tests are available either through the hospital or some other facility approved to provide these services as an independent laboratory under the Supplementary Medical Insurance for the Aged program.

(d) *Standard; medical records.* Medical records are maintained, and correlated with other hospital medical records. The factors explaining the standard are as follows:

(1) The outpatient medical record is filed in a location which insures ready accessibility to the physicians, nurses, and other personnel of the department.

(2) The outpatient medical record is integrated with the patient's overall hospital record.

(3) Information contained in the medical record is complete and sufficiently detailed relative to the patient's history, physical examination, laboratory and other diagnostic tests, diagnosis, and treatment to facilitate continuity of care.

(e) *Standard; liaison conferences.* Conferences, both departmental and interdepartmental, are conducted to maintain close liaison between the various sections within the department and with other hospital services. The factors explaining the standard are as follows:

(1) Minutes of staff and/or departmental meetings indicate that a review of selected outpatient cases takes place and that there is integration of hospital inpatient and outpatient services.

(2) The outpatient department has close working relationships with the medical social service department.

§ 405.1033 Condition of participation—Emergency service or department.

The hospital has at least a procedure for taking care of the occasional emer-

gency case it might be called upon to handle. Participation is not limited to hospitals which have organized emergency services or departments, but if they are present, there are effective policies and procedures relating to the staff, functions of the service, and emergency room medical records and adequate facilities in order to assure the health and safety of the patients.

(a) *Standard; organization and direction.* The department or service is well organized, directed by qualified personnel, and integrated with other departments of the hospital. The factors explaining the standard are as follows:

(1) There are written policies which are enforced to control emergency room procedures.

(2) The policies and procedures governing medical care provided in the emergency service or department are established by and are a continuing responsibility of the medical staff.

(3) The emergency service is supervised by a qualified member of the medical staff and nursing functions are the responsibility of a registered professional nurse.

(4) The administrative functions are a responsibility of a member of the hospital administration.

(b) *Standard; facilities.* Facilities are provided to assure prompt diagnosis and emergency treatment. The factors explaining the standard are as follows:

(1) Facilities are separate and independent of the operating rooms.

(2) The location of the emergency service is in close proximity to an exterior entrance of the hospital.

(3) Diagnostic and treatment equipment, drugs, supplies, and space, including a sufficient number of treatment rooms, are adequate in terms of the size and scope of services provided.

(c) *Standard; medical and nursing personnel.* There are adequate medical and nursing personnel available at all times. The factors explaining the standard are as follows:

(1) The medical staff is responsible for insuring adequate medical coverage for emergency services.

(2) Qualified physicians are regularly available at all times for the emergency service, either on duty or on call.

(3) A physician sees all patients who arrive for treatment in the emergency service.

(4) Qualified nurses are available on duty at all times and in sufficient number to deal with the number and extent of emergency services.

(d) *Standard; medical records.* Adequate medical records on every patient are kept. The factors explaining the standard are as follows:

(1) The emergency room record contains:

- (i) Patient identification.
- (ii) History of disease or injury.
- (iii) Physical findings.
- (iv) Laboratory and X-ray reports, if any.
- (v) Diagnosis.
- (vi) Record of treatment.
- (vii) Disposition of the case.
- (viii) Signature of a physician.

(2) Medical records for patients treated in the emergency service are organized by a medical record librarian or her equivalent.

(3) Where appropriate, medical records of emergency services are integrated with those of the inpatient and outpatient services.

(4) A proper method of filing records is maintained.

(5) At a minimum, emergency service medical records are kept for as long a time as required in a given State's statute of limitations.

§ 405.1034 Condition of participation—Social work department.

Participation is not limited to hospitals which have social work departments, but if they are present, there are effective policies and procedures relating to the staff and the functions of the service.

(a) *Standard; organization, direction, and personnel.* The department is well organized and directed by a qualified medical social worker. The factors explaining the standard are as follows:

(1) Preferably, social services are organized on a departmental level, responsible to the administration of the institution, and social workers in the institution are responsible to the department director, regardless of the unit to which they are assigned.

(2) The social service staff includes social workers, social work assistants, and clerical personnel. The social workers are qualified by a master's degree from an accredited school of social work. The social work assistants are qualified by a bachelor's degree, preferably with a social welfare sequence, and are given training on the job for specific assignments and responsibilities.

(3) The number of social workers and social work assistants is adequate to meet patient needs for patient care planning.

(4) Planning for patient care includes participation by the social service department as indicated to enable the patient to make full use of inpatient, outpatient, or extended care or home health services in the community.

(b) *Standard; departmental integration.* The department is integrated with other departments of the hospital, and departmental and interdepartmental conferences are held periodically. The factors explaining the standard are as follows:

(1) Department staff participate in ward rounds, medical staff seminars, nursing staff conferences, and in conferences with individual physicians and nurses concerned with the care of the patient.

(2) The department communicates to appropriate administrative and professional personnel information on community programs and developments which may affect the hospital program.

(3) The department participates in appropriate education, training, and orientation programs for nurses, medical students, interns and residents, and hospital administrative residents, as well as in inservice training programs.

(c) *Standard; records of social work services.* Records of social service ac-

tivity related to individual patients are kept, and are available only to the professional personnel concerned. The factors explaining the standard are as follows:

(1) Functions and activities recorded include:

(i) Medicosocial study of referred hospitalized and OPD patients;

(ii) Evaluation of financial status of patient;

(iii) Follow-up of discharged patients;

(iv) Social therapy and rehabilitation of patients;

(v) Environmental investigations for the attending physicians; and

(vi) Cooperative activities with community agencies.

(2) Significant social service summaries are entered promptly in the patient's central medical record for the benefit of all staff involved in the care of the patient.

(3) More detailed records are kept by the department to meet the needs of student or staff training, research, and review by supervisors or consultants.

(d) *Standard; facilities.* Facilities are provided which are adequate for the personnel of the department, easily accessible to patients and to the medical staff, and which assure privacy for interviews.

§ 405.1035 Condition of participation—Utilization review plan.

(a) *Condition.* The hospital has in effect a plan for utilization review which applies at least to the services furnished by the hospital to inpatient; who are entitled to benefits under Title XVIII of the Act. An acceptable utilization review plan provides for: (1) The review, on a sample or other basis, of admissions, duration of stays, and professional services furnished; and (2) review of each case of continuous extended duration.

(b) *General.* (1) There are many types of plans which can fulfill the requirements of Title XVIII of the Act. Hospitals wishing to establish their eligibility to participate should submit a written description of their utilization review plan and a certification that it is currently in effect or that it will be in effect no later than the first day on which the hospital expects to become a participating provider of services. Ordinarily this will constitute sufficient evidence to support a finding that the utilization review plan of the hospital is or is not in conformity with the statutory requirements.

(2) The review plan of a hospital should have as its over-all objective the maintenance of high quality patient care, and an increase in effective utilization of hospital services to be achieved through an educational approach involving study of patterns of care, and the encouragement of appropriate utilization. It is contemplated that a review of the medical necessity of admissions and durations of stay, for example, would take into account alternative use and availability of out-of-hospital facilities and services. The review of professional services furnished might include study of such conditions as overuse or underuse of services, logical substantiation of diagnoses,

proper use of consultation, and whether required diagnostic workup and treatment are initiated and carried out promptly. Review of lengths of stay might consider not only medical necessity, but the effect that hospital staffing may have on duration of stay, whether assistance is available to the physician in arranging for discharge planning, and the availability of out-of-hospital facilities and services which will assure continuity of care.

(3) Costs incurred in connection with the implementation of the utilization review plan are includable in reasonable costs and are reimbursable to the hospital to the extent that such costs relate to health insurance program beneficiaries. For example, costs may include expenses incurred for the purchase of data from organizations outside the hospital which compile statistics, profiles, and study results on utilization of hospital facilities and services.

(c) *Standard; approval and operation of plan.* The operation of the utilization review plan is a responsibility of the medical profession. The plan in the hospital has the approval of the medical staff as well as that of the governing body.

(d) *Standard; written description of plan.* The hospital has a currently applicable, written description of its utilization review plan. Such description includes:

(1) The organization and composition of the committee(s) which will be responsible for the utilization review function;

(2) Frequency of meetings;

(3) The type of records to be kept;

(4) The method to be used in selecting cases on a sample or other basis;

(5) The definition of what constitutes the period or periods of extended duration;

(6) The relationship of the utilization review plan to claims administration by a third party;

(7) Arrangements for committee reports and their dissemination;

(8) Responsibilities of the hospital's administrative staff.

(e) (1) *Standard; conduct of function by committees.* The utilization review function is conducted by one or a combination of the following:

(i) By a staff committee or committees of the hospital, each of which is composed of two or more physicians, with or without the inclusion of other professional personnel; or

(ii) By a committee(s) or group(s) outside the hospital composed as in (i) above which is established by the local medical society and some or all of the hospitals and extended care facilities in the locality; or

(iii) Where a committee(s) or group(s) as described in (i) or (ii) above has not been established to carry out all the utilization review functions prescribed by Title XVIII, by a committee(s) or group(s) composed in as (i) above, and sponsored and organized in such manner as approved by the Secretary of Health, Education, and Welfare.

(2) *The factors explaining the standard are as follows:* (i) The medical care appraisal and educational aspects of review on a sample or other basis, and the review of long-stay cases need not be done by the same committee or group.

(ii) Existing staff committees may assume the review responsibility stipulated in the plan. In smaller hospitals, all of these functions may be carried out by a committee of the whole or a medical care appraisal committee.

(iii) The committee(s) is broadly representative of the medical staff and at least one member does not have a direct financial interest in the hospital.

(f) *Standard; reviews.* (1) Reviews are made, on a sample or other basis, of admissions, duration of stays, and professional services furnished, with respect to the medical necessity of the services, and for the purpose of promoting the most efficient use of available health facilities and services. Such reviews emphasize identification and analysis of patterns of patient care in order to maintain consistent high quality. The review is accomplished by considering data obtained by any one or any combination of the following:

(i) By use of services and facilities of external organizations which compile statistics, design profiles, and produce other comparative data; or

(ii) By cooperative endeavor with the fiscal intermediary(ies) in the locality; or

(iii) By internal studies of medical records.

(2) *The factors explaining the standard are as follows:* (i) Review of cases, based on diagnostic categories, include diagnoses of special relevance to the aged group.

(ii) Some review functions are carried out on a continuing basis.

(iii) Reviews include a sample of recertifications of medical necessity, as made for purposes of the Health Insurance Act for the Aged Program.

(g) *Standard; extended duration cases.* Reviews are made of each health insurance beneficiary case of continuous extended duration. The hospital utilization review plan specifies the number of continuous days of hospital stay following which a review is made to determine whether further inpatient hospital services are medically necessary. The plan may specify a different number of days for different classes of cases. Reviews for such purpose are made no later than the seventh day following the last day of the period of extended duration specified in the plan. No physician has review responsibility for any extended stay cases in which he was professionally involved. If physician members of the committee decide, after opportunity for consultation is given the attending physician by the committee, and considering the availability and appropriateness of out-of-hospital facilities and services, that further inpatient stay is not medically necessary, there is notification in writing within 48 hours to the institution, the attending physician and the patient or his representative. The factor explaining the standard is as follows:

Because there are significant divergences in opinion among individual physicians in respect to evaluation of medical necessity for inpatient hospital services, the judgment of the attending physician in an extended stay case is given great weight, and is not rejected except under unusual circumstances.

(h) *Standard; records.* Records are kept of the activities of the committee, and reports are regularly made by the committee to the executive committee of the medical staff and relevant information and recommendations are reported through usual channels to the entire medical staff and the governing body of the hospital. The factors explaining the standard are as follows:

(1) The hospital administration studies and acts upon administrative recommendations made by the committee.

(2) A summary of the number and types of cases reviewed, and the findings, are part of the records.

(3) Minutes of each committee meeting are maintained.

(4) Committee action in extended stay cases is recorded, with cases identified only by hospital case number.

(i) *Standard; administrative staff responsibilities.* The committee(s) having responsibility for utilization review functions have the support and assistance of the hospital's administrative staff in assembling information, facilitating chart reviews, conducting studies, exploring ways to improve procedures, maintaining committee records, and promoting the most efficient use of available health services and facilities. The factors explaining the standard are as follows:

(1) With respect to each of these activities, an individual or department is designated as being responsible for the particular service.

(2) In order to encourage the most efficient use of available health services and facilities, assistance to the physician in timely planning for posthospital care is initiated as promptly as possible, either by hospital staff, or by arrangement with other agencies. For this purpose, the hospital makes available to the attending physician current information on resources available for continued out-of-hospital care of patients and arranges for prompt transfer of appropriate medical and nursing information in order to assure continuity of care upon discharge of a patient.

§ 405.1036 Special rules and exceptions applying to psychiatric and tuberculosis hospitals.

(a) The conditions of participation for psychiatric and tuberculosis hospitals are similar to those for other hospitals, though differing in some respects due to their different purpose. To provide assurance that the program while paying for active treatment in psychiatric and tuberculosis hospitals would avoid paying for care that is merely custodial, the conditions of participation require that the hospital be accredited by the Joint Commission on Accreditation of Hospitals, that its clinical records be sufficient to permit the Secretary to deter-

mine the degree and intensity of treatment furnished to beneficiaries, and that it meet staffing requirements the Secretary finds necessary for carrying out an active treatment program. A distinct part of an institution can be considered a psychiatric or a tuberculosis hospital if it meets the conditions even though the institution of which it is a part does not, and if the distinct part meets requirements equivalent to the accreditation requirements of the JCAH, it could qualify under the program even though the institution is not accredited.

(b) A distinct part of an institution will be considered to meet requirements equivalent to the accreditation requirements of the JCAH if it is found to be in substantial compliance with the conditions of participation contained in §§ 405.1020 through 405.1035.

(c) In addition, psychiatric hospitals (or distinct parts thereof) must meet the requirements of section 1861(f) of the Act and be in substantial compliance with the conditions of participation contained in §§ 405.1037 and 405.1038 and tuberculosis hospitals (or distinct parts thereof) must meet the requirements of section 1861(g) of the Act and be in substantial compliance with the conditions of participation contained in §§ 405.1039 and 405.1040.

**§ 405.1037 Condition of participation—
Special medical record requirements
for psychiatric hospitals.**

The medical records maintained by a psychiatric hospital permit determination of the degree and intensity of the treatment provided to individuals who are furnished services in the institution.

(a) *Standard; medical records.* Medical records stress the psychiatric components of the record including history of findings and treatment rendered for the psychiatric condition for which the patient is hospitalized. The factors explaining the standard are as follows:

(1) The identification data includes the patient's legal status.

(2) A provisional or admitting diagnosis is made on every patient at the time of admission and includes the diagnoses of intercurrent diseases as well as the psychiatric diagnoses.

(3) The complaint of others regarding the patient is included as well as the patient's comments.

(4) The psychiatric evaluation, including a medical history, contains a record of mental status and notes the onset of illness, the circumstances leading to admission, attitudes, behavior, estimate of intellectual functioning, memory functioning, orientation, and an inventory of the patient's assets in descriptive, not interpretative, fashion.

(5) A complete neurological examination is recorded at the time of the admission physical examination, when indicated.

(6) The social service records, including reports of interviews with patients, family members and others, provide an assessment of home plans and family attitudes, and community resource contacts as well as a social history.

(7) Reports of consultations, psychological evaluations, reports of electroencephalograms, dental records and reports of special studies are included in the record.

(8) The individual comprehensive treatment plan is recorded, based on an inventory of the patient's strengths as well as his disabilities, and includes a substantiated diagnosis in the terminology of the American Psychiatric Association's Diagnostic and Statistical Manual, short-term and long-range goals, and the specific treatment modalities utilized as well as the responsibilities of each member of the treatment team in such a manner that it provides adequate justification and documentation for the diagnoses and for the treatment and rehabilitation activities carried out.

(9) The treatment received by the patient is documented in such a manner and with such frequency as to assure that all active therapeutic efforts such as individual and group psychotherapy, drug therapy, milieu therapy, occupational therapy, recreational therapy, industrial or work therapy, nursing care and other therapeutic interventions are included.

(10) Progress notes are recorded by the physician, nurse, social worker and, when appropriate, others significantly involved in active treatment modalities. Their frequency is determined by the condition of the patient but should be recorded at least weekly for the first 2 months and at least once a month thereafter and should contain recommendations for revisions in the treatment plan as indicated as well as precise assessment of the patient's progress in accordance with the original or revised treatment plan.

(11) The discharge summary includes a recapitulation of the patient's hospitalization and recommendations from appropriate services concerning follow-up or aftercare as well as a brief summary of the patient's condition on discharge.

(12) The psychiatric diagnoses contained in the final diagnoses are written in the terminology of the American Psychiatric Association's Diagnostic and Statistical Manual.

**§ 405.1038 Condition of participation—
Special staff requirements for psychiatric hospitals.**

The hospital has staff adequate in number and qualifications to carry out an active program of treatment for individuals who are furnished services in the institution.

(a) *Standard; personnel; facilities.* Inpatient psychiatric facilities (psychiatric hospitals, distinct parts of psychiatric hospitals or inpatient components of community mental health centers) are staffed with the number of qualified professional, technical and supporting personnel, and consultants required to carry out an intensive and comprehensive treatment program that includes evaluation of individual needs, establishment of treatment and reha-

bilitation goals, and implementation, directly or by arrangement, of a broad range therapeutic program including, at least, professional psychiatric, medical, surgical, nursing, social work, psychological and activity therapies as required to carry out an individual treatment plan for each patient. The factors explaining the standard are as follows:

(1) Qualified professional, technical, and consultant personnel are available to evaluate each patient at the time of admission, including diagnosis of any intercurrent disease. Services necessary for such evaluation include laboratory, radiological and other diagnostic tests, obtaining psychosocial data, carrying out psychiatric and psychological evaluations, and completing a physical examination, including a complete neurological examination when indicated, shortly after admission.

(2) The number of qualified professional personnel, including consultants and technical and supporting personnel, is adequate to assure representation of the disciplines necessary to establish short-range and long-term goals; and to plan, carry out, and periodically revise a written individualized treatment program for each patient based on scientific interpretation of:

(i) Degree of physical disability and indicated remedial or restorative measures, including nutrition, nursing, physical medicine, and pharmacological therapeutic interventions;

(ii) Degree of psychological impairment and appropriate measures to be taken to relieve treatable distress and to compensate for nonreversible impairments where found;

(iii) Capacity for social interaction and appropriate nursing measures and milieu therapy to be undertaken, including group living experiences, occupational and recreational therapy, and other prescribed rehabilitative activities to maintain or increase the individual's capacity to manage activities of daily living;

(iv) Environmental and physical limitations required to safeguard the individual's health and safety with a plan to compensate for these deficiencies and to develop the individual's potential for return to his own home, a foster home, an extended care facility, a community mental health center, or another alternative facility to full-time hospitalization.

(b) *Standard; director of inpatient psychiatric services; medical staff.* Inpatient psychiatric services are under the supervision of a clinical director, service chief or equivalent who is qualified to provide the leadership required for an intensive treatment program, and the number and qualifications of physicians are adequate to provide essential psychiatric services. The factors explaining the standard are as follows:

(1) The clinical director, service chief or equivalent is certified by the American Board of Psychiatry and Neurology, or meets the training and experience requirements for examination by the Board ("Board eligible"). In the event the psychiatrist in charge of the clinical program is Board eligible, there is evi-

dence of consultation given to the clinical program on a continuing basis from a psychiatrist certified by the American Board of Psychiatry and Neurology.

(2) The medical staff is qualified legally, professionally and ethically for the positions to which they are appointed.

(3) The number of physicians is commensurate with the size and scope of the treatment program.

(4) Residency training is under the direction of a properly qualified psychiatrist.

(c) *Standard; availability of physicians and other personnel.* Physicians and other appropriate professional personnel are available at all times to provide necessary medical and surgical diagnostic and treatment services, including specialized services. If medical and surgical diagnostic and treatment services are not available within the institution, qualified consultants or attending physicians are immediately available or a satisfactory arrangement has been established for transferring patients to a general hospital certified under the Health Insurance for the Aged Program.

(d) *Standard; nursing services.* Nursing services are under the direct supervision of a registered professional nurse who is qualified by education and experience for the position; and the number of registered professional nurses, licensed practical nurses, and other nursing personnel are adequate to formulate and carry out the nursing components of the individual treatment plan for each patient. The factors explaining the standard are as follows:

(1) The registered professional nurse supervising the nursing program has a master's degree in psychiatric or mental health nursing or its equivalent from a school of nursing accredited by the National League for Nursing, or is qualified by education, experience in the care of the mentally ill, and demonstrated competence to participate in interdisciplinary formulation of individual treatment plans; to give skilled nursing care and therapy; and to direct, supervise and train others who assist in implementing and carrying out the nursing components of each patient's treatment plan.

(2) The staffing pattern insures the availability of a registered professional nurse 24 hours each day for direct care; for supervising care performed by other nursing personnel; and for assigning nursing care activities not requiring the services of a professional nurse to other nursing service personnel according to the patient's needs and the preparation and competence of the nursing staff available.

(3) The number of registered professional nurses, including nurse consultants, is adequate to formulate in writing and assure that a nursing care plan for each patient is carried out.

(4) Registered professional nurses and other nursing personnel are prepared by continuing in-service and staff development programs for active participation in interdisciplinary meetings

affecting the planning or implementation of nursing care plans for patients including diagnostic conferences, treatment planning sessions, and meetings held to consider alternative facilities and community resources.

(e) *Standard; psychological services.* The psychological services are under the supervision of a qualified psychologist and the psychology staff, including consultants, is adequate in numbers and by qualifications to plan and carry out assigned responsibilities. The factors explaining the standard are as follows:

(1) The psychology department or service is under the supervision of a psychologist with a doctoral degree in psychology from an American Psychological Association approved program in clinical psychology or its adjudged equivalent. Where a psychologist who does not hold the doctoral degree directs the program, he has attained recognition of competency through the American Board of Examiners for Professional Psychology, State certification or licensing, or through endorsement by his State psychological association.

(2) Psychologists, consultants and supporting personnel are adequate in number and by qualifications to assist in essential diagnostic formulations, and to participate in program development and evaluation of program effectiveness, in training and research activities, in therapeutic interventions such as milieu, individual or group therapy, and in interdisciplinary conferences and meetings held to establish diagnoses, goals, and treatment programs.

(f) *Standard; social work services and staff.* Social work services are under the supervision of a qualified social worker, and the social work staff is adequate in numbers and by qualifications to fulfill responsibilities related to the specific needs of individual patients and their families, the development of community resources, and consultation to other staff and community agencies. The factors explaining the standard are as follows:

(1) The director of the social work department or service has a master's degree from an accredited school of social work and meets the experience requirements for certification by the Academy of Certified Social Workers.

(2) Social work staff, including other social workers, consultants and other assistants or case aides, is qualified and numerically adequate to conduct prehospitalization studies; to provide psychosocial data for diagnosis and treatment planning, direct therapeutic services to patients, patient groups or families, to develop community resources, including family or foster care programs; to conduct appropriate social work research and training activities; and to participate in interdisciplinary conferences and meetings concerning diagnostic formulation and treatment planning, including identification and utilization of other facilities and alternative forms of care and treatment.

(g) *Standard; qualified therapists, consultants, volunteers, assistants, aides.*

Qualified therapists, consultants, volunteers, assistants or aides are sufficient in number to provide comprehensive therapeutic activities, including at least occupational, recreational and physical therapy, as needed, to assure that appropriate treatment is rendered for each patient, and to establish and maintain a therapeutic milieu. The factors explaining the standard are as follows:

(1) Occupational therapy services are preferably under the supervision of a graduate of an occupational therapy program approved by the Council on Education of the American Medical Association who has passed or is eligible for the National Registration Examination of the American Occupational Therapy Association. In the absence of a full-time, fully qualified occupational therapist, an occupational therapy assistant who is certified by the American Occupational Therapy Association may function as the director of the activities program with consultation from a fully qualified occupational therapist.

(2) When physical therapy services are offered, the services are given by or under the supervision of a qualified physical therapist who is a graduate of a physical therapy program approved by the Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association or its equivalent. In the absence of a full-time, fully qualified physical therapist, physical therapy services are available by arrangement with a certified local hospital or by consultation or part-time services furnished by a fully qualified physical therapist.

(3) Recreational or activity therapy services are available under the direct supervision of a member of the staff who has demonstrated competence in therapeutic recreation programs.

(4) Other occupational therapy, recreational therapy, activity therapy and physical therapy assistants or aides are directly responsible to qualified supervisors and are provided special on-the-job training to fulfill assigned functions.

(5) The total number of rehabilitation personnel, including consultants, is sufficient to permit adequate representation and participation in interdisciplinary conferences and meetings affecting the planning and implementation of activity and rehabilitation programs, including diagnostic conferences; and to maintain all daily scheduled and prescribed activities including maintenance of appropriate progress records for individual patients.

(6) Voluntary service workers are under the direction of a paid professional supervisor of volunteers, are provided appropriate orientation and training, and are available daily in sufficient numbers to be of assistance to patients and their families in support of therapeutic activities.

§ 405.1039 Condition of participation—Special medical record requirements for tuberculosis hospitals.

The medical records maintained by a tuberculosis hospital permit determina-

tion of the degree and intensity of the treatment provided to individuals who are furnished services in the institution.

(a) *Standard; reports on laboratory procedures.* The record contains reports on laboratory procedures undertaken to identify and characterize organisms, identify their drug susceptibility, protect the patient against potential drug toxicity, and measure pulmonary function.

(b) *Standard; records of case review conferences.* The record contains summaries of all scheduled case review conferences performed by the hospital staff, including as a minimum, summaries of case reviews performed upon initiation of therapy, within 8 weeks after initiation of therapy, at least 3 months thereafter, and prior to discharge. The factors explaining the standard are as follows:

(1) A case review conference is a meeting of the medical staff of the hospital at which major medical decisions are made concerning the program of treatment for each patient. Other professional staff involved in the care of the patient participate in the review.

(2) The summary of the case review conference includes: current diagnosis according to the National Tuberculosis Association's Diagnostic Standards and Classification of Tuberculosis, treatment, response to treatment, reference to X-ray and bacteriological findings, any special consultations, recommended schedule of future therapy, and prognosis.

(3) The discharge summary contains a recapitulation of the significant findings and events of the patient's hospitalization including a listing of all drugs used and the reason for discontinuing each, the current diagnoses and medical status of the patient on discharge, and recommendations for follow-up including the kind and duration of posthospitalization chemotherapy.

(c) *Standard; progress notes.* Adequate progress notes contained in the record indicate response to therapy. The factors explaining the standard are as follows:

(1) There is a note on the patient's condition, signed by a physician, at least once monthly.

(2) Any change in treatment plan is indicated in the progress notes.

§ 405.1040 Condition of participation—Special staff requirements for tuberculosis hospitals.

The hospital has staff adequate in number and qualifications to carry out an active program of treatment for individuals who are furnished services in the institution.

(a) *Standard; medical director.* There is a full-time medical director (or his equivalent) who has at least 3 years experience in chest diseases or is Board eligible or Board certified in internal medicine, and who is well versed in the various aspects of tuberculosis. The factors explaining the standard are as follows:

(1) The medical director is responsible for the medical affairs in the hospital. If he is also responsible for the nonmedical affairs of the hospital, he has an administrator or business manager to administer these affairs.

(2) If the medical director carries a patient load in addition to supervising the conduct of medical affairs in the hospital, this additional responsibility does not interfere with his duties as director.

(b) *Standard; staff physicians.* There is a sufficient number of qualified physicians on the medical staff to provide medical supervision and active treatment for each tuberculosis patient. The factors explaining the standard are as follows:

(1) Physicians are legally qualified and have the professional skills necessary to care for tuberculosis patients.

(2) Active treatment includes:

(i) Initial evaluation at a staff case review conference;

(ii) A planned regimen of specific antituberculous measures, including chemotherapy, designed to render the disease noncommunicable and to improve the patient's condition so that he may safely return to his community for continued supervision and treatment; and

(iii) Periodic assessment of progress at case review conferences.

(3) It is preferable that staff physicians be full-time. If full-time staff cannot be obtained, the services of regularly scheduled part-time physicians may be used in order to provide needed services. This does not preclude the hospital from continuing efforts to obtain sufficient full-time staff.

(4) One or more physicians are on duty at all times.

(c) *Standard; thoracic surgeon.* The services of a thoracic surgeon, as a member of the medical team responsible for treating the tuberculosis patient, are available on a regularly scheduled basis and for emergencies. The factors explaining the standard are as follows:

(1) The thoracic surgeon is either Board certified or eligible for Board certification in thoracic surgery.

(2) In addition to his regular visits to the hospital for examination of selected patients, he attends case review conferences as a member of the medical team responsible for the care of the tuberculous patient.

(3) He is either on the full-time hospital staff or is available under arrangements with the hospital to provide specified consultative and surgical services. Necessary surgical procedures may be performed in another hospital.

(d) *Standard; consultative services.* Consultative services in other medical and surgical specialties are available to meet the total medical needs of the patients. The factors explaining the standard are as follows:

(1) Specialists in areas such as urology and orthopedic surgery are available to assist the staff through consultation and, if necessary, direct service in handling complications of tuberculosis.

(2) Specialists in other fields are available to assist as necessary in the treatment of additional medical disorders of the patients.

(e) *Standard; mental health.* Qualified personnel are available to provide mental health consultation and guidance to the staff, and such direct patient service as is appropriate to give in the tuberculosis hospital. The factors explaining the standard are as follows:

(1) If mental health services are not available from hospital staff, arrangements are made for these services with outside agencies or institutions.

(2) Mental health consultation and guidance, including guidance with respect to the alcoholic patient, are provided to the staff by qualified mental health personnel such as psychiatrist and/or psychologists.

(3) Patients with severe mental disturbances have ready access to the services of a qualified psychiatrist.

(f) *Standard; social needs.* A staff person is responsible for direction and supervision of activities related to the social needs of all patients, and to the mobilization and use of community resources to meet these needs. The number of professional personnel and nonprofessional social work assistants is sufficient to meet the institution's requirements. The factors explaining the standard are as follows:

(1) Preferably, social work direction and supervision are by a qualified social worker with a master's degree from an accredited school of social work and related professional experience.

(2) If the hospital does not have a qualified social worker on the staff, arrangements are made with another agency for overall direction and continuing supervision of hospital social services by a qualified social worker.

(3) The director of the service assigns responsibilities related to the specific needs of individual patients to professional social workers or to nonprofessional social work assistants according to their ability or training. Nonprofessional social work assistants receive in-service training to enable them to perform assigned functions.

(4) A social worker familiar with the patient's social needs participates in the case review conference.

(5) The social service staff effectively uses available community resources to assist in providing needed services to the patient and his family, and is responsible for proper community referrals upon discharge from the hospital.

(g) *Standard; diversionary and recreational services.* A staff person is responsible for arranging for patients appropriate diversionary and recreational activities as an important adjunct to the active treatment program. The factors explaining the standard are as follows:

(1) Preferably, these activities are under the direction of an occupational therapist who is registered by the American Occupational Therapy Association.

(2) Assistants, aides, or volunteers providing these services are directly responsible to a qualified person on the

staff and are provided on-the-job-training.

(h) *Standard; liaison.* There is a person with major responsibility for liaison between the hospital and, in the community in which the patient is to be supervised and treated upon discharge,

the official health agency responsible for tuberculosis control and any other agencies or individuals who will be involved in the patient's treatment and follow-up. The factors explaining the standard are as follows:

(1) This person may be an employee of the hospital or an employee of an outside health agency assigned to the hospital for this purpose.

(2) This person is responsible for the administration of a written policy establishing effective lines of communication between the hospital and the official health agency responsible for tuberculosis control in the community and other agencies or individuals who will be involved in the patient's treatment and follow-up.

(3) The policy includes procedures for:

(i) Informing the official health agency of the admission of the patient to the hospital and of the anticipated return of the patient to the community either on discharge or leave from the hospital.

(ii) Assisting the local health agency in obtaining information from the patient on sources of infection and contacts that may have public health significance.

(iii) Transferring to the official health agency and any other agencies or individuals involved in the patient's treatment and follow-up medical and related information as needed to insure continuity and effectiveness of medical care.

[F.R. Doc. 66-11320; Filed, Oct. 17, 1966; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6897]

PART 177—INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

Miscellaneous Amendments

On July 21, 1966, a notice of proposed rule making to amend 26 CFR Part 177 was published in the *FEDERAL REGISTER* (31 F.R. 9869). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the *FEDERAL REGISTER* are hereby adopted.

This Treasury decision shall become effective upon the date of its publication in the *FEDERAL REGISTER*.

(Sec. 7 of the Federal Firearms Act; 52 Stat. 1252; 15 U.S.C. 907)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: October 11, 1966.

STANLEY S. SURREY,
Assistant Secretary of
the Treasury.

In order to institute procedures under the Federal Firearms Act Amendment (Public Law 89-184), approved September 15, 1965, and to make appropriate conforming, technical and editorial changes, the regulations in 26 CFR Part 177 are amended as follows:

PARAGRAPH 1. Section 177.10 headed "Meaning of terms" is amended by inserting after the undesignated paragraph headed "Licensed manufacturer" a new paragraph headed "Licensee" to read as follows:

§ 177.10 Meaning of terms.

* * * * *

Licensee. Means a manufacturer, importer or dealer licensed under section 3 of the act (15 U.S.C. 903).

* * * * *

PAR. 2. Section 177.25 is amended to liberalize licensing restrictions in accordance with section 10, 79 Stat. 788; 15 U.S.C. 910, made effective September 15, 1965. As amended, § 177.25 reads as follows:

§ 177.25 Statutory restrictions.

(a) A license shall not be issued to any person who is a fugitive from justice or is under indictment for a crime punishable by imprisonment for a term exceeding one year by or in any court.

(b) A license shall not be issued to any person who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year by or in any court unless such person has, as provided in § 177.31(c), made application for, and been granted, relief from the disabilities under the Federal Firearms Act arising by reason of such conviction.

(Sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 3. Section 177.27 is amended to clarify the procedure involved. As amended, § 177.27 reads as follows:

§ 177.27 Application for renewal of license.

Prior to the expiration of a license, each licensee will receive a Form 8-A (Firearms). If the licensee intends to engage in the firearms business cited on the previous license during any portion of the ensuing year, he should execute and immediately return the Form 8-A (Firearms), with proper remittance, to the District Director.

PAR. 4. Section 177.29 is amended to clarify the procedures involved and to make certain technical and editorial changes. As amended, § 177.29 reads as follows:

§ 177.29 Procedure by District Director.

(a) Upon receipt of (1) a properly executed application for an original

license on Form 7 (Firearms), or (2) a properly executed application for renewal of a license on Form 8-A (Firearms), accompanied by the required license fee, the District Director may make such inquiry as deemed necessary to determine the bona fides of the applicant. Upon determination that the applicant is lawfully entitled to a license, the District Director will issue such applicant a license on Form 8 (Firearms). Each license will bear an individual serial number and such number will be permanently assigned the licensee to whom issued for so long as he maintains continuity of annual renewal.

(b) If an applicant for license renewal is a person conducting business under a previously issued license pursuant to the provisions of § 177.31(b) or § 177.31(c), action regarding the application will be held in abeyance pending final determination of the applicant's criminal case or final action by the Commissioner on an application for relief submitted pursuant to § 177.31(c), as the case may be.

(Sec. 10, 79 Stat. 788; 15 U.S.C. 910, sec. 9, 69 Stat. 242; 5 U.S.C. 1008(b))

PAR. 5. Section 177.31 is amended to liberalize licensing restrictions in accordance with section 10, 79 Stat. 788; 15 U.S.C. 910, and to make certain technical and editorial changes. As amended, § 177.31 reads as follows:

§ 177.31 General.

(a) A license shall not be issued in any case for a period of less than 1 year. A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the Act (see subpart F of this part), for a period of 1 year from the date of issuance (or until final action on an application for renewal), unless canceled as provided in § 177.30 or revoked as provided in § 177.43.

(b) A licensed manufacturer or licensed dealer who is indicted during the term of his license for a crime punishable by imprisonment for a term exceeding 1 year may continue operations under his license, until a conviction under the indictment becomes final: *Provided*, That if the term of the license expires during the period between the date of the indictment and the date conviction thereunder becomes final, such manufacturer or dealer must file a timely application for the renewal of his license in order to continue operations. Such application shall show that the applicant is under indictment for a crime punishable by imprisonment for a term exceeding 1 year.

(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year (other than a crime involving the use of a firearm or other weapon or a violation of the Federal Firearms Act or the National Firearms Act) may make application for relief from the disabilities under the Federal Firearms Act incurred by reason of such conviction and the Commissioner may grant such relief if it is established

to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest.

(1) An application for such relief, addressed to the Commissioner, shall be submitted in triplicate to the Director and shall include such supporting data as the applicant deems appropriate. In the case of a corporation the supporting data should include information—as to the absence of culpability in the offense of which the corporation was convicted of any person having the power to direct or control the management of the corporation, if such be the fact.

(2) A licensee who is convicted of a crime punishable by imprisonment for a term exceeding 1 year during the term of a current license or while he has pending a license renewal application, and who qualifies under this paragraph to file an application for removal of disabilities resulting from such conviction, shall not be barred from licensed operations for 30 days after the date upon which his conviction becomes final, and if he files his application for relief with the Commissioner under this paragraph within such 30-day period, he may further continue licensed operations during the pendency of his application. Licensees who do not file an application for relief within 30 days from the date their conviction becomes final, shall not continue licensed operations beyond such 30-day period.

(3) In the event the term of a license of a person qualified to seek relief under this paragraph expires during the 30-day period following the date upon which his conviction becomes final or during the pendency of his application for relief he must file a timely application for renewal of his license in order to continue licensed operations. Such license application shall show that the applicant has been convicted of a crime punishable by imprisonment for a term exceeding 1 year.

(4) The District Director of the District in which the licensed premises are located will be promptly notified of the Commissioner's action on an application for relief and whenever the Commissioner grants relief to any person pursuant to this paragraph, he shall promptly publish in the FEDERAL REGISTER notice of such action, together with the reasons therefor.

(d) The provisions of § 177.83 shall not be construed as prohibiting the shipment of firearms and ammunition in interstate or foreign commerce to a manufacturer or dealer continuing operations under his license pursuant to the provisions of this section.

(Sec. 3, 52 Stat. 1251; 15 U.S.C. 903, sec. 10, 79 Stat. 788; 15 U.S.C. 910, sec. 9, 60 Stat. 242; 5 U.S.C. 1008 (b))

PAR. 6. Section 177.80 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.80 reads as follows:

§ 177.80 License to operate.

It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the Act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce. Further, it shall be unlawful for any licensed dealer or licensed manufacturer, who is a fugitive from justice or, except as provided in § 177.31(c), who has been finally convicted of a crime punishable by imprisonment for a term exceeding 1 year in any court, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce, or to cause any firearm or ammunition to be transported or shipped in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250 as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 7. Section 177.83 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.83 reads as follows:

§ 177.83 Interstate deliveries to felons.

It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is a fugitive from justice or, except as provided by § 177.31(b), is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 8. Section 177.84 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.84 reads as follows:

§ 177.84 Interstate transportation by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or, except as provided by § 177.31(b), is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 9. Section 177.85 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.85 reads as follows:

§ 177.85 Receipt by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or, except as provided by § 177.31(b), who is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court, to receive any firearm or ammunition

which has been shipped or transported in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 10. Section 177.102 is amended to make certain technical changes. As amended, § 177.102 reads as follows:

§ 177.102 Disposition after forfeiture.

Any firearm or ammunition forfeited by reason of a violation of the act or any rules or regulations promulgated thereunder, the forfeiture of which firearm or ammunition has not been remitted or mitigated, shall be reported to the Administrator of General Services, General Services Administration, for use or disposition as provided by law (63 Stat. 377).

[F.R. Doc. 66-11232; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XV—Federal Reserve System

REG. V—LOAN GUARANTEES FOR DEFENSE PRODUCTION

Maximum Rates of Interest

1. Effective September 27, 1966, Regulation V is amended as follows:

a. Section 1 is amended to read as follows:

Section 1. Authority.

This regulation is based upon and issued pursuant to the Defense Production Act of 1950 (referred to in this regulation as the "act"), and Executive Order No. 10480, dated August 14, 1953, as amended (3 CFR 1949-1953 Comp., p. 962) (referred to in this regulation as the "order"), and after consultation with the heads of the guaranteeing agencies designated in the act and the order; namely, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Commerce, the Department of the Interior, the Department of Agriculture, the General Services Administration, the Atomic Energy Commission, the Defense Supply Agency, and the National Aeronautics and Space Administration.

b. Section 5 is amended to read as follows:

Sec. 5. Rates and fees.

Rates of interest, guarantee fees, commitment fees, and other charges which may be made with respect to guaranteed loans and guarantees executed through the agency of any Federal Reserve Bank under this regulation will from time to time be prescribed, either specifically or by maximum limits or otherwise, in section 7 (the Supplement) by the Board of Governors after consultation with the guaranteeing agencies.

c. The following new section 7 is added:

Sec. 7. Supplement.

Pursuant to the provisions of the Defense Production Act of 1950 and Executive Order No. 10480, dated August 14, 1953, as amended, the Board of Governors of the Federal Reserve System hereby prescribes the maximum rate of interest, guarantee fees, and commitment fees which may be charged with respect to guaranteed loans executed through the agency of any Federal Reserve Bank:

(a) *Maximum rate of interest.* The maximum interest rate charged a borrower by a financing institution with respect to a guaranteed loan shall not exceed 7½ percent per annum.

(b) *Guarantee fees.* The schedule of fees with respect to guaranteed loans is as follows:

Percent of loan guaranteed	Guarantee fee (percent of interest payable by borrower on guaranteed portion of loan)
70 or less-----	10
75-----	15
80-----	20
85-----	25
90-----	30
95-----	35
Over 95-----	40-50

In any case in which the rate of interest on the loan is in excess of 6 percent, the guarantee fee shall be computed as though the interest rate were 6 percent.

(c) *Commitment fees.* In any case in which a commitment fee is charged a borrower with respect to a guaranteed loan, such fee shall not exceed one-half of 1 percent per annum. In any such case, the financing institution will pay to the guaranteeing agency a percentage of such commitment fee, based on the guaranteed portion of the credit, equal to the same percentage of the interest payable on the loan which is required to be paid by the financing institution to the guarantor as a guarantee fee.

2a. The purposes of these amendments are to bring the regulation up to date and to incorporate into the regulation the currently effective maximum rate of interest, guarantee fees, and commitment fees on defense production loans. The only substantive change relates to the maximum permissible rate of interest, which is increased from 6 to 7½ percent per annum.

b. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments. Functions exercised under the Defense Production Act are exempt from such requirements (50 App. U.S.C. 2159).

(50 App. U.S.C. 2154; E.O. 10480)

Dated at Washington, D.C., this 11th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11296; Filed, Oct. 17, 1966;
8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean, Va.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.27 is hereby prescribed establishing and governing the use and navigation of a danger zone in the Atlantic Ocean, Va., effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 204.27 Atlantic Ocean off Wallops Island and Chincoteague Inlet, Va.; danger zone.

(a) *The area.* An area immediately offshore from Wallops Island defined by lines drawn as follows: Beginning at latitude 37°51'30" N., longitude 75°27'30" W.; thence to latitude 37°51'30" N., longitude 75°17'12" W.; thence to latitude 37°43'18" N., longitude 75°29'42" W.; and thence to latitude 37°49'18" N., longitude 75°29'42" W.

(b) *The regulations.* (1) Vessels may enter and operate in the danger zone at all times when warning signals are not displayed.

(2) When warning signals are displayed, all vessels in the danger zone except vessels entering or departing Chincoteague Inlet shall leave the zone promptly by the shortest possible route and shall remain outside the zone until allowed by a patrol boat to enter, or until the danger signal has been discontinued. Vessels entering or departing Chincoteague Inlet shall take the shortest passage possible through the danger zone upon display of the danger signal.

(3) The intent to conduct rocket-launching operations involving the area shall be indicated by a signal consisting of a large orange-colored, "blimp-shaped" balloon by day and a signal rotating alternately red and white beacon by night. The balloon shall be flown at latitude 37°50'38", longitude 75°28'47" and the beacon shall be displayed about 200 feet above mean high water at latitude 37°50'16", longitude 75°29'07". The appropriate one of these signals shall be displayed 30 minutes prior to rocket-launching time and shall remain displayed until danger no longer exists.

(4) The regulations in this section shall be enforced by the Director, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va., or such agencies as he may designate.

[Regs., Sept. 30, 1966, 1507-32 (Atlantic Ocean, Va.)-ENG CW-ON] (Sec. 7, 40 Stat. 266, Chap XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11289; Filed, Oct. 17, 1966;
8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, De- partment of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 52—GRANTS FOR RESEARCH PROJECTS

Subpart E—Grantee Accountability

ACCOUNTING FOR GRANT AWARD PAYMENTS

The purpose of the amendment set forth below is to provide, to the extent indicated, for the accountability of funds granted to educational and other institutions for indirect costs on the basis of a predetermined percentage of allowable direct costs.

Effective on publication in the FEDERAL REGISTER, § 52.41 is revised to read as follows:

§ 52.41 Accounting for grant award payments.

With respect to each approved project the grantee shall account for the sum total of all amounts paid under § 52.14 (e) by presenting or otherwise making available vouchers or any other evidence satisfactory to the Surgeon General of expenditures for direct and indirect costs meeting the requirements of Subpart D of this part: *Provided, however,* That where in accordance with § 52.32 (b) (2) the amount awarded to an educational institution for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred. Such predetermined fixed-percentage rates may also be applied in accounting for awards to noneducational institutions to the extent such application is deemed by the Surgeon General to protect adequately the interests of the Government.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216)

Dated: September 16, 1966.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: October 7, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-11319; Filed, Oct. 17, 1966;
8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER E—FOREST MANAGEMENT (5000)

[Circular 2215]

PART 5430—PRESALE PREPARATION, ADVERTISEMENT AND CONTRACT PREPARATION

Subpart 5433—Bids and Award of Contract

QUALIFICATION OF BIDDERS AND PURCHASERS

On page 10415 of the *FEDERAL REGISTER* of August 3, 1966, there was published a notice of proposed rule making to amend regulations concerning the qualification of bidders and purchasers of Federal timber. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment to the regulations.

No objections have been received and the proposed amendment to the regulations is hereby adopted without change and is set forth below.

Effective date. This amendment shall be effective as of the date of its publication in the *FEDERAL REGISTER*.

CHARLES F. LUCE,
Under Secretary of the Interior.

OCTOBER 11, 1966.

Section 5433.1 is amended by additional wording relating to eligibility to qualify to purchase set-aside timber. As amended § 5433.1 will read as follows:

§ 5433.1 Qualification of bidders and purchasers.

A bidder or purchaser for the sale of timber must be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens, (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the States in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 5433.2. To qualify for bidding to purchase set-aside timber, the bidder must not have been determined by the Small Business Administration to be ineligible for preferential award of set-aside sales and must accompany his deposit with a self-certification statement that he is qualified as a small business concern as defined by the Small Business Administration (13 CFR Part 121).

[F.R. Doc. 66-11298; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte MC-19]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Practices of Motor Common Carriers of Household Goods

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C. on the 15th day of July 1966.

It appearing, that the order of the Commission entered in this proceeding on June 7, 1966, effective, as postponed, on January 1, 1967, wherein certain regulations were prescribed and adopted, includes a requirement appearing in § 176.10(e), of this chapter that every household goods carrier shall file each month a report of all instances during the preceding month where the actual charges for services rendered exceeded the estimates of such charges by 10 percent or more, with an explanation of reasons for the variances;

And it further appearing, that it is necessary and desirable that a form be prescribed for use by motor common carriers of household goods in filing reports of underestimates with the Commission in accordance with the said requirement:

It is ordered, That Form BOC 101, Report of Underestimates, a copy of which is attached hereto¹ and made a part hereof, be, and it is hereby approved, adopted and prescribed for appropriate use as required by § 176.10(e);

It is further ordered, That Part 7 of Subchapter A of this chapter be, and it is hereby, amended by adding § 7.101 BOC 101 to read as follows:

§ 7.101 BOC 101.

Report of Underestimates, Form BOC 101,¹ to be used by motor carriers of household goods to report to the Commission all instances in which actual charges exceed written estimates by 10 percent or more, pursuant to § 176.10(e) of this chapter.

(Secs. 204, 220, 49 Stat. 546 as amended, 563 as amended; 49 U.S.C. 304, 320)

It is further ordered, That this order shall be effective on January 1, 1967.

And it is further ordered, That notice of this order shall be given to motor carriers, other persons of interest, and the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by

¹ Form BOC 101 filed as part of original document.

filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11317; Filed, Oct. 17, 1966; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart E—Waiver of Overpayments

REFUNDS ON OVERPAYMENTS

1. In § 3.1902(b), subparagraph (9) is amended to read as follows:

§ 3.1902 "Overpayments."

* * * * *

(b) * * *
(9) Amounts equal to amounts which have been recovered by the Veterans Administration prior to the date of receipt of the request for waiver.

2. In § 3.1903, paragraph (b) is amended to read as follows:

§ 3.1903 Waiver.

* * * * *

(b) Request for waiver of an overpayment will be considered only if received within 1 year following the date of notice to the payee; otherwise, an application will be considered only if it is supported by new and material evidence.

* * * * *

3. In § 3.1906, paragraph (c) is amended to read as follows:

§ 3.1906 Revision of decisions.

* * * * *

(c) Where reversal or amendment of a decision is authorized by Central Office under § 3.105(b) because of a difference of opinion, the effective date of waiver will be governed by the principle contained in § 3.400(h). However, no refund will be made of any moneys recovered prior to the date of receipt of the request for waiver.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective November 1, 1966.

By direction of the Administrator.

Approved: October 12, 1966.

[SEAL]

CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11308; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the **FEDERAL REGISTER**.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted from 6 a.m. to 7 p.m., e.s.t., each day from November 12, 1966, through

November 27, 1966, only on the area designated by signs as open to hunting. This open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and bear including the requirement that a current Michigan big game license be in the possession of the hunter and shall be subject to the following special conditions:

(1) Firearms (rifles only) chambering center fire cartridges of .23 caliber bullet diameter or larger.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code

of Federal Regulations, Part 32 and are effective through November 27, 1966.

JOHN B. HAKALA,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

OCTOBER 11, 1966.

[F.R. Doc. 66-11313; Filed, Oct. 17, 1966; 8:47 a.m.]

PART 33—SPORT FISHING

Merritt Island National Wildlife Refuge, Fla.; Correction

In F.R. Doc. 65-13420, appearing at page 15469 of the issue for December 16, 1965, subparagraph (1), should read as follows:

(1) The sport fishing season on the refuge extends from January 6, 1966, through November 23, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-11312; Filed, Oct. 17, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 8]

BOSTON INSURANCE CO. AND BOSTON OLD COLONY INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds and Change of Name of Company

The Certificate of Authority as an acceptable surety on Federal bonds issued by the Secretary of the Treasury under date of June 1, 1966, to the Boston Insurance Co., Boston, Mass., a Massachusetts corporation, under the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), is hereby terminated for the following reason.

Pursuant to a Reinsurance and Assumption Agreement, approved by the Commissioner of Insurance of the State of Massachusetts on June 6, 1966, effective 12:01 a.m., e.s.t., January 1, 1966, the Continental Insurance Co., New York, N.Y., a New York corporation, acquired certain assets and assumed all of the insurance liabilities of Boston Insurance Co. which, effective June 6, 1966, withdrew from the insurance business and adopted the name Bimar Corp. A copy of the Reinsurance and Assumption Agreement is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

The Continental Insurance Co., New York, N.Y., which assumed the insurance business of the Boston Insurance Co., holds a Certificate of Authority as an acceptable surety on Federal bonds issued by the Secretary of the Treasury June 1, 1966, with an underwriting limitation of \$118,391,000.

Effective June 6, 1966, the Old Colony Insurance Co., Boston, Mass., a Massachusetts corporation, which was a subsidiary of the Boston Insurance Co., formally changed its name to Boston Old Colony Insurance Co. A copy of a certificate issued by the Secretary of the Commonwealth of Massachusetts certifying to the change of name has been received and filed in the Treasury Department.

A Certificate of Authority as an acceptable surety on Federal bonds dated June 6, 1966, has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to replace the certificate issued June 1, 1966 to the company under its former name, Old Colony Insurance Co. The underwriting limitation of \$717,000 previously established for the company remains unchanged.

Name of company, location of principal executive office, and State in which incorpo-

rated: Boston Old Colony Insurance Company, Boston, Massachusetts; Massachusetts.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the reinsurance and assumption of the insurance business of the Boston Insurance Co. by Continental Insurance Co., the withdrawal from the insurance business of Boston Insurance Co., or the change of name of Old Colony Insurance Co., with respect to any bond or other obligation in favor of the United States or in which the United States has an interest, direct or indirect, issued on or before June 6, 1966, by Boston Insurance Co. or Old Colony Insurance Co. pursuant to the Certificates of Authority issued to the companies by the Secretary of the Treasury.

Certificates of Authority expire on May 31 each year, unless sooner revoked and new certificates are issued on June 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

Dated: October 13, 1966.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66-11304; Filed, Oct. 17, 1966; 8:46 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3-W]

STEEL WELDED WIRE MESH FROM ITALY

Determination of Sales at Not Less Than Fair Value

OCTOBER 12, 1966.

On August 5, 1966, there was published in the FEDERAL REGISTER a "Notice of Intent To Discontinue Investigation and of Tentative Determination That No Sales Exist Below Fair Value" because of price revisions with respect to steel welded wire mesh for concrete reinforcement imported from Italy, and that such fact is considered to be evidence that there are not, and are not likely to be, sales below fair value.

The merchandise under consideration consists of lightweight concrete reinforcement mesh for buildings.

The complainant submitted a written request for an opportunity to present views in person in opposition to the tentative determination. The opportunity was afforded to the complainant, and

all interested parties of record were notified and were represented at the hearing.

After consideration of all written and oral argument presented, I hereby determine that because of price revisions, steel welded wire mesh for concrete reinforcement from Italy is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11305; Filed, Oct. 17, 1966; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management ALASKA

Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in the Anchorage Office, Anchorage, Alaska, effective at 10 a.m., November 1, 1966.

SEWARD MERIDIAN

T. 20 N., R. 3 W.,
Sec. 31: Lots 1, 2, 3, 4, 5, 6, 7, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 32: All;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: Lots 1, 2, 3, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Tract A.

Containing 22,778.01 acres.

2. The land is hilly to mountainous, covered with spruce and birch, with cottonwood timber along the banks of Willow Creek. The undergrowth consists of alder, berry brush, and patches of devil's club in the creek bottom. The soil varies from sandy loam, covered with vegetable mold, to black muck in marshy areas. Willow Creek flows westerly through the subdivided portion of the township. Peters Creek joins Willow Creek in the northeast quarter of section 36.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

4. The greater part of the land affected by this notice has been selected by the State of Alaska in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of

[Montana 073207]

MONTANA**Notice of Proposed Classification of Public Lands****Correction**

In F.R. Doc. 66-10229, appearing at page 12455 of the issue for Tuesday, September 20, 1966, the penultimate line of the land description should be deleted and the following inserted therefor:

Sec. 25, NW $\frac{1}{4}$;

DEPARTMENT OF AGRICULTURE**Commodity Credit Corporation**

[Amdt. 1]

SALES OF CERTAIN COMMODITIES**October Sales List**

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein, the CCC Monthly Sales List for October 1966 is amended as set forth below:

The Export Section for wheat is amended to read as follows:

All classes of wheat are available for export sale at all U.S. Coasts including the Great Lakes and St. Lawrence ports, however, sales at West Coast ports are subject to the exceptions for the various programs as follows:

A. Announcement GR-345 (Revision III, July 6, 1962, as amended), Wheat Export Program. Hard Red Winter and Hard Red Spring wheat will not be sold at West Coast ports. For Durum wheat offered for sale under this announcement at West Coast ports buyer must show export from West Coast ports and shipment into a dollar market (including shipment under CCC approved credit sale—non PL 480) to a destination west of the 170 meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the West Coast of Central and South America.

B. Announcement GR-346 (Revision I, June 23, 1960, as amended), for export as flour.

C. Announcement GR-261 (Revision II, January 9, 1961, as amended and supplemented) for export as wheat as follows:

(1) All classes will be sold for application to barter contracts except that wheat of the classes Hard Red Winter, Hard Red Spring, and Durum will not be sold for barter at West Coast ports nor will evidence of export at West Coast ports be acceptable under a sale for barter;

(2) All classes will be sold for application to approved CCC credit sales except that (a) in the case of Hard Red Winter and Hard Red Spring wheat sold at West Coast ports, buyers must show export from a West Coast port to a destination within the geographical area described in A above, and (b) Durum wheat will not be sold at West Coast ports for application to credit sales nor will evidence of export from West Coast ports be acceptable under a sale of Durum for application to a credit transaction;

(3) Hard Red Winter and Hard Red Spring wheat will be sold at West Coast ports for export commodity certificates to fill a dollar market sale and buyer must show export from West Coast port to a destination within the geographical area described in A above.

D. Announcement GR-262 (Revision II, January 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter and approved CCC credit transactions except that sales for barter will not be made at West Coast ports nor will evidence of export from West Coast ports be acceptable under a sale for barter pursuant to this announcement.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on October 12, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-11302; Filed, Oct. 17, 1966; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15419]

BLOCKED-SPACE AIRFREIGHT TARIFFS**Notice of Prehearing Conference**

In the light of the Supreme Court's recent denial of certiorari in connection with the litigation with respect to the Board's blocked-space airfreight policy, it is appropriate that the tariff investigation now go forward. Accordingly, this proceeding is set for prehearing conference at 10 a.m., November 8, 1966, in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Proposed revisions in the statements of issues, revised requests for information, and revisions in the statements of positions of the parties, as well as proposed procedural dates, shall be submitted in writing with copy to the examiner and all parties by October 27, 1966. The parties should make their submissions on the basis of grant by the Board of the requested consolidation of Docket 17594 into this proceeding.

Dated at Washington, D.C., October, 12, 1966.

[SEAL]

RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 66-11314; Filed, Oct. 17, 1966; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Food and Drug Administration****GEIGY CHEMICAL CORP.****Notice of Filing of Petition Regarding Pesticides**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition

July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9-1(a) and Part 1840.

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager, Anchorage Land Office.

[F.R. Doc. 66-11310; Filed, Oct. 17, 1966; 8:46 a.m.]

IDAHO**Notice of Filing of Protraction Diagrams**

OCTOBER 10, 1966.

Notice is hereby given that effective at and after 10 a.m. on November 14, 1966, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho 83701. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the lands for all authorized uses. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS

Nos. 25, 26, 27, 28, 29, 30, 31, 32 and 36

BOISE MERIDIAN

Approved September 21, 1966

No. 25

Ts. 27 and 28 N., Rs. 13, 14, 15, and 16 E.

No. 26

Ts. 27 and 28 N., Rs. 10, 11, and 12 E.

No. 27

Ts. 27 and 28 N., Rs. 7, 8, and 9 E.

No. 28

Ts. 27 and 28 N., Rs. 4, 5, and 6 E.

No. 29

T. 27 N., Rs. 20, 21, and 22 E.

No. 30

T. 25 N., Rs. 20, 21, 22, and 23 E.

T. 26 N., Rs. 20, 21, and 22 E.

No. 31

T. 25 N., Rs. 18, and 19 E.

T. 26 N., R. 19 E.

No. 32

T. 25 N., Rs. 15, 16, and 17 E.

T. 26 N., Rs. 15, and 16 E.

No. 36

Ts. 25 and 26 N., Rs. 4, 5, and 6 E.

Copies of these diagrams are for sale at one dollar (\$1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho 83701.

ORVAL G. HADLEY,
Manager,
Land Office, Boise, Idaho.

[F.R. Doc. 66-11311; Filed, Oct. 17, 1966; 8:46 a.m.]

(PP 7F0535) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the insecticide O,O-diethyl O-[2-isopropyl-4-methyl-6-pyrimidinyl] phosphorothioate in or on raw agricultural commodities, as follows:

40 parts per million in or on peanut forage.
10 parts per million in or on peanut hulls and hay.
0.75 part per million in or on brussels sprouts, peanuts, and sugarcane.
0.10 part per million in or on potatoes and sweet potatoes.

The analytical method proposed in the petition for determining residues of the insecticide is a sulfide method which includes the following steps: The residue is extracted with petroleum ether and after suitable cleanup is transferred to hydrobromic acid. The solution is then boiled, converting the sulfur to hydrogen sulfide. The hydrogen sulfide is trapped in zinc acetate solution and determined colorimetrically as methylene blue.

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11318; Filed, Oct. 17, 1966;
8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs.; Temporary
Reg. 8]

EQUAL EMPLOYMENT OPPORTUNITY

Standard Government Contract Forms; Extension of Temporary Regulation

To heads of Federal agencies:

1. *Purpose.* This regulation continues in effect the provisions of FPR Temporary Regulation No. 1, October 19, 1965 (30 F.R. 13475), as extended by FPR Temporary Regulation No. 6, April 25, 1966 (31 F.R. 6388).

2. *Background.* FPR Temporary Regulation No. 1, as extended by FPR Temporary Regulation No. 6, prescribed certain revisions to standard Government contract forms in accordance with the requirements of section 404 of Executive Order No. 11246, September 24, 1965 (30 F.R. 12319). Following the issuance by the Secretary of Labor of the revision of the regulations on equal employment opportunity which currently is under consideration, the provisions of Temporary Regulation No. 1 will be codified in the Federal Procurement Regulations.

3. *Effective date.* This regulation is effective on October 25, 1966.

4. *Expiration date.* Unless revised or canceled earlier by a formal FPR amendment, this regulation and the provisions of FPR Temporary Regulation No. 1 expire on April 24, 1967.

Dated: October 3, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-11297; Filed, Oct. 17, 1966;
8:45 a.m.]

[Federal Property Management Regulations
Temporary Regulation No. E-6]

OFFICE FURNITURE

Use Standards

To: Heads of Federal Agencies.

1. *Purpose.* This regulation establishes revised standards for use of office furniture in consonance with the objectives of the President set forth in his memorandum of September 16, 1966, to heads of departments and agencies on cost reduction in procurement, supply, and property management.

2. *Applicability.* The provisions of this regulation apply to all executive agencies. Other agencies are encouraged to adhere to the revised standards so that maximum benefits can be realized by the Government.

3. *Background.* The President directed that a special sustained Government-wide effort be made so that costs could be further reduced in the procurement and management of property. To that end, a determination has been made that in the interest of economy, use standards for office furniture should be revised.

4. *Use standards for office furniture.* Office furniture, whether new or rehabilitated, shall be used as prescribed by the following standards:

a. The use of executive type wood (traditional or modern) office furniture shall be limited to personnel in Grade GS-18 and above or the equivalent thereto, including military rank. This type of office furniture includes items which are available from Federal Supply Schedules FSC Group 71, Part VI and Part XII and the executive office furniture (Allenwood) available from Federal Prison Industries, Inc.

b. The use of unitized wood office furniture shall be limited to personnel in Grade GS-15 and above or the equivalent thereto, including military rank. This type is included in Federal Supply Schedule FSC Group 71, Part VIII.

5. *Application of revised use standards.* Despite the revised standards, redistribution of furniture merely to comply therewith should not be effected. However, to avoid new procurement where an employee is entitled by reason of grade to other than standard metal furniture, furniture to which he is entitled shall be provided by transfer of furniture owned by the agency.

6. *Review of purchase actions.* Agencies shall review immediately all outstanding requisitions, purchase orders, or contracts to assure that office furniture, when acquired and placed in use, will conform to the standards prescribed by this regulation. Where conformance will not result, action shall be taken to cancel such portions as will assure conformance if this can be done without incurring penalty charges. In the event penalty charges will be incurred, the Chief, Furniture and Furnishings Branch, Procurement Operations Division, Federal Supply Service, telephone: Area Code 202, 343-8211 or Government Dial Code 183, extension 38211, shall be contacted for determination as to

whether the quantities involved can be diverted to GSA stock for other utilization. GSA will monitor all orders for wood or executive type furniture placed with Federal Supply Schedule contractors.

7. *Other issuances affected.* The use standards for office furniture included in FPMR 101-25.302-1 are replaced by this regulation.

8. *Effective date.* This regulation is effective October 14, 1966.

9. *Expiration date.* This regulation expires June 30, 1967, unless sooner rescinded or revised, and as appropriate will be incorporated in the permanent Federal Property Management Regulation, Title 41, CFR.

Dated: October 14, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-11357; Filed, Oct. 17, 1966;
8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

NEBRASKA

Notice of Major Disaster

Notice of Major Disaster for the State of Nebraska, dated September 1, 1966, and published September 8, 1966 (31 F.R. 11783), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 31, 1966:

Sherman County.

Dated: October 11, 1966.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 66-11290; Filed, Oct. 17, 1966;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1427]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 13, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by

petitioners must be specified in their petitions with particularity.

No. MC-FC-68605. By order of October 10, 1966, the Transfer Board approved the transfer to Hoag Trucking, Inc., Philip, S. Dak., of the operating rights in certificate No. MC-124755 (Sub-No. 3), issued September 21, 1964, to Homer Hoag, doing business as Hoag Trucking Co., Post Office Box 307, Philip, S. Dak., authorizing the transportation of feed, over irregular routes, from Sioux City, Iowa, to Wall, S. Dak., and points other than incorporated cities or towns, within 50 miles of Wall, S. Dak., and in permits Nos. MC-116751 and MC-116751 (Sub-No. 4), issued September 21, 1964, and July 20, 1965, respectively, to Homer Hoag, the former authorizing the transportation of lumber, over irregular routes, from points in Montana, Wyoming, North Dakota, Utah, Colorado, Nebraska, Minnesota, Iowa, Michigan, Illinois, Arkansas, Washington, Oregon, and Idaho, to Philip, S. Dak., and the latter the transportation of lumber and lumber products, over irregular routes, from points in Idaho, Montana, Oregon, and Washington to points in South Dakota. Dual operations were authorized.

No. MC-FC-69083. By order of October 10, 1966, the Transfer Board approved the transfer to Edward F. Milovicz, doing business as Mexico Motor Express, Mexico, N.Y., of certificate No. MC-80714, issued August 14, 1957, to Horace B. Schellenberg, doing business as Pulaski Motor Express, Pulaski, N.Y., authorizing the transportation of general commodities, with usual exceptions, over regular routes, between Syracuse and Lacona, N.Y., and between Syracuse and Hastings, N.Y., serving certain intermediate and off-routes points. Robert S. Amdursky, 26 East Oneida Street, Oswego, N.Y., attorney for applicants.

No. MC-FC-69084. By order of October 10, 1966, the Transfer Board approved the transfer to Jackson Trucking, Inc., of permit No. MC-71883, issued January 4, 1954, to A. G. Jackson, Jamestown, N.Y., authorizing the transportation over regular routes, of: Packinghouse products, from Buffalo, N.Y., to specified points in New York and Pennsylvania, and from Jamestown, N.Y., to specified points in New York and Pennsylvania; and, over irregular routes, commodities classified in 46 M.C.C. 23 as (a) meat, meat products and meat byproducts; (b) dairy products, and (c) articles distributed by meat packinghouses from Jamestown, N.Y., to points in Allegany County, N.Y., and those in Elk, Cameron and Forest Counties, Pa., packinghouse products and dairy products, fresh fruits and vegetables, from Buffalo, N.Y., to points in Erie County, Pa.; and packinghouse products, restricted to transportation in conjunction with pool-car shipments, from Jamestown, N.Y., to points in Erie County, Pa., on and east of Pennsylvania Highway 8, those in Cattaraugus and Chataqua Counties, N.Y., and those in Warren and McKean Counties, Pa. William J. Hirsch, 43 Niagara

Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-69091. By order of October 10, 1966, the Transfer Board approved the transfer to James D. Zelka and Richard Strucky, doing business as James Zelka Trucking, 120 North Custer Avenue, Hardin, Mont. 59034, of certificate of registration No. MC-120931 (Sub-No. 1) evidencing a right to engage in the transportation in interstate or foreign commerce of express and freight, between points in Montana, issued August 13, 1964, to Ben Feller, Hardin, Mont., and acquired by James Zelka, doing business as James Zelka Trucking, pursuant to consummation of No. MC-FC-68623 on May 29, 1966.

No. MC-FC-69092. By order of October 10, 1966, the Transfer Board approved the transfer to E. Edna Mulholland, doing business as James Mulholland Moving & Storage, Upper Darby, Pa., of the operating rights in certificate No. MC-74576, issued March 8, 1941, to James Mulholland, Upper Darby, Pa., authorizing the transportation of: Household goods, over irregular routes, between points and places in the Philadelphia, Pa., commercial zone, as defined by the Commission in 17 M.C.C. 533, on the one hand, and, on the other, points and places in Pennsylvania, New Jersey, Maryland, New York, and Delaware. John J. Robinson, 7100 West Chester Pike, Upper Darby, Pa., attorney for applicants.

No. MC-FC-69097. By order of October 10, 1966, the Transfer Board approved the transfer to Blaine L. White, doing business as Blaine White & Son, R.F.D. No. 2, Rexburg, Idaho, of the operating rights in certificate No. MC-125142, issued November 15, 1963, to White Enterprises, Inc., R.F.D. No. 2, Rexburg, Idaho, authorizing the transportation, over regular routes, of animal and poultry feed between Ogden, Utah, and Ashton, Idaho, serving certain intermediate and off-route points.

No. MC-FC-69112. By order of October 12, 1966, the Transfer Board approved the transfer to Mid Continent Freight Lines, Inc., a Minnesota corporation, Minneapolis, Minn., of the operating rights in certificate Nos. MC-103158 (Sub-No. 29), MC-108158 (Sub-No. 50), MC-108158 (Sub-No. 51), and MC-108158 (Sub-No. 52), issued June 22, 1962, February 23, 1962, June 28, 1961, and November 16, 1962, respectively, to Mid Continent Freight Lines, Inc., an Oklahoma corporation, Minneapolis, Minn., authorizing the transportation of: General commodities, with the usual exceptions, between specified points and areas in Oklahoma, Missouri, Kansas, Illinois, Minnesota, Wisconsin, Indiana, and Texas. Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11315; Filed, Oct. 17, 1966;
8:47 a.m.]

[Notice 271]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 13, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 844 (Sub-No. 4 TA), filed October 11, 1966. Applicant: C. O. HAY, doing business as HAY TRUCKING CO., 954 Barton Street, Post Office Box 6367, McKellar Station, Memphis, Tenn. 38106. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, and except livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Brinkley, Ark., to Lonoke, Ark., over U.S. Highway 70, and return over the same route, serving the intermediate point of Carlisle, Ark., for 180 days. Supporting shippers: J. D. Wood, Inc., Lonoke, Ark., Woody's Hardware Co., Lonoke, Ark., Robinson & Lilly Service Co., Inc., Lonoke, Ark., Joe Royal Chevrolet Co., Lonoke, Ark., G. P. Cazer Equipment Co., Carlisle, Ark., Bailey's Auto and Tractor Parts, Carlisle, Ark., Baldwin Oil Co., Inc., Carlisle, Ark., Carlisle Motors, Inc., Carlisle, Ark. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 30844 (Sub-No. 225 TA), filed October 11, 1966. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: James F. Sexton (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee at Deerfield, Ill., and warehouse facilities utilized by the Kitchens of Sara Lee at Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 150 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 235 Federal Building, Fourth and Perry Streets, Davenport, Iowa 52801.

No. MC 110144 (Sub-No. 8 TA), filed October 11, 1966. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, Post Office Box 4126, 3600 Paper Mill Road, Knoxville, Tenn. 37921. Applicant's representative: Jack C. Robinson, Post Office Box 4126, Knoxville, Tenn. 37921. Authority sought to operate as a *common*

carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Memphis, Tenn., and West Monroe, La.: From Memphis over U.S. Highway 61 to junction U.S. Highway 82, thence over U.S. Highway 82 to Montrose, Ark.; thence over U.S. Highway 165 to West Monroe, La., and return over the same route, serving the intermediate points of Bastrop and Monroe, La., and the off-route point of Sterlington, La., for 180 days. Supporting shippers: The application is supported by statements of 28 shippers which may be examined here at the Interstate Commerce Commission, Washington, D.C. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

MOTOR CARRIER OF PASSENGERS

No. MC 128637 TA, filed October 11, 1966. Applicant: JELCO BUSES, INC.,

doing business as, HALVORSON BUS LINES, Route 4, Box 440, Sparta, Wis. 54656. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggages*, in charter movements, (1) between Chicago, Ill., and Minneapolis, Minn., on the one hand, and, on the other, Camp McCoy, Wis., and (2) beginning and ending at Camp McCoy, Wis., and extending to points in Illinois, Minnesota, Iowa, and Missouri, for 180 days. Supporting shipper: Office of Economic Opportunity, McCoy Job Corps Center, Post Office Box 255, Sparta, Wis. 54656. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 214 North Hamilton Street, Madison, Wis. 53703.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11316; Filed, Oct. 17, 1966; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	7 CFR—Continued	Page	15 CFR	Page
PROCLAMATIONS:		PROPOSED RULES:		15 CFR	
3749	12935	725	13242	230	13167, 13390
3750	12995	730	12952	372	13040
3751	13197	909	13174	373	13040
EXECUTIVE ORDERS:		929	13136	374	13040
Sept. 24, 1847 (revoked by PLO 4100)	12950	948	12953	379	13040
April 17, 1926 (revoked in part by PLO 4098)	12950	972	13394	382	13040
10154 (superseded by EO 11313)	13417	982	12954, 13346	385	13040
10558 (superseded by EO 11313)	13417	984	13005	398	13040
10686 (superseded by EO 11313)	13417	989	13244	399	13040
11122 (superseded by EO 11307)	12917	991	13394	16 CFR	
11215 (amended by EO 11309)	13075	993	13136	13	12937, 12938, 13078-13080, 13208, 13209, 13337, 13423.
11307	12917	994	13090	15	13210, 13423
11308	12919	1005	12845, 13090	PROPOSED RULES:	
11309	13075	1006	13272	303	13353
11310	13199	1038	12954	18 CFR	
11311	13413	1041	13136	204	12840
11312	13415	1067	13395	19 CFR	
11313	13417	1069	13091	1	12938, 13080, 13390
11314	13419	1102	13395	4	13424
		1126	13005	PROPOSED RULES:	
		Ch. XI	12956	12	12964
4 CFR		8 CFR		20 CFR	
Ch. II	13381	211	13387	404	13126
5 CFR		212	13114	405	13424, 13456
213	12833, 12937, 13113	9 CFR		21 CFR	
1700	13113	97	13114	8	12840
7 CFR		12 CFR		17	12949
81	13203	329	12837	27	12949
110	13203	526	13039	51	12950
112	13203	545	12838, 12839, 13000	53	12840
113	13203	563	13167	120	13210
210	13035	PROPOSED RULES:		121	12841, 13128
319	12834	222	12965	146	12841
354	13203	13 CFR		PROPOSED RULES:	
701	13035	121	12840	19	13005
719	13204	14 CFR		121	12849
722	13035, 13036, 13132, 13168, 13205, 13303	21	13387	130	13347
728	13036	37	12941	191	13006
729	12921, 12940	39	12921, 13167	22 CFR	
811	13133, 13313	47	13313	41	13080
874	12940	71	12840, 12921, 12943, 13038, 13039, 13115, 13207, 13314, 13315, 13389, 13390, 13421, 13422.	42	13080
905	12835, 13385	73	12922, 12944, 13115, 13422	23 CFR	
908	12836, 13077, 13385	95	12944	Ch. II	13128
909	13134	97	13116, 13316	24 CFR	
910	12837, 13077, 13386	121	13078	5	13081
915	13135, 13386	151	13423	203	13000
932	13171	208	12947	220	13000
947	13171	295	12948	221	13000
958	12940	378	12948	232	13000
984	13421	PROPOSED RULES:		234	13000
993	13037	39	12924	1000	13000
1038	13037	71	12925	25 CFR	
1421	13078	73	12925	PROPOSED RULES:	
1443	12837	75	13176	221	13242
1446	13207	91	13352		
1490	12997				

26 CFR	Page
177	13443
PROPOSED RULES:	
1	12843, 12845, 13091, 13242

28 CFR	Page
PROPOSED RULES:	
5	13343

29 CFR	Page
462	13001
512	13211
PROPOSED RULES:	
40	13174
1207	13176

31 CFR	Page
520	13001

32A CFR	Page
Ch. XV	13444
FRS Reg. V	13444
PROPOSED RULES:	
Ch. X	12924, 13050

32 CFR	Page
1	13326
2	13329
3	13329
4	13330
7	13331
8	13332
11	13332
13	13336
15	13336
18	13337
855	13081
1001	13217
1002	13217
1003	13217
1004	13217
1007	13218
1010	13219
1013	13219
1017	13220
1018	13220
1030	13220
1053	13220
1054	13220

33 CFR	Page
202	13129
204	13129, 13445

36 CFR	Page
311	13313
326	13172

37 CFR	Page
1	12922

38 CFR	Page
3	13088, 13172, 13390, 13446
36	13003

39 CFR	Page
822	13172
PROPOSED RULES:	
43	13394

41 CFR	Page
5-12	13337
9-1	13046
9-2	13046
9-3	13046
22-1	13001

42 CFR	Page
22	12939
52	13445

43 CFR	Page
5430	13446
PUBLIC LAND ORDERS:	

1195 (revoked in part by PLO 4099)	12950
3152 (revoked in part by PLO 4104)	12951
3584 (revoked in part by PLO 4104)	12951
4097	12950
4098	12950
4099	12950
4100	12950
4101	12951
4102	12951
4103	12951
4104	12951

45 CFR	Page
6	12842
7	12842
8	12842
170	13220

46 CFR	Page
PROPOSED RULES:	
2	12860
24	12860
30	12860
70	12860
90	12860
110	12860
175	12860
188	12860
189	12860
190	12860
191	12860
192	12860
193	12860
194	12860
195	12860
196	12860

47 CFR	Page
1	13228
2	13230
15	13391
73	13234, 13237
91	13230
99	13230

PROPOSED RULES:	
31	13244
33	13244
73	12965, 13245, 13246

49 CFR	Page
7	13446

PROPOSED RULES:	
Ch. I	13392
95-97	13393

50 CFR	Page
32	12923, 12939, 13003, 13004, 13048, 13049, 13088, 13130, 13240, 13241, 13342, 13447.
33	12939, 13391, 13447

FEDERAL REGISTER

VOLUME 31 • NUMBER 202

Tuesday, October 18, 1966 • Washington, D.C.

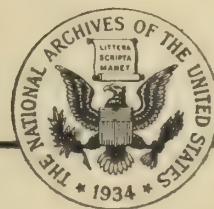
PART II

Department of Health, Education,
and Welfare

•
Social Security Administration

Federal Health Insurance for the Aged

Principles of Reimbursement for
Provider Costs and for Services
by Hospital-based Physicians



Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 -----)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

On June 28, 1966, there was published in the *FEDERAL REGISTER* (31 F.R. 8940) a notice of proposed rule making relating to the principles of reimbursement to be followed in identifying the source and amount of benefit payments under title XVIII of the Social Security Act (20 CFR Part 405) for services performed by hospital-based physicians. Interested persons were given the opportunity to submit written comments within 30 days after publication.

Written submissions were received and considered. Certain changes were made in the proposed regulations pursuant to these comments. The following changes are considered to be the most important:

(1) Section 405.480(f) has been revised to make the regulations responsive to situations where a physician is compensated by a medical school or other organization for services he furnishes to hospital patients.

(2) Section 405.483(c) has been changed to make the optional, uniform percentage method available in certain cases for the recordation and billing for services other than pathology and radiology services.

(3) A new paragraph (c) has been added to § 405.485 to make the regulations responsive to situations where the charges for hospital-based physicians' services are billed by a hospital as part of its fixed, all-inclusive rate.

Other changes of a clarifying and editorial nature have been made.

Chapter III, Title 20 is amended by adding thereto §§ 405.480 through 405.488, to read as set forth below. The addition of §§ 405.480 through 405.488 to Title 20 shall be effective upon publication in the *FEDERAL REGISTER*.

Dated: October 4, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

JOHN W. GARDNER,
Secretary of Health, Education,
and Welfare.

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

Sec.
405.480 Determining reimbursement for services performed by hospital-based physicians.

- Sec.
405.481 Noninterference by Federal Government.
405.482 Program payments for physicians' services to hospitals and to individual patients.
405.483 Physician service under Part B.
405.484 Hospital-physician agreements for physician compensation.
405.485 Schedules of charges for Part B physician's services.
405.486 Effect of physician's assumption of operating costs.
405.487 Maintenance of records and review of reasonable costs and charges.
405.488 Effect of principles.

AUTHORITY: The provisions of this Subpart D issued under secs. 1102, 1814(b), 1833(a), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 302, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.480 Determining reimbursement for services performed by hospital-based physicians.

(a) *General.* The Health Insurance for the Aged Act establishes two separate health insurance programs for the elderly. One provides hospital insurance protection to nearly all the aged financed largely through social security taxes (see Subpart A of this part). The other provides supplementary medical insurance to aged people who enroll and agree to pay monthly premiums, that are matched with amounts from Federal general revenues (see Subpart B of this part).

(b) *Sources of benefit payments.* Under the law, benefit payments for the services of physicians (except for services of residents and interns under professionally-approved training programs) furnished to individual patients are under the supplementary medical insurance program (see Subpart B of this part). However, some of the services which hospital-based physicians perform are clearly not furnished to an individual patient. To the extent that the cost of such services is borne by the hospital, reimbursement will be made to the hospital under the hospital insurance program or, in certain cases, as a hospital cost under the supplementary medical insurance program.

(c) *Applicability of principles of reimbursement.* The principles set forth in §§ 405.480-405.488 deal principally with the identification of the source and amount of benefit payments under the program for services performed by physicians (other than interns and residents) in a hospital setting under circumstances where physicians typically are salaried or receive compensation from or through the hospital under arrangements such that the physician is paid an agreed amount or the hospital remits to him an agreed portion of the collections from patients and the hospital collects the funds from patients either in its own right or as agent for the physician. These principles establish criteria for distinguishing between those services of physicians who are so compensated which are reimbursable to hospitals and such physicians' services to patients reimbursed under the supplementary medical insurance program. The principles also establish a basis for determining the reasonable charges for

physicians' services to patients in situations where, under existing arrangements between hospitals and physicians, billings to patients have not separately identified charges for physicians' services and charges for hospital services. (Where charges for physicians' services to patients have been identified separately from charges for hospital services, the customary charges for physicians' services thus will have been established and a basis afforded for determining the reasonable charges for such services. Where, for example, as is sometimes the case in the arrangements between hospital-based physicians and hospitals, especially, but not exclusively, in the arrangements between teaching hospitals and surgeons, among others, the charges for the physicians' services to the patient are separately identified, the determination of the reasonable charges for such services will take into account customary charges of such physicians so established.) Finally, the principles establish a basis for ascertaining the customary charges for a physician's services to patients in situations where, under the previously existing arrangement between the hospital and the physician, charges to patients had not been separately identified but where under a modification of the previously existing arrangement the hospital and the physician agree to bill patients separately for their respective services.

(d) *Arrangements for services of hospital-based physicians.* (1) Hospitals in the United States have in force a wide variety of arrangements for the compensation of hospital-based physicians. The Health Insurance for the Aged program does not required change in the substance of these arrangements, whether the arrangements call for compensation by way of salary, or a percentage, or in any other manner, or whether payments are received by the hospital (either in its own right or as agent for the physician) or are received directly by the physician.

(2) In many cases, a physician contracts with a hospital to provide only his own professional services, the hospital assuming the cost of supporting personnel (who, in this case, are hospital employees) and bearing the expense of furnishing space, supplies, and the like. Sometimes, however, the physician assumes some or all of these costs. In some instances, the arrangement may constitute a concession or lease, the physician employing the supporting personnel and bearing all other expenses, including a payment to the hospital for the use of space.

(e) *Types of services rendered.* Many hospitals retain physicians on a full-time basis as, for example, in the fields of pathology, physiatry, anesthesiology, and radiology, and in many instances (especially in teaching hospitals) in other fields of medical specialization as well. The functions of these physicians vary widely. In some cases they devote full time to education or administration. Conversely, some are exclusively concerned with patient care. Any one of these physicians may be engaged in a

variety of activities including teaching, research, administration, supervision of professional or technical personnel, service on hospital committees, and other hospital-wide activities, as well as direct personal health services to individual patients. Sometimes the hospital's arrangement is made with a group of physicians who assume joint responsibility for discharging agreed-upon duties.

(f) *Provisions for remuneration.* The compensation to the physician generally is either on a salary basis, a percent of the gross income received from the patients for the particular services (usually a group of related services—all those performed in a radiology department, for example), or a percent of the net income (gross income less related expenses) received from patients, or some modification or combination of these (such as percentage with a guaranteed minimum). Generally the hospital collects the charges for the services of these physicians and their supporting personnel, acting in some cases in its own right, in some as agent for the physician. Where the arrangement between the hospital and the physician is that the compensation to the physician is on a salary or percentage of income basis, and the parties to the arrangement have thus agreed between themselves on the amount or the measure of compensation to be received by the physician for his services, the sum of the payments, with respect to the physician's services, under both the hospital insurance program and the supplementary medical insurance program (including deductible and co-insurance amounts payable by beneficiaries) should approximate that portion of the agreed upon compensation which is attributable to covered services. Some hospitals, moreover, have arrangements with medical schools or other organizations under which physicians receive compensation from such organizations for services the physicians provide to hospital patients. The remuneration of physicians from such sources may be included in determining reasonable charges for physicians' services in accordance with § 405.485(a).

(g) *Identification of types of services for purposes of program payments.* However the billing is handled and whatever the method of distributing the proceeds between the hospital and the physician, it has been the almost universal practice to make a single charge to the patient for each of these services. In order to make payments under title XVIII of the Act, however, it is necessary, where billing is by or through the hospital, to distinguish between the medical and surgical services rendered by a physician to a patient, on the one hand, and the hospital services (including physicians' services for the hospital), on the other. This is required because the payments will come from different trust funds, the payments will usually be handled by different intermediaries, and the methods of determining the two payments will differ materially. Thus, there are two sources of payment under the health insurance program for services

furnished to beneficiaries covered under title XVIII of the Act. The hospital and the physician may, however, if they wish, pool the two payments where received by the hospital in its own right or as agent for the physician and may distribute the proceeds in accordance with their pre-existing arrangement, or in any other way on which they may agree.

§ 405.481 Noninterference by Federal Government.

It is not the function of the health insurance programs established under title XVIII of the Act to determine the arrangement which a hospital and a hospital-based physician may enter into for the compensation of the physician. The Secretary will not specify or influence the provisions of the contract or arrangement between hospitals and hospital-based physicians. The hospital and physician can continue to negotiate all aspects of their arrangement to their mutual satisfaction. The principles in this Subpart D are designed to give recognition to the arrangement entered into by a hospital and a physician by establishing criteria for determining, within the framework of the arrangement, amounts payable under the hospital insurance program and amounts payable under the supplementary medical insurance program to the end that the total payments with respect to the physicians' services to the hospital and for the patient are related as closely as is possible to the level of compensation the parties have agreed upon.

§ 405.482 Program payments for physicians' services to hospitals and to individual patients.

(a) *Principle.* Whatever the arrangement may be between hospital and physician, the law requires that medical and surgical services rendered to a covered individual by a hospital-based physician be reimbursed only under the supplementary medical insurance program—Part B of title XVIII of the Act. The costs to a hospital for services furnished in a hospital by a physician which are not professional services to a patient are included in the reasonable cost reimbursement to the hospital.

(b) *Physicians' services to patients.* Title XVIII of the Act specifically excludes from hospital cost reimbursement under Part A the cost of medical or surgical services provided by a physician, resident, or intern except for those services rendered by interns or residents in approved teaching programs. Therefore, compensation paid by the hospital to the hospital-based physician cannot be included in hospital reimbursable cost to the extent that it represents compensation for physicians' services described in § 405.483. Physicians' services, as defined in section 1861(q) of the Act, means "professional services performed by physicians, including surgery, consultation, and home, office and institutional calls * * *."

§ 405.483 Physician service under Part B.

(a) *Principle.* A professional service rendered by a physician to a hospital

patient that can be reimbursed only under the supplementary medical insurance program (Part B of title XVIII of the Act), as distinguished from his professional services which are of benefit to patients generally, means an identifiable service requiring performance by a physician in person, which contributes to the diagnosis of the condition of the patient with respect to whom the charge under the supplementary medical insurance program is to be recognized, or contributes to the treatment of such patient.

(b) *Recordation and billing of charges on item-by-item basis.* The component of the hospital-based physician's services for which reimbursement must be made under Part B of title XVIII of the Act, the supplementary medical insurance program, is only that part of his professional services with respect to which he is personally involved in the provision of services to individual patients as distinct from other professional services he may render in the hospital setting, such as teaching, research, performance of autopsies, committee work, quality control activities and administration. Compliance with this principle for various types of services rendered by hospital-based physicians normally will require (1) determination with respect to each separate service or type of service rendered, of what part may properly be charged under the supplementary medical insurance program, (2) compilation of the results of these determinations in the form of a schedule either of amounts or percentages applicable to separate services or types of services, and (3) recordation of such charges on an item-by-item basis for each service rendered to a patient.

(c) *Optional method of recordation and billing on a uniform-percentage basis.* (1) Application of the item-by-item method may present special problems in the case of a particular hospital department. This is illustrated by pathology laboratory services and radiology services, which involve a high volume of individual procedures, variation in the extent of involvement in services on the part of technicians and others and on the part of the physician, and difficulty in distinguishing between professional activities which are of general benefit to all patients and those performed directly for an identifiable patient. Where the physician participates personally in some procedures and not in others by virtue of quality control activities or because his professional concern is directed to the result in a given case, it may be difficult to ascertain the presence or absence of a specific quantum of professional activity in an individual case. Moreover, the assigning of the appropriate amount of "professional component" to a particular procedure or test for a particular patient receiving the benefit of the physician's service, as defined in paragraph (a) of this section, may not only result in inequality of charges among patients but also may present an undue task of recordation. Administratively costly and impractical requirements could ensue in collecting

the data needed for presentation of bills involving minimal charges on an item-by-item basis to individual patients. Under these conditions, it may not be administratively practical for the physician, the hospital and the Part B carrier to keep track of appropriate professional charges on an item-by-item and patient-by-patient basis.

(2) With respect to pathology services, for example, an individual entitled to Part B benefits under title XVIII of the Social Security Act (in connection with a hospital stay, or in connection with a series of outpatient diagnostic tests) will, on the average, have multiple laboratory procedures which in the aggregate permit the assumption that at some point with respect to at least some of the laboratory services there has been "an identifiable service requiring performance by a physician in person."

(3) In order to facilitate administration, provide a better cost control, and to assure a practical basis for handling charges to individual patients, an optional method of recordation and billing may be elected upon agreement by the physician and the hospital in appropriate cases. Under this optional method, the component of the physician's services to patients would be determined for all medicare patients through application of a uniform percentage to the total charges for such services in a particular department, with the percentage used being designed to produce in the aggregate a measurement of the professional component attributable to patient services which would not be significantly different in amount from that produced by the method of itemization of detailed measurement of such components reflecting variation in the factor of personal participation of the physician in each individual procedure for each individual patient. The percentage factor will be considered reasonable if it can be shown that it does not result from attributing as medical services to patients the costs of teaching, research, administration, and other services that are clearly reimbursable under the hospital insurance program.

(4) Election to use the optional method does not alter the applicability of the principles as the basic criterion for distinguishing professional services chargeable under the supplementary medical insurance program from those to be included in the hospital's reimbursable costs. The optional method is not available where it would result in a charge to medicare patients for services which are not ordinarily furnished by the physicians of the department of the hospital to hospital patients utilizing the services of that department.

§ 405.484 Hospital-physician agreements for physician compensation.

(a) *Principle.* For purposes of reimbursement, intermediaries and carriers will respect, within reasonable limits, an agreement between a hospital and a physician concerning the portion of the physician's compensation which, if he is engaged in the care of individual pa-

tients, is to be attributed to such care, and the portion which is to be attributed to service to the institution. The procedure hospitals and physicians are to follow in obtaining review of their agreement by intermediaries is described in § 405.487. The amount attributed to the care of patients will, to the extent of services rendered to supplementary medical insurance beneficiaries (identified in accordance with § 405.483), be recognized as proper charges to such patients, reimbursable under the supplementary medical insurance program. The amount attributed to service to the institution will be recognized as a cost which is reimbursable to the hospital.

(b) *Scope and effect of agreement.* Typically, contracts between hospital-based physicians and hospitals provide for the payment of an aggregate amount (in the form of a salary, a percentage arrangement, or on some other basis) to the physician for all of his services within the institution without a service-by-service itemization. Where the physician is on salary and normally spends full time in administration of departmental affairs, the full salary may be considered a reimbursable hospital cost item and medicare will bear its proportionate share of such cost. Where a salaried physician devotes only part of his time to institutional affairs and also renders an appreciable volume of personal patient care, only part of his salary may be attributed to hospital costs since the law requires that "medical or surgical services" must be excluded in determining a hospital's reimbursable costs.

(c) *Allocation of compensation by parties.* An agreement by the parties that a certain portion of the physician's compensation will be excluded from hospital costs and will be charged to those patients who are identified in accordance with § 405.483 will be respected unless, because of the small portion of time the physician devotes to the personal care of patients, such an agreement could lead to unreasonable charges to such patients.

§ 405.485 Schedules of charges for Part B physician's services.

(a) *Principle.* Once the portion of a physician's compensation attributable to professional services to supplementary medical insurance beneficiaries has been determined, a schedule of charges can be developed. To be deemed reasonable the charges should be designed to yield in the aggregate, as nearly as may be possible, an amount equal to such portion of his compensation. As among the patients to be charged (identified in accordance with § 405.483), the allocation of charges may be based on a schedule of relative values, on a uniform percentage of the charges made by the hospital or the physician to other patients for both professional and supporting components of the services, or on another method approved by the carrier as equitable.

(b) *Development of schedules.* Since the present almost universal practice does not separate the professional services to individual patients from the other components of hospital-based physicians'

services for purposes of determining the manner or amount of his compensation, it is necessary to devise a method for making this separation. The approach set forth in this section starts with the assumption that the present level of compensation of hospital-based physicians is reasonable. The assumption, of course, is open to challenge in any given case, and the carriers must deal with such challenges on the basis of prevailing rates of compensation in comparable institutions. Over a period of time the schedules of charges will be subject to revision in the light of changes in the prevailing levels of compensation.

(c) *Development of charges on per diem basis.* Some relatively few hospitals in which the hospital-based physicians are compensated by salary or other fixed amount of remuneration do not charge on a fee-for-service basis for each service provided a patient, but charge a fixed, all-inclusive rate, computed on a daily or other time basis or a per-visit basis, applicable uniformly to each patient without regard to the quantum of service required by the patient and without distinction between hospital services and physicians' services. Psychiatric hospitals, tuberculosis hospitals, and some governmental general hospitals commonly follow such a charge practice. Other hospitals use the fixed charge method for all services or only in connection with the services of certain of their departments while charging on a fee-for-service basis for the various services actually furnished to the patients in other departments. Where the billing by the hospital is on a per diem or other time period basis or on a per-visit basis, charges for the professional services of hospital-based physicians to patients may be computed on such a basis for program purposes. Under this method, after the apportionment of the physicians' compensation has been made in accordance with § 405.484, a per diem, per visit, or other unit charge can be developed, designed to yield in the aggregate, as nearly as may be possible, an amount equal to the physicians' compensation attributable to professional services to patients.

§ 405.486 Effect of physician's assumption of operating costs.

(a) *Principle.* Where a hospital-based physician himself bears some or all of the costs of operation of a hospital department and bills his patients directly rather than through the hospital, the reasonable charges for his services recognized under the supplementary medical insurance program will reflect the costs so borne by him. Where all the costs are to be borne by the physician, charges heretofore established for such services by agreement between the physician and the hospital may be acceptable as reasonable charges for purposes of the supplementary medical insurance program, but they will require adjustment either upward or downward if the hospital has been bearing a cost significantly greater or less than its share of the proceeds of such charges.

(b) *Billing for physician services.* (1) The objective in determining reasonable charges where the physician bills patients directly is the same as that expressed in § 405.485(a); to bring about as little change as possible (in the normal case) in the compensation the physician receives for his services in the hospital. Where the physician bills the patient directly, costs of operating the hospital department which are borne by the physician will be reflected in his reasonable charges which are compensable under the supplementary medical insurance program; the hospital will receive reimbursement through the hospital insurance program for those costs, if any, which it incurs. Where, however, a hospital initially pays some or all of the operating expenses of a hospital department (e.g., pays the salaries of nonprofessional personnel and purchases supplies and equipment), even though subsequently those items and services for which it pays the operating expenses are furnished for the use of the physician in return for an agreed upon payment by the physician to the hospital, such operating costs are reimbursable under the hospital insurance program as hospital costs, and are not to be reflected in the reasonable charges of the physician. Any payments received by the hospital under such an arrangement shall be treated as a reduction of allowable costs of the hospital reimbursable through the hospital insurance program.

(2) Where a hospital has been receiving, as its portion of the receipts for such services, significantly more or less than the costs the hospital has incurred in the provision of the services, this excess or shortage should not be transferred from the hospital to the physician merely because he decides to bill his patients directly. Since payment to the hospital is made on the basis of its reasonable costs for all hospital services, the transfer of such excess or shortage to the physician necessarily would alter the total cost of patient hospital and medical care—a result which the legislation was not intended to bring about. The reasonable charges of a physician who enters into a lease or similar arrangement with a hospital under which the physician assumes the costs of operating the department and bills the patients directly would be based upon the remuneration he received for his services immediately prior to the leasing arrangement plus his reasonable costs of operation, taking into account the hospital's cost experience in providing such services. Reasonable charges, so determined, would be subject to appropriate future adjustment to take into account changing economic factors. Reference back to the remuneration formerly received by the physician from the hospital as a factor in determining his reasonable charges under the lease or similar arrangement is required to give effect to the provisions of the statute which direct that consideration be given, in determining reasonable charges, to the customary charges generally made by the physician for similar services. Where no pattern of customary charges has

been established for the physician's professional services to patients other than the compensation he received from the hospital for his services, such compensation would serve as the basis for establishing the customary charge.

(3) Since prevailing charges of physicians in the locality for similar services also are to be considered in determining reasonable charges of a physician, the charges of nonhospital laboratories, clinics, and the like for similar services would be taken into account in determining whether or not the customary charges, established in accordance with §§ 405.480 through 405.488, are within the range of prevailing charges. The situations, however, are frequently not comparable because of the large volume, and consequent low unit cost, of a laboratory that performs all of the services required in a hospital. Although charges prevailing in nonhospital laboratories are to be taken into account, they will not be guides for determining reasonable charges in situations where they would produce an unreasonable result.

(4) Although the law excludes physicians' services from the definition of hospital services, it further provides that services of nonphysicians aiding physicians are not deemed to be the services of a physician and are covered under the hospital insurance plan whether they are furnished by the hospital or by a physician under an arrangement with the hospital which calls for billing for such services to be by or through the hospital exclusively. Where, therefore, billing for services of a hospital department, including the services of the physician in such department, is by or through the hospital, the charges for the physician's services to the patient and for the nonphysician components of the services furnished by the physician under his arrangement with the hospital shall be determined as provided in subparagraph (1) of this paragraph, and may be included in a single bill which identifies separately the amounts billed for the respective components of the services. The amount of the physician's charge attributable to the nonphysician components of the service represents a cost to the hospital which is reimbursable to the hospital. The amount attributable to the physician's services to the patient is the physician's charge compensable under the supplementary medical insurance program.

(5) Also, tangentially related to the issue of billing for services of hospital-based physicians is the question of billing for diagnostic or therapeutic items or services not furnished in a hospital department, but under arrangements made by the hospital with outside laboratories for such items or services. Many hospitals, especially smaller hospitals, do not maintain full laboratory facilities. Such institutions frequently enter into arrangements with independent outside laboratories for the performance of diagnostic procedures, as, for example, in the field of pathology. In such instances, typically, the laboratory bills the hospital for the services performed, and the hospital, under present practices, bills the

patient. Services performed under such an arrangement would be included as inpatient hospital services, and the cost thereof—that is, the cost the hospital incurs in paying the laboratory's charges for the services—would, if reasonable, be reimbursable to the hospital.

§ 405.487 Maintenance of records and review of reasonable costs and charges.

(a) *Principle.* Hospitals and hospital-based physicians will be required to keep records and furnish information to substantiate the agreements they enter into with respect to the allocation of the compensation of the physicians.

(b) *Rationale to support agreements for allocation of compensation.* (1) Where the agreement between the hospital and the physician reasonably allocates the physician's compensation between services covered as costs to be reimbursed to the hospital and those covered under the supplementary medical insurance program on a charges basis, it will generally be accepted if the parties concerned furnish an acceptable rationale for the allocation.

(2) Such allocation (made in accordance with § 405.484) should be capable of substantiation by the hospital and the physician. The parties' determination and supporting information should be reviewed by the hospital insurance intermediary and the carrier. The intermediary will be responsible for the approval of the portion of the physician's compensation which has been determined by the parties to be a cost which is reimbursable to the hospital and the carrier will be responsible for the approval or disapproval of the parties' reasonable charge determination.

(3) If the parties do not come to an agreement, or if either the hospital insurance intermediary or the carrier believes that the rationale does not justify the parties' allocation between reimbursable hospital costs and medical insurance charges, it will notify the other so that coordinated action, if necessary, can be undertaken. The fiscal intermediary responsible for hospital cost reimbursement and the carrier responsible for payments under the supplementary medical insurance program will resolve the issue by negotiation if possible, otherwise by time studies or other suitable methods.

(4) Under these principles, it is recognized that a physician who serves two or more hospitals may under his agreements have significantly different allocations and consequently significantly different charges for the same service in the different hospitals served by him.

§ 405.488 Effect of principles.

(a) Nothing in the foregoing principles restricts the right of the physician (in the absence of his acceptance of an assignment by the patient) to determine the amount of his charge to the patient for his services, or restricts the hospital and the physician in providing for such disposition of the payments received from the health insurance programs and the beneficiaries under the programs as they may agree upon.

RULES AND REGULATIONS

(b) The total costs of hospital and medical services to inpatients and outpatients prior to the inauguration of this program should not be increased solely by reason of the requirement for division of payments for the services of hospital-based physicians between the hospital insurance program and the supplementary medical insurance program.

(c) The foregoing principles will, to the extent they are applicable, also govern reimbursement in cases where physicians have a financial arrangement of the kind referred to in § 405.480(c) with an extended care facility or home health agency and where a hospital-based physician provides services to the hospital's outpatients.

[F.R. Doc. 66-11271; Filed, Oct. 14, 1966;
8:48 a.m.]

FEDERAL REGISTER

VOLUME 31 • NUMBER 203

Wednesday, October 19, 1966 • Washington, D.C.

Pages 13461-13516

(Part II begins on page 13501)

Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Agriculture Department
Civil Service Commission
Consumer and Marketing Service
Employment Security Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Wage and Hour Division

Detailed list of Contents appears inside.



Volume 79

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[89th Cong., 1st Sess.]

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Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

AGRICULTURAL RESEARCH SERVICE		
Rules and Regulations		
Brucellosis; public stockyards.....	13465	
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE		
Rules and Regulations		
Cotton, 1967; marketing quota referendum:.....		
Extra long staple.....	13465	
Upland	13465	
Wheat marketing certificates.....	13502	
AGRICULTURE DEPARTMENT		
<i>See also</i> Agricultural Research Service; Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.		
Notices		
Mississippi and Michigan; designation and extension of areas for emergency loans.....	13483	
CIVIL SERVICE COMMISSION		
Rules and Regulations		
General Services Administration; excepted service.....	13465	
CONSUMER AND MARKETING SERVICE		
Proposed Rule Making		
Cotton research and promotion; procedure for conduct of referendum	13478	
Milk in Mississippi marketing area; recommended decision....	13476	
EMPLOYMENT SECURITY BUREAU		
Rules and Regulations		
National system of public employment offices; foreign agricultural labor.....	13466	
FEDERAL AVIATION AGENCY		
Rules and Regulations		
Control zone; alteration.....	13466	
Proposed Rule Making		
Positive control area; designation..	13481	
FEDERAL COMMUNICATIONS COMMISSION		
Rules and Regulations		
Organization; action on requests for extension of time.....	13473	
Table of assignments, television broadcast stations; Fayetteville, Ark.....	13474	
Proposed Rule Making		
Table of assignments, TV broadcast stations; Mount Clemens, Mich.....	13481	
Notices		
Taxicab Radio Service; inquiry; extension of time for comments.....	13487	
<i>Hearings, etc.:</i>		
Adirondack Television Corp. and Northeast TV Cablevision Corp.....	13484	
American Homes Stations, Inc. (WVCF).....	13485	
Audubon Broadcasting Corp. et al.....	13485	
California Water and Telephone Co. (2 documents).....	13485, 13486	
Chicagoland TV Co. et al.....	13486	
Edgefield-Saluda Radio Co. (WJES) and WQIZ, Inc. (WQIZ).....	13486	
Lynn Mountain Broadcasting and WBEJ, Inc.....	13487	
Star Stations of Indiana, Inc....	13487	
FEDERAL MARITIME COMMISSION		
Notices		
<i>Agreements filed for approval:</i>		
Seatrains Lines, Inc., and Moore-McCormack Lines, Inc.....	13487	
United States flag ocean carriers.....	13487	
FEDERAL POWER COMMISSION		
Notices		
<i>Hearings, etc.:</i>		
Continental Oil Co. et al.....	13488	
Houston Natural Gas Production Co. et al.....	13489	
International Paper Co.....	13490	
FEDERAL RESERVE SYSTEM		
Notices		
<i>Bank mergers:</i>		
Brazil Trust Co.....	13490	
Upper Main Line Bank.....	13491	
FISH AND WILDLIFE SERVICE		
Rules and Regulations		
Hunting and fishing at Flint Hills National Wildlife Refuge, Kansas	13475	
FOOD AND DRUG ADMINISTRATION		
Rules and Regulations		
<i>Food additives:</i>		
Calcium stearyl-2-lactylate.....	13474	
Surface lubricants used in manufacture of metallic articles	13475	
Zinc carbonate.....	13474	
Notices		
<i>Abbott Laboratories; opportunity for hearing.....</i>		13483
<i>Food additives; filing of petitions:</i>		
B. F. Goodrich Co.....	13484	
Dow Chemical Co. (2 documents)	13484	
Hawaiian Coconut Products, Inc.; withdrawal.....	13484	
Hopcon, Inc.....	13484	
Pacific Resins & Chemicals, Inc.	13484	
HEALTH, EDUCATION, AND WELFARE DEPARTMENT		
<i>See</i> Food and Drug Administration.		
INTERIOR DEPARTMENT		
<i>See</i> Fish and Wildlife Service; Land Management Bureau.		
INTERNAL REVENUE SERVICE		
Rules and Regulations		
United Kingdom residents; withholding of U.S. tax.....	13466	
INTERSTATE COMMERCE COMMISSION		
Notices		
<i>Fourth section applications for relief.....</i>		13499
<i>Motor carrier:</i>		
Alternate route deviation notices	13494	
Applications and certain other proceedings (2 documents) ..	13495, 13497	
Intrastate applications.....	13498	
<i>Railroad boxcar distribution; expiration dates; Chicago, Burlington & Quincy Railroad Co. and:</i>		
Erie-Lackawanna Railroad Co..	13498	
Kansas City Southern Railway Co.....	13498	
Louisville and Nashville Railroad Co.....	13498	
Pennsylvania Railroad Co....	13498	
LABOR DEPARTMENT		
<i>See</i> Employment Security Bureau; Wage and Hour Division.		
LAND MANAGEMENT BUREAU		
Rules and Regulations		
Montana; correction of public land order.....	13473	
Notices		
Nevada; termination of proposed classification of public lands....	13483	
SECURITIES AND EXCHANGE COMMISSION		
Notices		
<i>Hearings, etc.:</i>		
American Gas Co.....	13491	
Quinby & Co, Inc.....	13491	

(Continued on next page)

TREASURY DEPARTMENT*See Internal Revenue Service.***WAGE AND HOUR DIVISION****Notices**

Certificates authorizing employment:

Full-time students working outside school hours in retail or service establishments at special minimum rates..... 13492

Learners at special minimum rates..... 13493

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

5 CFR	14 CFR	43 CFR
213..... 13465	71..... 13466	PUBLIC LAND ORDER:
	PROPOSED RULES:	4094 (corrected)..... 13473
7 CFR	71..... 13481	47 CFR
722 (2 documents)..... 13465	20 CFR	0..... 13473
777..... 13502	602..... 13466	73..... 13474
PROPOSED RULES:	21 CFR	PROPOSED RULES:
1103..... 13476	121 (3 documents)..... 13474, 13475	73..... 13481
1205..... 13478	26 CFR	50 CFR
9 CFR	507..... 13466	32..... 13475
78..... 13465		33..... 13475

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the provisions of the Commissioners of the Defense Materials Service and the Utilization and Disposal Service are no longer expected under Schedule C, and that the position of Commissioner, Property Management and Disposal Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (e) and (g) of § 213.3337 are revoked and paragraph (h) is added to that section as set out below.

§ 213.3337 General Services Administration.

* * * * *

(e) [Revoked]

* * * * *

(g) [Revoked]

(h) *Property Management and Disposal Service.* (1) Commissioner.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218).

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-11434; Filed, Oct. 18, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM

Basis and purpose. Section 722.472 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section fixes the period for holding the national marketing quota referendum under section 343 of the act.

Notice that the Secretary was preparing to fix the period for holding the referendum was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R.

9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice. It will serve no purpose to delay the effective date of this section and accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.472 shall be effective upon publication of this document in the FEDERAL REGISTER.

§ 722.472 National marketing quota referendum for the 1967 crop of upland cotton.

The national marketing quota referendum for the 1967 crop of upland cotton shall be held during the referendum period December 5 to 9, 1966, each inclusive, by mail ballot in accordance with Part 717 of this chapter (§ 717.17, 31 F.R. 12011). It is hereby determined that such referendum shall not be conducted by voting at polling places.

(Secs. 343, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1343, 1375)

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11352; Filed, Oct. 18, 1966; 8:47 a.m.]

PART 722—COTTON

Subpart—1967 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM

Basis and purpose. Section 722.556 is issued pursuant to the Agricultural Adjustment Act of 1938 as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section fixes the period for holding the national marketing quota referendum under section 343 of the act.

Notice that the Secretary was preparing to fix the period for holding the referendum was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice. It will serve no purpose to delay the effective date of this section and accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest

and § 722.556 shall be effective upon publication of this document in the FEDERAL REGISTER.

§ 722.556 National marketing quota referendum for the 1967 crop of extra long staple cotton.

The national marketing quota referendum for the 1967 crop of extra long staple cotton shall be held during the referendum period December 5 to 9, 1966, each inclusive, by mail ballot in accordance with Part 717 of this chapter (§ 717.17, 31 F.R. 12011). It is hereby determined that such referendum shall not be conducted by voting at polling places.

(Secs. 343, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1343, 1375).

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11351; Filed, Oct. 18, 1966; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Change in List of Public Stockyards

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.14(a) of Part 78, Title 9, Code of Federal Regulations, is hereby amended by adding to the list of public stockyards set forth herein, the name and address "Burlington Producers Livestock Market—Burlington" under "Colorado" in alphabetical order.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The foregoing amendment adds the name of the Burlington Producers Livestock Market, Burlington, Colo., to the list of public stockyards set forth in 9 CFR 78.14(a), as such stockyard is now

operating as a public stockyard where Federal inspection is maintained.

Inasmuch as notice and other public procedure regarding the amendment would not make additional information available to the Department and since interested persons should be informed promptly of such change, it is found upon good cause under the provisions in 5 U.S.C., § 553, that notice and other public procedure regarding the amendment are impracticable and contrary to the public interest, and the amendment should be made effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 12th day of October 1966.

G. H. WISE,
Acting Director, Animal Health
Division, Agricultural Re-
search Service.

[F.R. Doc. 66-11334; Filed, Oct. 18, 1966;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-CE-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the North Platte, Nebr., control zone.

The North Platte, Nebr., control zone is presently designated as that airspace within a 5-mile radius of Lee Bird Field Municipal Airport, North Platte, Nebr. (latitude 41°07'41" N., longitude 100°41'58" W.); and within 2 miles each side of the North Platte VOR 028° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 184° bearing from the North Platte RBN, extending from the 5-mile radius zone to 8 miles S of the RBN.

The ADF approach procedures for Lee Bird Field Municipal Airport have recently been modified. Therefore, the present control zone does not adequately protect these modified procedures. The modification contained herein will provide controlled airspace protection for aircraft executing the prescribed ADF approach procedures at Lee Bird Field Municipal Airport during descent below 1,000 feet above the surface.

Since this amendment is very minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.171 (31 F.R. 2065), the North Platte, Nebr., control zone is amended to read:

NORTH PLATTE, NEBR.

Within a 5-mile radius of the Lee Bird Field Municipal Airport, North Platte, Nebr.

(latitude 41°07'41" N., longitude 100°41'58" W.); and within 2 miles each side of the North Platte VOR 028° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 186° bearing from the North Platte RBN, extending from the 5-mile radius zone to 8 miles S of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1343)

Issued in Kansas City, Mo., on October 4, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-11322; Filed, Oct. 18, 1966;
8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF U.S. EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Foreign Agricultural Labor

Pursuant to regulations issued by the Commissioner of Immigration and Naturalization (8 CFR 214.2(h); 29 F.R. 11959) implementing provisions of the Immigration and Nationality Act (8 U.S.C. 1184(c)), I hereby amend footnote 2 of Schedule B of 20 CFR 602.10(d) by changing the date appearing therein from September 1, 1965, to September 1, 1966.

Because this section sets forth general statements of agency procedure and policy, notice of proposed rule making, public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003). I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

As amended, this footnote reads as follows:

§ 602.10 Certification and use of temporary foreign labor for agricultural and logging industry employment.

* * * * *

(d) * * *

Effective September 1, 1966, and for 1 year thereafter the wage rate in Florida for pickers in the citrus industry shall be a piece rate designed to produce an average wage of not less than \$1.50 per hour in lieu of the \$1.15 per hour minimum rate provided above. The average wage shall be computed by dividing the total amount paid by an employer to all of his employees engaged in such picking during each biweekly period by the total number of hours worked by all such employees during such biweekly period. Whenever the average so computed is less than \$1.50 the wages paid to each employee so engaged will be supplemented by the percentage required to bring such average up to \$1.50. (8 CFR 214.2(h))

Signed at Washington, D.C., this 11th day of October 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-11330; Filed, Oct. 18, 1966;
8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER G—REGULATIONS UNDER TAX CONVENTIONS

[T.D. 6898]

PART 507—UNITED KINGDOM

Exemption From, or Reduction in Rate of, Withholding of U.S. Tax at Source on Income Derived by Residents of United Kingdom and Certain Rules Applicable to U.S. Withholding Agents

In order to provide rules for the exemption from, or reduction in rate of, withholding of U.S. tax, and release of excess tax withheld, on income derived by residents of the United Kingdom, and for additional withholding of United Kingdom tax by certain U.S. withholding agents, the following regulations are prescribed. These amendments shall be effective for taxable years beginning after December 31, 1965, or with respect to dividends paid on or after January 1, 1966.

PARAGRAPH 1. The table of contents in Part 507 is amended—

(a) By revising the heading immediately following "Subpart—Withholding of Tax" to read "Taxable Years Beginning After December 31, 1944, and Before January 1, 1966, or Dividends Paid Before January 1, 1966"; and

(b) By inserting after "507.12 Canadian withholding agents" the following new item:

Sec.

507.13 Effective date.

(c) By inserting after "507.13 Effective date" (as added by subparagraph (b) of this paragraph) the following new index:

TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1965, OR DIVIDENDS PAID ON OR AFTER JANUARY 1, 1966

Sec.

507.21 Text of convention and definitions.

507.22 Dividends.

507.23 Additional withholding of tax by persons not owners of income.

507.24 Interest.

507.25 Royalties.

507.26 Private pensions and life annuities.

507.27 Other income covered by convention.

507.28 Beneficiaries of domestic estates or trusts.

507.29 Release of excess tax withheld at source.

507.30 Refund of excess tax paid to Director, Office of International Operations.

507.31 Information furnished in ordinary course.

507.32 Return required when liability not satisfied by withholding.

507.33 Effective date.

PAR. 2. Part 507 is amended—

(a) By revising the phrase immediately following "Subpart—Withholding of Tax" to read "Taxable Years Beginning After December 31, 1944, and Before January 1, 1966, or Dividends Paid Before January 1, 1966"; and

(b) By inserting after § 507.12 the following new section:

§ 507.13 Effective date.

The provisions of §§ 507.1 through 507.12 shall be effective with respect to taxable years of residents of the United Kingdom entitled to the benefits of such sections beginning after December 31, 1944, and before January 1, 1966, or dividends paid before January 1, 1966.

(c) By inserting after § 507.13 (as added by subparagraph (a) of this paragraph) the following heading and new sections:

TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1965, OR DIVIDENDS PAID ON OR AFTER JANUARY 1, 1966

§ 507.21 Text of convention and definitions.

(a) *Text of convention.* The income tax convention between the United States and the United Kingdom of Great Britain and Northern Ireland, signed April 16, 1945, as amended by the protocols signed June 6, 1946, May 25, 1954, August 19, 1957, and March 17, 1966, referred to in §§ 507.21 to 507.33 as the convention, provides in part as follows, effective for taxable years beginning after December 31, 1965, or with respect to dividends paid on or after January 1, 1966:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States of America: The Federal income taxes, including surtaxes (hereinafter referred to as "United States tax");

(b) In the case of the United Kingdom of Great Britain and Northern Ireland: The income tax (including surtax), the corporation tax, and the capital gains tax (hereinafter referred to as "United Kingdom tax").

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Party subsequent to the date of signature of the present Convention or by the government of any territory to which the present Convention is extended under Article XXII.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "United Kingdom" means Great Britain and Northern Ireland, excluding the Channel Islands and the Isle of Man.

(c) The terms "territory of one of the Contracting Parties" and "territory of the other Contracting Party" mean the United States or the United Kingdom as the context requires.

(d) The term "United States corporation" means a corporation, association or other like entity created or organized in or under the laws of the United States.

(e) The term "United Kingdom corporation" means any kind of juridical person created under the laws of the United Kingdom.

(f) The terms "corporation of one Contracting Party" and "corporation of the other Contracting Party" mean a United States corporation or a United Kingdom corporation as the context requires.

(g) The term "resident of the United Kingdom" means any person (other than a citizen of the United States or a United States corporation) who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident in the United States for the purposes of United States tax. A corporation is to be regarded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom.

(h) The term "resident of the United States" means any individual who is resident in the United States for the purposes of United States tax and not resident in the United Kingdom for the purposes of United Kingdom tax, and any United States corporation and any partnership created or organized in or under the laws of the United States, being a corporation or partnership which is not resident in the United Kingdom for the purposes of United Kingdom tax.

(i) The term "United Kingdom enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom.

(j) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United States.

(k) The terms "enterprise of one of the Contracting Parties" and "enterprise of the other Contracting Party" mean a United States enterprise or a United Kingdom enterprise, as the context requires.

(l) The term "permanent establishment" when used with respect to an enterprise of one of the Contracting Parties means a branch, management, factory or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the Contracting Parties shall not be deemed to have a permanent establishment in the territory of the other Contracting Party merely because it carries on business dealings in the territory of such other Contracting Party through a *bona fide* commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the Contracting Parties maintains in the territory of the other Contracting Party a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one Contracting Party has a subsidiary corporation which is a corporation of the other Contracting Party or which is engaged in trade or business in the territory of such other Contracting Party (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(2) For the purposes of Articles VI, VII, VIII, IX and XIV a resident of the United Kingdom shall not be deemed to be engaged in trade or business in the United States in any taxable year unless such resident has a permanent establishment situated therein in such taxable year. The same principle shall be applied, *mutatis mutandis*, by the United Kingdom in the case of a resident of the United States.

(3) In the application of the provisions of the present Convention by one of the Contracting Parties any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Party relating to the taxes which are the subject of the present Convention.

(4) Where under Articles VI, VII and VIII of the present Convention income from a source in one of the territories is relieved from tax in that territory, and, under the law in force in the other territory an individual, in respect of the said income, is subject to tax by reference to the amount thereof which is remitted to or received in that other territory and not by reference to the full amount thereof, then the relief to be allowed under those Articles of the present Convention in the first-mentioned territory shall apply only to so much of the income as is remitted to or received in the other territory.

* * * * *

ARTICLE VI

(1) The rate of United States tax on dividends beneficially owned by a resident of the United Kingdom which are derived by such a resident from a United States corporation, or are otherwise treated as being from sources within the United States shall not exceed 15 per cent of the gross amount of the dividends.

(2) The rate of United Kingdom tax on dividends beneficially owned by a resident of the United States which are derived by such a resident from a corporation which is a resident of the United Kingdom, or are otherwise treated as being from sources within the United Kingdom, shall not exceed 15 per cent of the gross amount of the dividends.

(3) Subject to the provisions of paragraph (5) of Article VII and of paragraph (4) of Article VIII of the present Convention:

(a) The term "dividends" in the case of the United Kingdom includes any item which under the law of the United Kingdom is treated as a distribution of a company except that this term does not include any redeemable share capital or security issued by a corporation in respect of shares in the corporation otherwise than wholly for new consideration, or such part of any redeemable share capital or security so issued as is not properly referable to new consideration.

(b) The term "dividends" in the case of the United States includes any item which under the law of the United States is treated as a distribution out of earnings and profits.

(4) The provisions of paragraph (1) of this Article shall not apply if the recipient of the dividends, being a resident of the United Kingdom and not a corporation, has in the United States a permanent establishment and the holding giving rise to the dividends is effectively connected with such permanent establishment.

(5) The provisions of paragraph (2) of this Article shall not apply if the recipient of the dividends, being a resident of the United States, has in the United Kingdom a permanent establishment and the holding giving rise to the dividends is effectively connected with a trade carried on through such permanent establishment and, in the case of a corporation, the trade is such that a profit on the sale of the holding would be a trading receipt.

(6) Either of the Contracting Parties may terminate this Article by giving written notice of termination to the other Contracting Party, through diplomatic channels, on or before the thirtieth day of June in any year after the year 1965, and in such event paragraph (1) of this Article shall cease to be effective as to United States tax on and after the first day of January, and paragraph (2) of this Article shall cease to be effective as

to United Kingdom tax on and after the sixth day of April, in the year next following that in which such notice is given.

ARTICLE VII

(1) Interest (on bonds, securities, debentures, or on any other form of indebtedness) derived and beneficially owned by a resident of the United Kingdom shall be exempt from tax by the United States.

(2) Interest (on bonds, securities, debentures, or on any other form of indebtedness) derived and beneficially owned by a resident of the United States shall be exempt from tax by the United Kingdom.

(3) Paragraphs (1) and (2) of this Article shall not apply if the recipient of the interest, being a resident of the territory of one of the Contracting Parties, has in the territory of the other Contracting Party a permanent establishment and the indebtedness giving rise to the interest is effectively connected with such permanent establishment.

(4) Subject to paragraph (5) of this Article, the provisions of paragraphs (1) and (2) of this Article shall not apply to any payment of interest which under the law of either Contracting Party is treated as a distribution.

(5) Any provision in the law of either Contracting Party relating only to interest paid to a non-resident corporation shall not operate so as to require such interest paid to a resident of the other Contracting Party to be treated as a distribution by the corporation paying such interest. The preceding sentence shall not apply to interest paid to a corporation of one Contracting Party in which more than 50 per cent of the voting power is controlled, directly or indirectly, by a person or persons resident in the territory of the other Contracting Party.

(6) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the interest paid exceeds the amount which would have been agreed upon by the payer and recipient in the absence of such relationship, the provisions of this Article shall only apply to the last-mentioned amount.

ARTICLE VII A

Neither Article VI nor Article VII of the present Convention shall apply if the recipient of the dividend or interest is exempt from tax on such income in the territory of the Contracting Party in which it is resident, and either—

(a) In the case of a dividend to which Article VI applies, such recipient owns 10 per cent or more of the class of shares in respect of which the dividend is paid and the dividend is paid in such circumstances that, if the recipient were a resident of the United Kingdom exempt from United Kingdom tax, the exemption would be limited or removed; or

(b) In the case of interest to which Article VII applies, such recipient sells (or makes a contract to sell) the holding from which such interest is derived within three months of the date such recipient acquired such holding.

ARTICLE VIII

(1) Royalties derived and beneficially owned by a resident of the United Kingdom shall be exempt from tax by the United States.

(2) Royalties derived and beneficially owned by a resident of the United States shall be exempt from tax by the United Kingdom.

(3) Paragraphs (1) and (2) of this Article shall not apply if the recipient of the royalty, being a resident of the territory of one of the Contracting Parties, has in the territory of the other Contracting Party a permanent

establishment and the right or property giving rise to the royalties is effectively connected with such permanent establishment.

(4) Royalties paid by a corporation of one Contracting Party to a resident of the other Contracting Party shall not be treated as a distribution by such corporation. The preceding sentence shall not apply to royalties paid to a corporation of one Contracting Party where (a) the same persons participate directly or indirectly in the management or control of the corporation paying the royalties and the corporation deriving the royalties, and (b) more than 50 per cent of the voting power in the corporation deriving the royalties is controlled, directly or indirectly, by a person or persons resident in the territory of the other Contracting Party.

(5) The term "royalties" as used in this Article:

(a) Means any royalties, rentals or other amounts paid as consideration for the use of, or the right to use, copyrights of literary, artistic or scientific works (including motion picture films, or films or tapes for radio or television broadcasting), patents, designs or models, plans, secret processes or formulae, trade-marks or other like property or rights, or for industrial, commercial or scientific equipment, or for knowledge, experience or skill (know-how), and

(b) Shall include gains derived from the sale or exchange of any right or property giving rise to such royalties.

(6) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the royalties paid exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall only apply to the last-mentioned amount.

ARTICLE IX

(1) The rate of United States tax on royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and on rentals from real property or from an interest in such property, derived from sources within the United States by a resident of the United Kingdom who is subject to United Kingdom tax with respect to such royalties or rentals and not engaged in trade or business in the United States, shall not exceed 15 per cent: Provided that any such resident may elect for any taxable year to be subject to United States tax on such income on a net basis as if such resident were engaged in trade or business in the United States.

(2) Royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and rentals from real property or from an interest in such property, derived from sources within the United Kingdom by an individual who is (a) a resident of the United States, (b) subject to United States tax with respect to such royalties and rentals, and (c) not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom surtax.

ARTICLE X

(1) Any salary, wage, similar remuneration, or pension, paid by the Government of the United States to an individual (other than a British subject who is not also a citizen of the United States) in respect of services rendered to the United States in the discharge of governmental functions, shall be exempt from United Kingdom tax.

(2) Any salary, wage, similar remuneration, or pension, paid by the Government of the United Kingdom to an individual (other than a citizen of the United States who is not also a British subject) in respect of services rendered to the United Kingdom in the discharge of governmental functions, shall be exempt from United States tax.

(3) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Parties for purposes of profit.

ARTICLE XI

(1) An individual who is a resident of the United Kingdom shall be exempt from United States tax upon compensation for personal (including professional) services performed during the taxable year within the United States if (a) he is present within the United States for a period or periods not exceeding in the aggregate 183 days during such taxable year, and (b) such services are performed for or on behalf of a person resident in the United Kingdom.

(2) An individual who is a resident of the United States shall be exempt from United Kingdom tax upon profits, emoluments or other remuneration in respect of personal (including professional) services performed within the United Kingdom in any year of assessment if (a) he is present within the United Kingdom for a period or periods not exceeding in the aggregate 183 days during that year, and (b) such services are performed for or on behalf of a person resident in the United States.

ARTICLE XII

(1) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United States by an individual who is a resident of the United Kingdom shall be exempt from United States tax.

(2) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United Kingdom by an individual who is a resident of the United States shall be exempt from United Kingdom tax.

(3) The term "life annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

ARTICLE XIV

(1) A resident of the United Kingdom shall be exempt from United States tax on gains from the sale or exchange of capital assets.

(2) A resident of the United States shall be exempt from United Kingdom tax on chargeable gains accruing to him on the disposal of assets.

(3) Paragraph (1) or paragraph (2) of this Article shall not apply if the person deriving the gain has a permanent establishment in the United States, for purposes of paragraph (1), or the United Kingdom, for purposes of paragraph (2) and the gain is derived from an asset which is effectively connected with such permanent establishment.

(4) Paragraph (1) of this Article shall not apply if the person deriving the gain is an individual who is a resident of the United Kingdom and who is present in the United States for a period equal to or exceeding an aggregate of 183 days during the taxable year.

ARTICLE XV

Dividends and interest paid by a corporation of one Contracting Party shall be exempt from tax by the other Contracting Party except where the recipient is a citizen, resident, or corporation of that other Contracting Party. This exemption shall not apply if the corporation paying such dividend or interest is a resident of the other Contracting Party.

ARTICLE XVII

A professor or teacher from the territory of one of the Contracting Parties who visits the

territory of the other Contracting Party for the purpose of teaching, for a period not exceeding two years, at a university, college, school or other educational institution in the territory of such other Contracting Party shall be exempted by such other Contracting Party from tax on his remuneration for such teaching for such period.

ARTICLE XIX

A student or business apprentice from the territory of one of the Contracting Parties who is receiving full-time education or training in the territory of the other Contracting Party shall be exempted by such other Contracting Party from tax on payments made to him by persons within the territory of the former Contracting Party for the purposes of his maintenance, education or training.

ARTICLE XIX A

(1) Each of the Contracting Parties will endeavour to collect on behalf of the other Contracting Party, such amounts as may be necessary to ensure that relief granted by the present Convention from taxation imposed by such other Contracting Party does not enure to the benefit of persons not entitled thereto. The United Kingdom will be regarded as fulfilling this obligation by the continuation of its existing arrangements for ensuring that relief from taxation imposed by the laws of the United States does not enure to the benefit of persons not entitled thereto.

(2) Paragraph (1) of this Article shall not impose upon either of the Contracting Parties the obligation to carry out administrative measures which are of a different nature from those used in the collection of its own tax, or which would be contrary to its sovereignty, security, or public policy. In determining the administrative measures to be carried out each Contracting Party may take into account the administrative measures and practices of the other Contracting Party in recovering taxes on behalf of the first-mentioned Contracting Party.

(3) The competent authorities of the Contracting Parties shall consult with each other for the purpose of co-operating and advising in respect of any action to be taken in implementing this Article.

ARTICLE XXIV

(1) The present Convention shall continue in effect indefinitely but either of the Contracting Parties may, on or before the 30th June in any year after the year 1966, give to the other Contracting Party, through diplomatic channels, notice of termination and, in such event, the present Convention shall cease to be effective:

(a) As respects United States tax, for the taxable years beginning on or after the 1st January in the year next following that in which such notice is given;

(b) (i) As respects United Kingdom income tax and surtax, for any year of assessment beginning on or after the 6th April in the year next following that in which such notice is given;

(ii) As respects United Kingdom corporation tax, for any financial year beginning on or after the 1st April in the year next following that in which such notice is given; and

(iii) As respects United Kingdom capital gains tax, for any year of assessment beginning on or after the 6th April in the year next following that in which such notice is given.

(2) The termination of the present Convention or any Article thereof shall not have the effect of reviving any treaty or arrangement abrogated by the present Convention or by treaties previously concluded between the Contracting Parties.

(b) *Meaning of terms.* As used in this subpart—

(1) *In general.* Any term defined in the convention or this subpart shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(2) *Resident of the United Kingdom.* The term "resident of the United Kingdom" means any person (other than a citizen of the United States or a U.S. corporation) who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident in the United States for the purposes of U.S. tax. A corporation is to be regarded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom.

§ 507.22 Dividends.

(a) *Reduction in rate of U.S. tax—(1) Paid by a United Kingdom corporation.* Dividends paid after December 31, 1965, by a United Kingdom corporation are exempt from U.S. tax under Article XV of the convention if the recipient is not a citizen, resident, or corporation of the United States. Dividends so paid are not subject to withholding of U.S. tax at source.

(2) *Other dividends from U.S. sources.* Except as provided in subparagraphs (3) through (5) of this paragraph, the rate of U.S. tax imposed upon dividends derived from sources within the United States and received by a resident of the United Kingdom (as defined in paragraph (b) (2) of § 507.21) on or after January 1, 1966, shall not exceed 15 percent under Article VI of the convention.

(3) *Dividends effectively connected with a permanent establishment.* The reduction in rate of tax provided in subparagraph (2) of this paragraph shall not apply if the recipient of the dividends, being a resident of the United Kingdom and not a corporation, maintains a permanent establishment in the United States and the holding giving rise to the dividend is effectively connected with such permanent establishment.

(4) *Tax-exempt organizations.* Under Article VIIA of the convention, the reduction in rate of tax provided in subparagraph (2) of this paragraph shall not apply if the recipient—

(i) Is exempt from tax on dividends in the United Kingdom,

(ii) Owns at least 10 percent of the class of shares in respect of which the dividend is paid, and

(iii) The dividend is paid in such circumstances that, if the recipient were a resident of the United Kingdom exempt from United Kingdom tax, such exemption from United Kingdom tax would be limited or removed.

(5) *Persons taxed on a remittance basis.* Under Article II(4) of the convention, if an individual is subject to tax in the United Kingdom on dividends by reference to the amount of such dividends remitted to or received in the United Kingdom, the reduction in rate of tax provided in subparagraph (2) of

this paragraph shall apply to only so much of such dividends as is remitted to or received in the United Kingdom.

(6) *Personal services.* The reduction in rate of U.S. tax described in subparagraph (2) of this paragraph is available to an individual resident of the United Kingdom who performs personal services in the United States but does not have a permanent establishment in the United States to which the holding giving rise to the dividend is effectively connected although, under section 871(c) of the Internal Revenue Code, such individual is treated as engaged in business in the United States by reason of his having performed such services.

(b) *Withholding of U.S. tax from dividends—(1) 15-percent rate.* Withholding of U.S. tax at source after December 31, 1965, in the case of dividends derived from sources within the United States by a person whose address is in the United Kingdom shall, to the extent withholding of U.S. tax is required, be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue or the owner of the dividends has notified the withholding agent that the reduced rate of withholding shall not apply.

(2) *Reduced rate applicable only to owner.* The reduced rate described in this paragraph is available only to the actual owner of the capital stock from which the dividend is derived. As to action by a United Kingdom addressee who is not the actual owner of the capital stock, see § 507.23(c).

(3) *Evidence of rate of tax withheld.* The rate at which U.S. tax has been withheld from a dividend paid after November 15, 1966, to a person whose address is in the United Kingdom at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 507.23 Additional withholding of tax by persons not owners of income.

(a) *In general.* Article XIXA of the convention provides that each Contracting Party will endeavor to collect on behalf of the other Contracting Party such amounts as may be necessary to ensure that relief granted by the convention from taxation imposed by such other Contracting Party does not inure to the benefit of persons not entitled to such relief.

(b) *Additional United Kingdom tax to be withheld in the United States—(1) By a nominee or representative.* The recipient in the United States of income from sources within the United Kingdom which has received a reduction in rate of, or exemption from, withholding of United Kingdom tax who is a nominee or representative through whom such income is received by a person who is not a resident of the United States shall withhold an additional amount of United Kingdom tax equivalent to the United Kingdom tax which would have been withheld if the convention had not been

in effect (41.25 percent as of the date of approval of this Treasury decision) minus the tax which has been withheld at the source.

(2) *By a fiduciary or partnership.* A fiduciary or partnership in the United States which receives, otherwise than as a nominee or representative, income from sources within the United Kingdom which has been exempt from or subject to a reduced rate of United Kingdom tax shall withhold an additional amount of United Kingdom tax from the portion of such income included in the gross income from sources within the United Kingdom of any beneficiary or partner as the case may be, who is not entitled to the reduced rate of tax in accordance with the applicable provisions of the convention. The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Withholding additional United Kingdom tax from amounts released or refunded.* If any amount of United Kingdom tax is released by the withholding agent in the United Kingdom, or is otherwise received by a nominee, representative, fiduciary, or partnership in the United States, with respect to income from sources within the United Kingdom, the recipient shall withhold from such released amount any additional amount of United Kingdom tax otherwise required to be withheld from such income by the provisions of subparagraph (1) or (2) of this paragraph in the same manner as if at the time of payment, such income had received a reduction in rate of, or exemption from, withholding of United Kingdom tax.

(4) *Return of United Kingdom tax by United States withholding agents—(i) In general.* Except as provided in subdivision (ii) of this subparagraph, amounts of United Kingdom tax withheld pursuant to this paragraph by withholding agents in the United States should be deposited in U.S. dollars with the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before March 15 of the year following the year in which the withholding occurs. Such withholding agent shall also submit such appropriate forms as may be prescribed by the Commissioner.

(ii) *Withholding agents undertaking to remit United Kingdom tax directly to the United Kingdom.* If a withholding agent furnishes an undertaking to the United Kingdom Inland Revenue Department to remit the amounts referred to in subdivision (i) of this subparagraph directly to such Department, such withholding agent shall, to the extent such amounts are so remitted, be exempt from the requirements of subdivision (i) of this subparagraph. Such withholding agent shall before the 16th day after the close of the quarter of the calendar year in which the withholding occurs file a statement with the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, setting forth the fact that such undertaking exists and the amount of United Kingdom tax remitted directly to the

United Kingdom Department of Inland Revenue during such quarter in accordance with the undertaking.

(c) *Additional U.S. tax to be withheld in the United Kingdom—(1) By a nominee or representative.* The recipient in the United Kingdom of any dividend from which U.S. tax has been withheld at the reduced rate of 15 percent pursuant to § 507.22(b)(1), who is a nominee or representative through whom the dividend is received by a person not entitled under § 507.22(a) to the reduced rate, shall withhold an additional amount of U.S. tax equivalent to the U.S. tax which would have been withheld if the convention had not been in effect (30 percent as of the date of approval of this Treasury decision) minus the 15 percent which has been withheld at the source.

(2) *By a fiduciary or partnership.* A fiduciary or a partnership with an address in the United Kingdom which receives, otherwise than as a nominee or representative, a dividend from which U.S. tax has been withheld at the reduced rate of 15 percent pursuant to § 507.22(b)(1) shall withhold an additional amount of U.S. tax from the portion of the dividend included in the gross income from sources within the United States of any beneficiary or partner, as the case may be, who is not entitled to the reduced rate of tax in accordance with § 507.22(a). The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Withholding additional U.S. tax from amounts released.* If any amount of U.S. tax is released pursuant to § 507.29(a)(1) by the withholding agent in the United States with respect to a dividend received by a nominee, representative, fiduciary, or partnership with an address in the United Kingdom, the recipient shall withhold from such released amount any additional amount of U.S. tax otherwise required to be withheld from the dividend by the provisions of subparagraph (1) or (2) of this paragraph in the same manner as if at the time of payment of the dividend U.S. tax at the rate of only 15 percent had been withheld at source.

(4) *Return of U.S. tax by United Kingdom withholding agents.* The amounts of U.S. tax withheld pursuant to this paragraph by any withholding agent in the United Kingdom should be deposited, without converting the amounts into U.S. dollars, with the United Kingdom Inland Revenue Department before the 16th day after the close of the quarter of the calendar year in which the withholding in the United Kingdom occurs. The withholding agent making the deposit should also submit such appropriate United Kingdom forms as may be prescribed by the Inland Revenue Department. Copies of such forms should be forwarded by the Inland Revenue Department, along with the amounts so deposited, to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, U.S.A., in accordance with arrangement made by the competent authorities.

§ 507.24 Interest.

(a) *Exemption from United States tax—(1) Paid by a United Kingdom corporation.* Interest paid after December 31, 1965, by a United Kingdom corporation is exempt from United States tax under Article XV of the convention if the recipient is not a citizen, resident, or corporation of the United States. Interest so paid is not subject to withholding of United States tax at source.

(2) *Other interest from United States sources.* Except as provided in subparagraphs (3) through (5) of this paragraph, interest (on bonds, securities, debentures, or on any other form of indebtedness, including interest on obligations of the United States and its instrumentalities and on mortgages or bonds secured by real property) derived from sources within the United States and received by a resident of the United Kingdom (as defined in paragraph (b)(2) of § 507.21), in a taxable year of the recipient beginning after December 31, 1965, shall be exempt from U.S. tax under Article VII of the convention.

(3) *Interest effectively connected with a permanent establishment.* The exemption from tax provided in subparagraph (2) of this paragraph shall not apply if the recipient of the interest maintains a permanent establishment in the United States and the indebtedness giving rise to the interest is effectively connected with such permanent establishment.

(4) *Tax exempt organization selling indebtedness.* Under Article VIIA of the convention, the exemption from tax provided in subparagraph (2) of this paragraph shall not apply if the recipient of the interest is exempt from tax on such interest in the United Kingdom and such recipient sells (or makes a contract to sell) the holding from which such interest is derived within 3 months of the date such recipient acquired such holding.

(5) *Persons taxed on remittance basis.* Under Article II(4) of the convention, if an individual is subject to tax in the United Kingdom on interest by reference to the amount of such interest remitted to or received in the United Kingdom, the exemption from tax provided in subparagraph (2) of this paragraph shall apply to only so much of such interest as is remitted to or received in the United Kingdom.

(6) *Personal services.* The exemption from U.S. tax for interest described in subparagraph (2) of this paragraph is available to an individual resident of the United Kingdom who performs personal services in the United States and does not have a permanent establishment in the United States to which the indebtedness giving rise to such interest is effectively connected although, under section 871 of the Internal Revenue Code, such individual is treated as engaged in business in the United States by reason of his having performed such services.

(b) *Exemption from withholding of U.S. tax—(1) Coupon bond interest—(i) Form to use.* To avoid withholding of U.S. tax at source during taxable years

of the recipient beginning after December 31, 1965, in the case of coupon bond interest exempt from tax under paragraph (a) of this section, such recipient shall, for each issue of bonds, file Form 1001-UK-2 in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, or by his trustee or agent, and shall show the information required by paragraph (d) of § 1.1461-1 of this chapter. Form 1001-UK-2 shall contain a statement that, at the time the income is derived, the owner (a) if an individual, is neither a citizen nor a resident of the United States, but is a resident of the United Kingdom or, if a corporation, is a foreign corporation whose business is managed or controlled in the United Kingdom, (b) does not have a permanent establishment in the United States or, if the owner does have such a permanent establishment, a statement that the indebtedness giving rise to the income is not effectively connected with such permanent establishment, (c) is not exempt from tax on such income in the United Kingdom or, if the owner is exempt from tax on such income, the date of acquisition of the holding from which such income is derived and a statement that the owner has not sold (or made a contract to sell), and does not intend to sell (or make a contract to sell) such holding within 3 months of such date of acquisition, (d) is not subject to tax in the United Kingdom on investment income by reference to the amount of such income remitted to or received in the United Kingdom or, if subject to tax on such basis, a statement of the amount of income to which the form relates which is remitted to or received in the United Kingdom, and (e) is the actual owner of the income.

(ii) *Exemption applicable only to owner.* The exemption from U.S. tax granted by Article VII of the convention is applicable only to the owner of the interest. The person presenting the interest coupon, or on whose behalf it is presented, shall, for purposes of the exemption from withholding of U.S. tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon, or on whose behalf it is presented, is not the owner of the bond, Form 1001, and not Form 1001-UK-2, shall be used, and U.S. tax shall be withheld at the statutory rate.

(iii) *Disposition of Form 1001-UK-2.* The original and duplicate of Form 1001-UK-2 shall be forwarded by the withholding agent to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, in accordance with paragraph (b) (2) of § 1.1461-2 of this chapter.

(2) *Other interest.*—(i) *Letter of notification.* To avoid withholding of U.S. tax at source during taxable years of the taxpayer beginning after December 31, 1965, in the case of interest (other than coupon bond interest) exempt from tax under paragraph (a) of this section, the resident of the United Kingdom (as de-

fined in paragraph (b) (2) of § 507.21) shall notify the withholding agent by letter in duplicate that the interest is exempt from U.S. tax under Article VII of the convention. The letter of notification shall be signed by the owner of the interest, or by his trustee or agent, shall show the name and address of the obligor and the name and address of the owner of the interest, and shall indicate the dates on which the taxable years of the taxpayer to which the letter is applicable begin and end. The letter shall contain the statement required by subparagraph (1) (i) of this paragraph. If the interest qualifies for the exemption from tax, the letter of notification may also authorize the release, pursuant to § 507.29(a) (3), of excess tax withheld from the interest concerned.

(ii) *Manner of filing letter.* The letter of notification, which shall constitute authorization for the payment of the income without withholding of U.S. tax at source, shall be filed with the withholding agent as soon as practicable for each successive 3-calendar-year period during which the income is paid. Once a letter has been filed in respect of any 3-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the owner of the interest. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from U.S. tax granted by Article VII of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the income as recorded on the books of the payer, the exemption from withholding of U.S. tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(iii) *Disposition of letter.* The original of each letter of notification filed pursuant to this subparagraph shall be retained by the withholding agent and the duplicate shall be immediately forwarded by the withholding agent to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225.

(3) *Change in circumstances.* If a taxpayer acquires a permanent establishment in the United States after filing a Form 1001-UK-2 or a letter of notification referred to in subparagraph (2) of this paragraph, such taxpayer shall file a new form or a new letter even though the indebtedness giving rise to the income to which such document relates is not effectively connected to such permanent establishment.

§ 507.25 Royalties.

(a) *Exemption from U.S. tax.*—(1) *In general.* Except as provided in subparagraphs (2) and (3) of this paragraph, royalties (as defined in paragraph (c) of this section) derived from sources within the United States by a resident of the United Kingdom (as defined in paragraph (b) (2) of § 507.21) and re-

ceived in a taxable year of the recipient beginning after December 31, 1965, shall be exempt from U.S. tax under Article VIII of the convention.

(2) *Royalties effectively connected with a permanent establishment.* The exemption from tax provided in subparagraph (1) of this paragraph shall not apply if the recipient of the royalties, rentals, or similar payments maintains a permanent establishment in the United States and the right or property giving rise to such amounts is effectively connected with such permanent establishment.

(3) *Persons taxed on a remittance basis.* Under Article II (4) of the convention, if an individual is subject to tax in the United Kingdom on royalties, rentals, or similar payments by reference to the amount of such income remitted to or received in the United Kingdom, the exemption from tax provided in subparagraph (1) of this paragraph shall apply to only so much of such income as is remitted to or received in the United Kingdom.

(4) *Personal services.* The exemption from U.S. tax for royalties, rentals, or similar payments described in subparagraph (1) of this paragraph is available to an individual resident of the United Kingdom who performs personal services in the United States and does not have a permanent establishment in the United States to which the right or property giving rise to such income is effectively connected although, under section 871 of the Internal Revenue Code, such individual is treated as engaged in business in the United States by reason of his having performed such services.

(b) *Exemption from withholding of tax.*—(1) *Letter of notification.* To avoid withholding of U.S. tax during taxable years of a taxpayer beginning after December 31, 1965, from a royalty, rental, or other amount which is exempt from U.S. tax in accordance with paragraph (a) of this section, the taxpayer shall notify the withholding agent by a letter in duplicate that such amount is exempt from U.S. tax under Article VIII of the convention.

(2) *Manner of filing letter of notification.* The provisions of § 507.24(b) (1) (i) relating to the content, § 507.24(b) (2) relating to the filing, effective period, and disposition, of the letter of notification prescribed therein, and § 507.24(b) (3) relating to change in circumstances, shall also apply mutatis mutandis to the letter of notification prescribed in this paragraph, except that the letter need not contain the statement prescribed in paragraph (b) (1) (i) (c) of § 507.24.

(c) *Definition.* As used in this subpart, the term "royalties"—

(1) Means any royalties, rentals, or other amounts paid as consideration for the use of, or the right to use—

(i) Copyrights of literary, artistic, or scientific works (including motion picture films, or films or tapes for radio or television broadcasting), patents, designs, or models, plans, secret processes or formulae, trademarks, or other like property; or

(ii) Industrial, commercial, or scientific equipment, or knowledge, experience, or skill (know-how); and

(2) Includes gains derived from the sale or exchange of any right or property giving rise to such royalties.

§ 507.26 Private pensions and life annuities.

(a) *Exemption from U.S. tax*—(1) *Requirements.* Any pension (other than one paid by one of the Contracting States to an individual in respect of services rendered that Contracting State in the discharge of governmental functions) or life annuity derived from sources within the United States by an individual resident of the United Kingdom (as defined in paragraph (b) (2) of § 507.21) and received in a taxable year of the recipient beginning after December 31, 1965, shall be exempt from U.S. tax under the provisions of Article XII of the convention.

(2) *Definitions.* As used in this subpart, the term "pension" means a periodic payment made in consideration for services rendered, or by way of compensation for injuries received, in connection with past employment, and the term "life annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

(b) *Exemption from withholding of tax*—(1) *Use of letter of notification.* To avoid withholding of U.S. tax during taxable years of the recipient beginning after December 31, 1965, from a pension or life annuity which is exempt from U.S. tax in accordance with paragraph (a) of this section, the individual resident of the United Kingdom (as defined in paragraph (b) (2) of § 507.21) shall notify the withholding agent by letter in duplicate that the pension or annuity is exempt from U.S. tax under Article XII of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that, at the time the income is received, the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of the United Kingdom for purposes of United Kingdom tax.

(2) *Manner of filing letter.* The letter of notification shall constitute authorization for the payment of the pension or life annuity without withholding of U.S. tax at the source or for the release, pursuant to § 507.29(a) (3), of excess tax withheld from a pension or life annuity, unless the Commissioner of Internal Revenue notifies the withholding agent thereafter to withhold the tax from such items of income. If, after filing a letter of notification, the owner of the income ceases to be eligible under the convention for the exemption from U.S. tax on such items of income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the income as recorded on the books of the payer, the exemption from withholding of U.S. tax shall no

longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(3) *Disposition of the letter of notification.* The original of each letter of notification filed pursuant to this paragraph shall be retained by the withholding agent and the duplicate shall be forwarded immediately by the withholding agent to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225

§ 507.27 Other income covered by convention.

(a) *Exemption from tax*—(1) *Request for ruling.* If a taxpayer who is a resident of the United Kingdom (as defined in paragraph (b) (2) of § 507.21) claims or contemplates claiming that an item of income (other than income referred to in §§ 507.22 through 507.26) is exempt from, or subject to a reduced rate of, U.S. tax under the convention, such taxpayer may request a ruling to that effect from the Commissioner of Internal Revenue, Washington, D.C. 20224, by filing a statement setting forth all the facts pertinent to a determination of the question.

(2) *Notification of taxpayer.* As soon as practicable after such information is filed, the Commissioner will determine whether the income concerned qualifies under the convention for exemption from, or a reduced rate of, U.S. tax and will notify the taxpayer of his ruling. If income qualifies for such benefit, this notification may also authorize the release, pursuant to § 507.29(a) (3), of excess tax withheld from the income concerned.

(b) *Exemption from, or reduction in rate of, withholding*—(1) *Notification of withholding agent.* If the Commissioner rules that income received by a taxpayer qualifies for exemption from, or reduction in rate of, U.S. tax under the convention, and the taxpayer sends a copy of such ruling to the withholding agent, the income designated in such ruling shall be exempt from, or subject to a reduced rate of, withholding of U.S. tax unless the Commissioner or the taxpayer notifies the withholding agent that such income ceases to qualify for such benefit.

(2) *Change in circumstances.* If, during the period covered by the ruling letter, any fact upon which the ruling letter is based materially changes, the taxpayer shall immediately notify the withholding agent and the Commissioner of such change.

§ 507.28 Beneficiaries of domestic estates or trusts.

A nonresident alien individual who is a resident of the United Kingdom and a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, U.S. tax granted by Articles VI, VII, VIII and XII of the convention with respect to dividends, interest, royalties, and rentals, and pensions and annuities, if he otherwise satisfies the requirements for exemption or reduction specified in the

Articles concerned, to the extent that (a) any amount paid, credited, or required to be distributed by the estate or trust to the beneficiary is deemed to consist of those items and (b) the items so deemed to be included in such amount would, without regard to the convention, be includible in his gross income. However, such beneficiary is not entitled to the exemption from, or reduction in rate of, U.S. tax granted by such Articles to the extent that the trust conduit rules are not applicable to any payment received by the beneficiary such as, for example, a payment made out of the income of a trust established for the support and maintenance of a wife pursuant to a divorce decree. To obtain the exemption from, or reduction in the rate of, withholding of U.S. tax where permitted by this section, the beneficiary must, where applicable, execute and submit to the fiduciary of the estate or trust in the United States the appropriate letter of notification prescribed in § 507.24(b) (2), § 507.25(b) (1), or § 507.26(b) (1).

§ 507.29 Release of excess tax withheld at source.

(a) *Release of tax withheld*—(1) *From dividends.* If U.S. tax has been withheld at the statutory rate after December 31, 1965, from dividends described in § 507.22(a) (2) received by a resident of the United Kingdom (as defined in paragraph (b) (2) of § 507.21) whose address at the time of payment was in the United Kingdom, the withholding agent shall release and pay over to such resident an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 507.22(b) (1).

(2) *From coupon bond interest*—(i) *Substitute ownership certificate.* If a taxpayer furnishes the withholding agent a Form 1001-UK-2 clearly marked "Substitute" and executed in accordance with § 507.24(b) (1) (i), where U.S. tax has been withheld from coupon bond interest at the statutory rate during a taxable year of the taxpayer beginning after December 31, 1965, the withholding agent shall release and pay to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(ii) *Filing and disposition of substitute ownership certificate.* One substitute Form 1001-UK-2 shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which the excess is released. Such forms shall be disposed of in accordance with the rules of § 507.24(b) (1) (ii).

(3) *Tax withheld from other income.* If a taxpayer furnishes to the withholding agent the letter of notification prescribed in § 507.24(b) (2), § 507.25(b), or § 507.26(b), or the authorization for release of tax prescribed in § 507.27(a) (2), and U.S. tax has been withheld at the statutory rate during taxable years of the taxpayer beginning after December

31, 1965, from the income to which such letter or authorization is applicable, the withholding agent shall release and pay to the person from whom the tax was withheld an amount which is equal to the tax so withheld from such income.

(b) *Amounts not to be released.* The provisions of this section do not apply to any excess tax withheld at the source which has been paid by the withholding agent to the Director, Office of International Operations.

(c) *Statutory rate.* As used in this subpart, the term "statutory rate" means the rate of tax (30 percent as of the date of approval of this Treasury decision) prescribed by subchapter A of chapter 3 (relating to the withholding of tax on nonresident aliens and foreign corporations) of the Internal Revenue Code as though the convention has not come into effect.

§ 507.30 Refund of excess tax paid to Director, Office of International Operations.

(a) *In general.* Where U.S. tax withheld at the source on items of income covered by the convention is in excess of the tax imposed under subtitle A (relating to the income tax) of the Internal Revenue Code, as modified by the convention, and such withheld amounts have been paid to the Director, Office of International Operations, a claim by the taxpayer for refund of any resulting overpayment may be made under section 6402 of such Code, and the regulations thereunder.

(b) *Form of claim.*—(1) *Where return previously filed.* If the taxpayer has previously filed an income tax return with the Internal Revenue Service for the taxable year in which an overpayment has resulted because of the application of the convention, he should make a claim for refund of the overpayment by filing Form 843 or an amended return.

(2) *Where no return previously filed.* If the taxpayer has not previously filed an income tax return with the Internal Revenue Service for the taxable year in which an overpayment has resulted because of the application of the convention, he should make a claim for refund of the overpayment by filing Form 1040NB, Form 1040NB-a, Form 1040B, or Form 1120-F, whichever is applicable, showing the overpayment. Such return will serve as a claim for refund, and it is not necessary for the taxpayer to file Form 843.

(c) *Information required.* If the taxpayer's total gross income (including every item of capital gain subject to tax) from sources within the United States for the taxable year in which such overpayment resulted has not been disclosed in an income tax return filed with the Internal Revenue Service prior to the time the claim for refund is made, the taxpayer shall disclose such total gross income with his claim. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. In addition to such other information as may be required to establish the over-

payment, there shall also be included in such claim for refund:

(1) A statement that, at the time when the items of income were received from which the excess tax was withheld, the taxpayer was neither a citizen nor a resident of the United States but was a resident of the United Kingdom, or, in the case of a corporation, was a foreign corporation whose business was managed or controlled in the United Kingdom; and

(2) If the taxpayer's claim is based on exemption from, or reduction in rate of, tax for dividends, interest, or royalties, a statement that the taxpayer does not have a permanent establishment in the United States, or, if the taxpayer does have such a permanent establishment, that the holding from which such income was derived was not effectively connected with such permanent establishment.

§ 507.31 Information furnished in ordinary course.

For provisions relating to the exchange of information under Article XX of the convention, see paragraph (d) of § 1.1461-2 of this chapter.

§ 507.32 Return required when liability not satisfied by withholding.

For action by a nonresident alien individual who is a resident of the United Kingdom or by a foreign corporation whose business is managed or controlled in the United Kingdom in a case where such individual's or corporation's U.S. income tax liability is not satisfied by withholding of U.S. tax at source, see paragraph (b) of § 1.6012-1 of this chapter and paragraph (g) of § 1.6012-2 of this chapter.

§ 507.33 Effective date.

(a) *In general.* Except as provided in paragraph (b) of this section, the provisions of §§ 507.21 through 507.32 shall be effective with respect to taxable years of residents of the United Kingdom entitled to the benefits of such sections beginning after December 31, 1965, and with respect to dividends paid on or after January 1, 1966.

(b) *Withholding of additional United Kingdom tax.* The provisions of § 507.23 (b) shall be effective with respect to income from sources within the United Kingdom received on or after April 6, 1966.

Because it is necessary to provide at the earliest practicable date the rules of this Treasury decision, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] **SHELDON S. COHEN,**
Commissioner of Internal Revenue.

Approved: October 14, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11335; Filed, Oct. 18, 1966; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4094]

[Montana 073084]

MONTANA

Withdrawal for National Forest Administrative Sites

Correction

In F.R. Doc. 66-10467 appearing in the issue for Saturday, September 24, 1966, at page 12600, under "Condon Range Station Administrative Site and Landing Field", line 2, "W $\frac{1}{2}$ NE $\frac{1}{2}$ " should read "W $\frac{1}{2}$ NE $\frac{1}{4}$ ".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 66-906]

PART 0—COMMISSION ORGANIZATION

Action on Requests for Extension of Time

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of October 1966:

Requests for extension of time for filing pleadings in rule making proceedings are generally routine in nature and do not warrant Commission consideration. They can most expeditiously be acted on by the staff. The rules and regulations presently authorize staff action on requests for extension of time relating to briefs and comments, but do not specifically authorize action on requests relating to other pleadings which may be filed in rule making proceedings. The rules and regulations are hereby amended, therefore, to make it clear that the staff is authorized to act on extension requests relating to such other pleadings.

Authority for these amendments is set forth in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended. Because they pertain to agency management and organization, compliance with the notice and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In view of the foregoing: *It is ordered*, Effective October 21, 1966, that Part 0 of the rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: October 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,¹
[SEAL] **BEN F. WAPLE,**
Secretary.

¹ Commissioner Wadsworth dissenting.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.251(b) is amended to read as follows:

§ 0.251 Authority delegated.

(b) Insofar as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the General Counsel is delegated authority to act upon requests for extension of time within which briefs, comments or pleadings may be filed.

2. Section 0.281(d) (8) is amended to read as follows:

§ 0.281 Authority delegated.

(8) For extension of time within which to file briefs, comments and pleadings in rule-making proceedings.

3. Section 0.303(c) is amended to read as follows:

§ 0.303 Authority concerning extension of time and waivers.

(c) For the extension of time within which briefs, comments and pleadings may be filed in common carrier rule-making proceedings.

4. Section 0.331(b) (4) is amended to read as follows:

§ 0.331 Authority delegated.

(4) Requests for extension of time within which briefs, comments and pleadings may be filed in rule-making proceedings.

[F.R. Doc. 66-11370; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket No. 16749; FCC 66-916]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Fayetteville, Ark.

Report and order. In the matter of the amendment of the table of assignments for television broadcast stations in § 73.606 of the Commission rules and regulations to add a channel to Fayetteville, Ark.; Docket No. 16749, RM-926.

1. On July 7, 1966, the Commission adopted a notice of proposed rule making in the above entitled matter (FCC 66-613) pursuant to a petition (RM-926) by H. Weldon Stamps. Interested parties were afforded an opportunity to comment on or before August 15, 1966, and to reply to such comments on or before August 25, 1966.

2. Comments were received from the petitioner and from a group of local citizens: E. J. Bell, Paul W. Milam, Sr., Paul

W. Milam, Jr., and Hal C. Douglas. Both comments supported the proposed assignment. The petitioner reaffirmed his intention to apply for the channel if it were assigned and to proceed diligently with the construction and operation of a new UHF television broadcast station in Fayetteville if authorized to do so. The group of local citizens recited economic facts about Fayetteville and the surrounding area and also stated that it was their intention to apply for authority to construct and operate a new UHF television broadcast station in Fayetteville. It thus appears that there is a demand for a commercial UHF channel to serve Fayetteville and the proposed assignment should be adopted. As we noted in the notice of proposed rule making, there is an ample number of channels available for assignment to cities in that area of the country. Fayetteville, with a 1960 Census population of 20,274, is the largest city in Washington County and ranks eighth in population in Arkansas.

3. In the light of the foregoing and pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective November 21, 1966, the table of assignments in § 73.606 (b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channels
Fayetteville, Ark.	*13-, 36

NOTE: Offset for Channel 36 will be supplied in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 12, 1966.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11371; Filed, Oct. 18, 1966; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM STEARYL-2-LACTYLATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 6A1911) filed by the Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402, and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of calcium stearyl-2-lactylate as a conditioning agent in potato flakes. Therefore, pursuant to the pro-

visions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1047(c) is amended by adding thereto a new subparagraph (3), as follows:

§ 121.1047 Calcium stearyl-2-lactylate.

(3) As a conditioning agent in potato flakes in an amount not to exceed 0.5 percent by weight of the potato flakes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in triplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11358; Filed, Oct. 18, 1966; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ZINC CARBONATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 7R2069) filed by Continental Can Co., Inc., 633 Third Avenue, New York, N.Y. 10017, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of zinc carbonate as a pigment in resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2514(b)(3) is

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, Kans.

On page 11987 of the FEDERAL REGISTER of September 13, 1966, there was published a notice of a proposed amendment to § 32.31 and 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of big game and sport fishing on the Flint Hills National Wildlife Refuge, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting and fishing, it shall become effective upon publication in the FEDERAL REGISTER.

Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; sec. 4, 48 Stat. 451, 16 U.S.C. 718d; and sec. 4, 48 Stat. 402, 16 U.S.C. 664).

1. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized.

§ 32.31 List of open areas; big game.

* * * * *
KANSAS
Flint Hills National Wildlife Refuge.

2. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

* * * * *
KANSAS
Flint Hills National Wildlife Refuge.

JOHN S. GOTTSCHALK,
Director.

OCTOBER 17, 1966.

[F.R. Doc. 66-11414; Filed, Oct. 18, 1966; 8:49 a.m.]

terial, has concluded that the food additive regulations should be amended to provide for the safe use of di-n-octyl sebacate in surface lubricants used in the manufacture of metallic food-contact articles under conditions such that the total residual lubricant does not exceed 0.015 milligram per square inch of food-contact surface. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2531(a)(2) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

* * * * *
(a) * * *
(2) * * *

<i>List of substances</i>	<i>Limitations</i>
Di-n-octyl sebacate.	---
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 12, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11359; Filed, Oct. 18, 1966; 8:48 a.m.]

amended by alphabetically inserting a new item in the list in subdivision (xxvi), as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *
(b) * * *
(3) * * *
(xxvi) Pigments and colorants:

* * * * *
Zinc carbonate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11360; Filed, Oct. 18, 1966; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1974) filed by Yawata Iron & Steel Co., Ltd., 375 Park Avenue, New York, N.Y. 10022, and other relevant ma-

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1103]

[Docket No. AO-346-A3]

MILK IN MISSISSIPPI MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Mississippi marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Jackson, Miss., on September 13, 1966, pursuant to notice thereof which was issued August 18, 1966 (31 F.R. 11153).

The material issues on the record of the hearing relate to:

1. Qualifying standards for pool plants.
2. Diversion provisions and producer status of new dairy farmers entering the market.
3. Inventory classification.
4. Classification of transfers from pool plants to nonpool plants.
5. An appropriate Class I price level after October 1966.
6. Location differentials.
7. Miscellaneous and conforming changes.

The hearing notice indicated that since the Class I milk price provisions expire at the end of October 1966, a separate decision on the issue of Class I pricing was contemplated. To assure the continuation of an appropriate Class I milk price beyond that date, this decision

deals only with Issue No. 5 and reserves the remaining issues for a later decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

5. **Class I milk price.** The Class I differential should be \$2.35 for the months of November 1966 through and including February 1967, and beginning in March 1967 should be \$2.27 each month. The Class I price should be subject to a supply-demand adjustment based on the relationship of producer milk supplies and Class I sales of handlers.

Producers through their cooperative associations proposed that the Class I differential be \$2.35 in all months of the year. While seasonal differentials stated in the order average \$2.267, annually, proponents supported the higher level based on economic conditions in the market. In favor of the higher price they cited (1) the upward trend of milk sales in Mississippi in recent years, (2) higher costs for milk production, (3) increased economic activity in the State, which would support an upward trend in milk sales, and (4) increased opportunities for farmers to move into other enterprises.

Proponents would also eliminate the seasonal variation of the Class I differentials. They contended that the base plan provides sufficient encouragement for more level production.

The Mississippi milk order was made effective May 1, 1965. The marketing area is constituted of marketing areas previously regulated by the prior Mississippi Delta and Central Mississippi orders and part of the area which was regulated by the Gulf Coast order. The Class I differentials in the new order expire at the end of October 1966, which is the end of the initial 18-month period. It is necessary at this time, therefore, to establish a price level after October so as to maintain an adequate, but not excessive, supply of quality milk for the market.

The milk supply for the Mississippi market is produced primarily within the State. For the first 6 months of 1966, State milk production, including both Grade A and manufacturing grade milk, increased 1.6 percent compared to a year before. A producer witness testified that Grade A milk production in the State increased 4.5 percent in the first 6 months of 1966 over the same period last year. While these data reflect production in the State, not all of such milk production is associated as producer milk with this market.

Producer milk supply under the order increased 2.5 percent during the May-August period in 1966 compared with the same period last year. These are the only months for which comparison can be made under the new order.

Class I sales under the Mississippi order this year in the May-August period were 4.1 percent higher than last year. The percentage of producer milk used in Class I increased slightly, from 65.4 percent to 66.4 percent for the two periods. At no time since the order was made effective has the supply been less than fully adequate. Class I sales tend to change seasonally being highest in the school months of September through May. In 6 of these months, the percentage of producer milk used in Class I exceeded 77 percent, the highest being 81 percent in February.

The milk supply situation for the Mississippi market is significantly related to the supply situation of the New Orleans market. The southern part of the production area for the market joins the production area for the New Orleans market. To a considerable degree, the milk supplies in this area are interchangeable between the two markets.

A producer representative, whose members primarily supply handlers regulated by the New Orleans order, testified that he shifts producers between the Mississippi and New Orleans markets in response to differences in blend prices between the markets. At times during the past year, the movement has been into the Mississippi market. The supply of reserve milk in the New Orleans market, therefore, is an important factor relating to the supply available for the Mississippi market.

The proportion of reserve milk in the New Orleans market has been greater than in the Mississippi market in each of the 12 months ending August 1966. For that period, the Class I utilization averaged 69 percent, 4 percentage points lower than the Class I utilization of the Mississippi market.¹

The competition of the Memphis market for milk supplies in the State of Mississippi is evident in some northern areas of the State. A considerable portion of the Memphis marketing area lies within the State of Mississippi and joins the northern boundary of the Mississippi marketing area. The competition for supplies has been relatively local, and total milk supply throughout the Mississippi marketing area is sufficiently mobile to assure that adequacy of supply in this area is not jeopardized.

In view of the foregoing considerations, it is concluded that the milk supply available for the market is adequate both currently and prospectively.

The Class I price in the Mississippi order is established at Gulf Coast locations, with appropriate adjustments for

¹ Official notice is hereby taken of the "Statistical Summary and Comparison of Milk Receipts and Utilization" issued monthly by the New Orleans market administrator for the period September 1965 through August 1966.

other locations in the market. The price levels at the particular locations represent a continuation of the price levels of the former Gulf Coast, Central Mississippi, and Mississippi Delta orders. The Class I differentials at the Gulf Coast locations are \$2.15 per hundredweight for the months of March through July and \$2.35 in other months. The price is reduced 10 cents and 26 cents, respectively, for areas corresponding to the prior Central Mississippi and Mississippi Delta marketing areas.

Modifications of the Class I price formula for temporary periods since the inception of the order were made to reflect particular situations. For the first 3 months of the order, May, June, and July 1965, the lower seasonal differential was not used, so as to provide proper transitional pricing for the Delta area, which had not had seasonal pricing. For the period March 1966 through July of this year, the seasonal decline was abated due to emergency action of the Department on a national basis.

Since that time, the Class I formula has provided a higher level of prices due to the action of the basic formula price. The Class I price of \$6.61 for September exceeds the Class I price of a year earlier by \$1.01.² This price represents a higher level than any prior period of regulation. In view of the advance in the price produced by the Class I formula of the order, and the adequacy of supply, it is concluded that the higher price requested would not be appropriate.

The action of the basic formula price, which presently is well above the Department's support price for manufacturing milk, further sustains the Class I price level by the provision that such basic formula price shall be not less than \$4 for the months through March 1967.

The Class I price differential should be continued at the present seasonal differential of \$2.35 for the period November 1966 through February 1967. Beginning in March 1967 the Class I price each month should be established by adding a level differential of \$2.27 to the basic formula price. The latter differential approximates the average, on an annual basis, of the seasonal differentials now in the order. It will provide, as near as is possible to determine, the same returns to producers as the seasonal differentials now stated in the order, and thus would establish a level of pricing which will assure the market of an adequate supply of milk. Producer representatives asserted that level Class I pricing rather than seasonal pricing would facilitate the marketing of their milk. They stated that level pricing would not present any problem in matters of relationship with other markets. Seasonal pricing has not applied in actual prices under Federal orders in Mississippi in recent years.

Supply-demand adjutor. It is anticipated that the Class I price provisions

proposed herein will continue to assure the market of an adequate supply of quality milk. It is conceivable, however, that changes may occur in the relationship of milk supply to Class I sales. Thus, when milk supplies are more than adequate in relation to Class I sales, the Class I price should be lowered. Conversely, when the milk supply is less than adequate in relation to Class I sales, the Class I milk price should be increased.

A supply-demand adjutor is provided herein to make appropriate adjustments in relation to changes in supplies and sales. It will make price adjustments promptly and automatically without the need for a public hearing each time an adjustment is warranted. Such adjustment is consistent with the criteria of the Agricultural Marketing Agreement Act, which requires that the prices established under the Act be reasonable in view of market supply and demand conditions, assure a sufficient quantity of pure and wholesome milk and be in the public interest. The automatic adjustment of Class I milk prices in response to changes in the relation between milk supplies and Class I sales is designed to carry out, in the market, the price objective of the Act through encouragement of supplies at the levels needed for fluid requirements.

The supply-demand adjutor provided herein:

(1) Reflects the pattern of production related to Class I sales for the market during the 15 months ending July 1966.

(2) Limits the monthly changes in the supply-demand adjustment, in specified months, to prevent contraseasonal price changes.

(3) Bases the adjustments on production and Class I sales data for the most recent three 2-month periods.

The contraseasonal provision was requested by a producer representative to prevent substantial price adjustments which are contrary to the usual seasonal movement of prices. This is a proper modification of the supply-demand adjustment to assure that any temporary adjustment is not inconsistent with normal seasonal movement of prices. In addition, the provision basing the adjustments on three 2-month periods will reflect current changes in the relationship between milk supplies and Class I sales. At the same time, it will provide a basis for identifying persistent changes from the "normal" relationship between milk supplies and Class I sales. In general, the mechanics provided herein are similar to those provided in the supply-demand adjutors of a number of other Federal milk orders.

The adjutor provides for a "current utilization percentage" by dividing the total pounds of producer milk in the second and third months preceding the pricing month by the total pounds of Class I milk. This computation, however, excludes interhandler transfers, and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk. In the operation of the supply-demand adjutor, the deviation of the current utilization percentage from a

"standard utilization percentage" is the basis for price adjustment. The standard utilization percentage is based on the relationship of milk supplies to sales since the inception of the order.

Any amount by which the current utilization percentage is less than the "minimum standard utilization percentage" specified in the order is a "minus deviation percentage". Conversely, any amount by which the current utilization percentage exceeds the "maximum standard utilization percentage" specified in the order is a "plus deviation percentage". The range between the maximum and minimum standard utilization percentages is centered on utilization percentages for each month, which are computed from receipts of producer milk and total Class I sales for 2-month periods since the inception of the order.

For a minus deviation percentage, the Class I price should be increased, and for a plus deviation percentage it is decreased. The rate of adjustment for variations from the standard utilization percentages provided herein would be nominal when such variations first appear, but would be increased progressively as a variation of like direction and amount persisted through two or three consecutive 2-month periods. Such provision will avoid substantial price changes based on minor or nonrecurring deviations from the established norms.

Substantial price adjustment will, however, occur when undersupply or oversupply representing significant deviations from the established norms persist for a period of time. An exception to this is provided for the months of September, October, and November when the supply-demand adjustment for any of those months shall not be lower by more than 5 cents, than such adjustment for the immediately preceding month. For any month of April, May, or June, the supply-demand adjustment would not be higher, by more than 5 cents, than such adjustment for the immediately preceding month. This will avoid abrupt contraseasonal swings in the amount of the supply-demand adjustment.

The adjustment provisions are accomplished by providing that for each unit of deviation from the standard range the price shall be adjusted by 1 cent, plus 1 cent for each such percentage point for which there was a deviation of like extent and character in each of the first and second 2-month periods next preceding. Thus, the effect of the departure from the stated norms would be cumulative. The proposed adjutor would also bring the adjustment back to zero promptly, whenever the ratio of supply to sales again falls within the normal range.

Since the standard utilization percentages are based on actual data since May 1965, the proposed supply-demand adjutor would have made no adjustment in the Class I price since the inception of the order if it had been effective.

The attached order provides the adjustment would not be effective until October 1967. This will allow a period of observation of its action before its effective time.

² Official notice is hereby taken of the September 1966 Class I price announcement issued by the market administrator in which the basic formula price for August 1966 is reported as \$4.26.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order, as amended, regulating the handling of milk in the Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Section 1103.51(a) is revised to read as follows:

§ 1103.51 Class prices.

(a) **Class I milk price.** The minimum Class I milk price for the month shall be the basic formula price for the preceding month, plus \$2.27 each month, plus or

minus a supply-demand adjustment beginning in October 1967 computed pursuant to subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That the Class I price for each of the months of November and December 1966 and January and February 1967 shall be the basic formula price for the preceding month plus \$2.35.

(1) Divide the total pounds of producer milk in the second and third month preceding by the total pounds of Class I milk (excluding interhandler transfers and including any net inter-market transfers) in the same months of handlers fully regulated under this part, multiply the results by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Month for which price applies	Months used in computation	Standard utilization percentages	
		Min-imum	Max-imum
January.....	October-November.....	124	128
February.....	November-December.....	129	133
March.....	December-January.....	130	134
April.....	January-February.....	123	127
May.....	February-March.....	123	127
June.....	March-April.....	131	135
July.....	April-May.....	141	145
August.....	May-June.....	150	154
September.....	June-July.....	148	152
October.....	July-August.....	147	151
November.....	August-September.....	135	139
December.....	September-October.....	124	128

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided*, That the supply-demand adjustment for any month of September, October, or November shall not be lower, by more than 5 cents, than such adjustment for the immediately preceding month; and for any month of April, May, or June of each year shall not be higher, by more than 5 cents, than such adjustment for the immediately preceding month:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(a) Each percentage unit of deviation, or

(b) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes

of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each percentage unit of deviation;

(b) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or

(c) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

Signed at Washington, D.C., on October 14, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-11355; Filed, Oct. 18, 1966; 8:47 a.m.]

[7 CFR Part 1205]

COTTON RESEARCH AND PROMOTION

Procedure for Conduct of Referenda

Notice is hereby given that the Department of Agriculture, under the authority contained in section 15 of the Cotton Research and Promotion Act (80 Stat. 279), is considering the addition of a new subpart to Part 1205 of Title 7 of the Code of Federal Regulations, as set forth below.

This proposed new subpart would establish regulations for holding referenda among cotton producers to determine whether the issuance by the Secretary of Agriculture of a cotton research and promotion order, or the termination or suspension of such an order, is approved or favored by producers.

The Department now has under consideration a proposed cotton research and promotion order. A public hearing on the proposed order was completed on September 2, 1966, and a decision recommending establishment of the order was published in the FEDERAL REGISTER dated October 5 (31 F.R. 12956). A final decision on the order will not be made until the period for filing comments and exceptions on the recommended decision has expired and consideration has been given to any such comments and exceptions. If it is concluded in this final decision that the order should be issued, the Department will then announce a referendum among cotton producers.

Section 8 of the Cotton Research and Promotion Act provides that the Secretary shall conduct a referendum among persons who, during a representative period determined by the Secretary, have been engaged in the production of cotton for the purpose of ascertaining whether the issuance of an order is approved or favored by producers. It further provides that no order issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such order is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-

thirds of the cotton produced during the representative period by producers voting in such referendum and by not less than a majority of the producers voting in such referendum.

All persons who desire to submit written data, views, or arguments in connection with the proposed regulations may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 28, 1966. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 14, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders

Sec.	General.
1205.200	Definitions.
1205.201	Agencies through which a referendum shall be conducted.
1205.202	Voting eligibility.
1205.203	Voting.
1205.204	Canvass of ballots.
1205.205	Reporting results of referendum.
1205.206	Challenge of correctness of county summary of ballots.
1205.207	Disposition of ballots and records by county committee.
1205.208	Confidential information.
1205.209	Additional instructions and forms.

AUTHORITY: The provisions of this subpart issued under sec. 15, Cotton Research and Promotion Act (sec. 15, 80 Stat. 285).

§ 1205.200 General.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of a cotton research and promotion order, or the termination or suspension of such an order, is approved or favored by producers shall, unless supplemented or modified by the Secretary, be conducted in accordance with this subpart.

§ 1205.201 Definitions.

(a) "Act" means the Cotton Research and Promotion Act (80 Stat. 279).

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead and "Department" means the U.S. Department of Agriculture.

(c) "Consumer and Marketing Service" means the Consumer and Marketing Service of the Department.

(d) "Agricultural Stabilization and Conservation Service", also referred to as ASCS, means the Agricultural Stabilization and Conservation Service of the Department.

(e) "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has heretofore been

delegated or may hereafter be delegated to act in his stead.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

(g) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(h) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(i) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service county office, or the person acting in such capacity.

(j) "State executive director" means the person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office, or the person acting in such capacity.

(k) "Order" means the order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(l) "Representative period" means the period designated by the Secretary pursuant to section 8 of the act.

(m) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(n) "Upland cotton" means any cotton other than extra long staple cotton.

(o) "Engaged in the production." The term "engaged in the production" shall include planting an upland cotton crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. In addition,

(1) Except for a landlord of a standing rent, cash rent, or fixed rent tenant, each person sharing in an upland cotton crop, or proceeds thereof, on a farm as an owner, cash tenant, landlord of a share tenant, share tenant or sharecropper shall be considered engaged in the production of such crop.

(2) Each person who was either the owner or operator of a farm for which an acreage allotment for a crop of upland cotton was established pursuant to the Agricultural Adjustment Act of 1938, as amended, but on which such crop was not produced shall be deemed to be engaged in the production of such crop in the year in which such crop, if produced, would have been harvested if any acreage of such crop was deemed devoted to the crop for history purposes under applicable provisions of such law and he would have shared in such crop if it had been produced.

(p) "Producer" means any person engaged in the production of upland cotton.

§ 1205.202 Agencies through which a referendum shall be conducted.

(a) *Consumer and Marketing Service.* The Administrator shall:

(1) Determine the referendum period.

(2) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the upland cotton producing areas, announcing the dates, places, or methods of voting, and other pertinent information, and (ii) by such other means as he may deem advisable.

(3) Provide ballots and related material to be used in the referendum to ASCS. The ballot (i) shall provide for recording essential information for ascertaining whether the person voting is an eligible voter, and (ii) may provide for recording the total amount of upland cotton produced by the producer during the representative period.

(4) Make available to producers through ASCS county committee instructions on voting, an appropriate ballot and, except in the case of a referendum on the termination or suspension of an order, a summary of the terms and conditions of the order. The instructions on voting shall explain the method to be used in determining the amount of upland cotton produced during the representative period and shall specify whether such amount is to be entered on the ballot by the voter, subject to the following terms and conditions:

(i) If a current production year for which harvesting has not been completed is designated as the representative period, the amount of upland cotton produced shall be determined by the office of the county committee on the basis of the acreage planted on the farm and projected lint yield per acre for the farm.

(ii) On farms in which more than one eligible voter is engaged in production, the vote cast by each voter shall represent only the amount of upland cotton that is his share of the crop, or proceeds thereof.

(iii) If an eligible voter is engaged in production of upland cotton on more than one farm he is entitled to only one vote but any vote cast by such voter shall represent the total amount of upland cotton that is his share of the crop, or proceeds thereof, on all such farms: *Provided*, That only farms for which records are maintained by the ASCS county office designated as the voter's polling place shall be considered unless the voter, prior to the referendum, establishes to the satisfaction of such county office his share of the crop, or proceeds thereof, on any additional farm or farms.

(iv) A person who is eligible to vote in the referendum and who did not have any planted acreage of upland cotton during the representative period, regardless of reason for not planting, may vote "yes" or "no" with respect to the order but such person's volume of production will be considered as zero (0).

(b) *Agricultural Stabilization and Conservation Service.* Except for the functions specified in paragraph (a) of this section, the Deputy Administrator shall be in charge of and responsible for conducting each referendum. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of each committee to conduct each referendum in a fair, unbiased and impartial manner in accordance with the regulations in this subpart.

§ 1205.203 Voting eligibility.

(a) *Special eligibility requirements.* Each person who was engaged in the production of upland cotton during the representative period shall be eligible to vote in a referendum.

(b) *General eligibility requirements.*

(1) A person may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of upland cotton farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested: *Provided, however,* That the individual members of a qualified partnership shall each have one vote, but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. A person who, as a guardian, administrator, executor, or trustee engages in the production of upland cotton will be eligible to vote in such fiduciary capacity if, in such capacity, he qualifies as an eligible voter. In such cases the person for whom he is acting in a fiduciary capacity will not be eligible to vote. An individual may, if otherwise eligible, cast a ballot in his individual capacity although he may also cast a ballot as a guardian, administrator, executor, or trustee. An individual who holds more than one fiduciary position may vote as a fiduciary in each case in which he is otherwise eligible, as for example, if John Doe is administrator of estate X, he may cast a ballot as administrator of estate X, and if he is also administrator of estate Y, he may cast another ballot as administrator of estate Y.

(2) Where a group of several persons, such as husband, wife, and children, are engaged in the production of upland cotton under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons are engaged in the production of upland cotton as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified. Whether a husband or wife is entitled to vote does

not depend upon whether the other spouse is eligible to vote. Eligibility to vote applies to each one individually. A wife is eligible to vote if she shares in the proceeds of the required crop as an owner, cash tenant, landlord of a share tenant, share tenant, or sharecropper. If a husband and wife are tenants or sharecroppers on a farm, jointly responsible under the rental or sharecropping agreement, both are eligible to vote. This is true whether the rental or sharecropping agreement is written, signed by both parties, or oral, provided both husband and wife made the oral agreement. A minor is not disqualified from voting solely because of his minority if otherwise eligible and he is not less than 18 years of age.

(c) *Voting by proxy prohibited.* There shall be no voting by proxy or agent but a duly authorized officer of a corporation, association, or other legal entity, may cast its vote.

§ 1205.204 Voting.

(a) *Place of voting.* The ASCS county office serving the county in which the producer's farm is located shall be his polling place.

(b) *Register of eligible voters.* The county committee shall establish a register of known eligible voters prior to the referendum.

(c) *Mailing of ballot to eligible voters.* The county committee shall furnish each eligible voter a ballot suitable for mailing back to the office of the county committee. If an eligible voter does not receive a ballot, he may obtain one during the referendum period from the office of the county committee for the county in which he is eligible to vote.

(d) *Returning ballot to office of the county committee.* Each person to whom a ballot is issued by mail or in person may vote in the referendum by completing and signing his ballot, placing it in the return postage-and-fees paid indicia envelope furnished by the county committee, and delivering or mailing it to the office of the county committee for the county in which he is eligible to vote. In order to be eligible for tabulation by the county committee, voted ballots must be received by the county committee of the county in which the voter is eligible to vote during the period established for holding the referendum. A ballot shall be considered to have been received during the referendum period if (1) in the case of a ballot delivered to the county committee, it was received in the office prior to the close of the work day on the final day of the referendum period, or (2) in the case of a mailed ballot, it was postmarked not later than midnight of the final day of the referendum period and was received in the county office prior to the start of canvassing the ballots.

(e) *Placing of ballots in ballot box.* Notwithstanding the fact that a ballot(s) may be later challenged by the county committee, envelopes containing ballots received at the ASCS county office during the referendum period shall remain unopened and shall be placed immediately in a ballot box provided by the county

office manager. Such ballot box shall be arranged so that ballots cannot be read or moved without breaking the seal on the container.

§ 1205.205 Canvass of ballots.

(a) *Canvassing procedure.* Canvassing of returned ballots shall take place as soon as possible after the opening of the county office on the fifth day following the close of the referendum period. Such canvassing shall be in the presence of at least two members of the county committee. The county committee shall supervise the opening of the sealed ballot box, the opening of the envelopes containing the ballots and a determination as to (1) the number of eligible voters favoring the order and, where necessary, the amount of upland cotton represented by them, (2) the number of eligible voters disapproving the order and, where necessary, the amount of upland cotton represented by them, (3) the number of ballots cast by voters found to be ineligible to vote in the referendum, and (4) number of spoiled ballots.

(b) *Spoiled ballots.* A ballot shall be considered as a spoiled ballot if (1) it is mutilated or marked in such a way that it is not possible to determine with certainty how the ballot was intended to be counted, or (2) it does not contain the signature of the voter, or his properly witnessed mark.

(c) *Challenge of ballots.* A ballot may be challenged by any member of the county committee. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the county committee as to the eligibility of the voter to vote in the referendum.

§ 1205.206 Reporting results of referendum.

(a) Each county committee shall transmit a written county summary of ballots showing the results of the referendum in its county to its State committee.

(b) Each State committee shall transmit a written summary of the referendum results from the county committees within its State to the Director, Cotton Division, Consumer and Marketing Service, Washington, D.C. 20250, and maintain one copy of the summary in the office of the State committee where it will be available for public inspection for a period of 5 years following the end of the referendum period.

(c) The Director of the Cotton Division shall prepare and submit to the Secretary a report as to the results of the referendum. The Secretary shall then publicly proclaim the results of the referendum.

§ 1205.207 Challenge of correctness of county summary of ballots.

The State committee shall make a prompt investigation and decision in case of any dispute or challenge regarding the correctness of the county summary of ballots in any county: *Provided,* That no dispute or challenge shall be investigated unless it is brought to the at-

tention of the State committee within 3 days after receipt by the State committee of the county summary of ballots from such county.

§ 1205.208 Disposition of ballots and records by county committee.

The county committee shall seal the voted ballots, challenged ballots found to be ineligible, spoiled ballots, register sheets, and summary sheets for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the county office manager for a period of 45 calendar days after the referendum period. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative of the State committee, the voted ballots and challenged ballots shall be destroyed, but the registers and county summary sheets shall be filed for a period of 5 years in the office of the county committee.

§ 1205.209 Confidential information.

All ballots cast and the contents thereof shall be treated as confidential.

§ 1205.210 Additional instructions and forms.

The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart for the use of State and county committees in conducting a referendum. Such additional instructions may include procedures for county and State committees to report and announce the results of the preliminary count of the votes in the county and the State.

[F.R. Doc. 66-11354; Filed, Oct. 18, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WA-7]

POSITIVE CONTROL AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would raise the upper vertical extent of existing positive control area from flight level 600 to flight level 1,500.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the

proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

Positive control area is presently designated within the continental control area from flight level 240 to and including flight level 600 over the 48 conterminous States, excluding portions of the States of Texas, Washington, North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, New Hampshire, and Maine, and excluding some of the islands and keys in the coastal waters of the United States.

Flight operations above flight level 600 are presently conducted only by the military services and a limited number of civil operators under contract to the military services. The Department of Defense has expressed a need for air traffic control service above FL 600 to ensure the increased degree of safety which is provided within the positive control area. Safety considerations clearly require that military and civil supersonic aircraft operating above flight level 600 be provided individual separation from each other. Aircraft speeds, pilots' preoccupation with cockpit duties and limited visibility in this strata preclude the use of "see and avoid" type of separation. Further, the advent of the supersonic civil jet transport and the increasing military activity manifest the requirement to provide a positive control environment.

The experience gained by the provision of separation to the military and test flights which will operate above flight level 600 before the civil supersonic transports are in use will be invaluable in providing a high altitude traffic control service capable of supporting these aircraft as well as military supersonic operations.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 11, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-11323; Filed, Oct. 18, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16927; FCC 66-915]

TABLE OF ASSIGNMENTS TV Broadcast Stations, Mount Clemens, Mich.

In the matter of amendment of § 73.606, Table of Assignments, TV Broadcast Stations, Mount Clemens, Mich., Docket No. 16927, RM-698.

1. On December 11, 1964, Wright and Maltz, Inc., filed a petition for rule making (RM-698) requesting the assignment of Channel 22 to Mount Clemens, Mich., by deleting it from Flint, Mich., and substituting Channel 76 in Flint. The petition contained no showing as to the petitioner's intention to apply for authority to construct and operate a TV station on the channel if the assignment were made. This petition was treated as a comment in Docket No. 14229 which was concerned with an overall revision of the assignment plan for UHF television broadcast channels but through inadvertence it was not disposed of formally in the fourth report and order in Docket No. 14229, adopted June 4, 1965 (FCC 65-504).

2. In the fourth report and order in Docket No. 14229, the Commission announced that new commercial assignments would not be made in cities of less than 25,000 population except where a prospective applicant had made an affirmative showing that it was prepared to go forward promptly with the construction and operation of a new UHF television broadcast station if a channel were made available and it were authorized to do so. Mount Clemens, with a population of only 21,016, was not included in the assignment plan adopted in the fourth report and order nor in the corrected assignment plan adopted in the fifth report and memorandum opinion and order in Docket No. 14229 adopted February 9, 1966 (2 FCC 2d 527). Channel 22 was assigned to Pontiac, Mich.

3. In the normal course of events, we would merely take action to dispose formally of the aforesaid petition. However, on April 26, 1966, the Commission authorized Station WJMY, Channel 20, Detroit, Mich., to move its transmitter site to a point north of the center of Detroit and in so doing reduced the geographic separation between the Channel 20 site and the Pontiac standard reference point to slightly over 12½ miles. The required geographic separation between stations on Channels 20 and 22 is 20 miles. Channel 22 will not meet the required separations if used at Pontiac. It has been found that Channel 22 may be used in an area to the east and northeast of Pontiac in full compliance with the geographic separation requirements. Mount Clemens lies in this area. Therefore, it is possible to salvage the use of this very valuable assignment for service to the Pontiac-Mount Clemens area by assigning it to Mount Clemens.

4. Accordingly, pursuant to the authority contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission's rules and regulations in the following manner:

City	Delete	Add
Mount Clemens, Mich. ....	.....	22
Pontiac, Mich.	22	.....

5. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file com-

PROPOSED RULE MAKING

ments on or before November 21, 1966, and reply comments on or before December 1, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 12, 1966.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11372; Filed, Oct. 18, 1966;
8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI AND MICHIGAN

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Mississippi and Michigan natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Kemper. Monroe.

MICHIGAN

Alcona. Missaukee.
Antrim. Montmorency.
Alpena. Otsego.
Charlevoix. Presque Isle.
Crawford. Roscommon.
Huron. Wexford.
Lake.

It also has been determined that in the hereinafter-named counties in the State of Michigan natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Michigan	Original designation	Present extension
Arenac.....	30 F.R. 11735.....	
Cheboygan.....	30 F.R. 2414.....	30 F.R. 11735
Clare.....	30 F.R. 11735.....	
Emmet.....	30 F.R. 2414.....	30 F.R. 11735
Gladwin.....	30 F.R. 11735.....	
Iosco.....	30 F.R. 11735.....	
Kalkaska.....	30 F.R. 11735.....	
Lenawee.....	29 F.R. 13838.....	30 F.R. 11735
Monroe.....	29 F.R. 13838.....	30 F.R. 11735
Ogemaw.....	30 F.R. 7048.....	30 F.R. 11735
Oscoda.....	30 F.R. 11735.....	
Washtenaw.....	29 F.R. 13838.....	30 F.R. 11735

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of October, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11356; Filed, Oct. 18, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Termination of Proposed Classification of Public Lands

The notice of proposed classification of public lands appearing as F.R. Doc.

66-7973, in the issue of July 22, 1966 (31 F.R. 10000-10002), is hereby terminated in so far as it relates to the following described lands:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 14 N., R. 20 E.,
Sec. 6, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, lot 2 of SW $\frac{1}{4}$.

The areas aggregate approximately 287 acres.

BOYD L. RASMUSSEN,
Director.

OCTOBER 13, 1966.

[F.R. Doc. 66-11329; Filed, Oct. 18, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-96; NDA No. 14-228]

ABBOTT LABORATORIES

Stendin Tablets; Notice of Opportunity for Hearing

Notice is hereby given to the applicant, Abbott Laboratories, North Chicago, Ill., that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 14-228 and all approved amendments and supplements thereto held by Abbott Laboratories for the drug Stendin Tablets (sustained-release tablets; 2.5 grains sodium salicylate and 7.5 grains aspirin per tablet) on the grounds that:

1. New information before the Food and Drug Administration with respect to such drug evaluated together with the evidence available when the application was approved show that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof, in that: new evidence concerning the clinical investigations of Stendin Tablets reported by Cass Research Associates, Inc., Cambridge, Mass., conducted under the sponsorship of and submitted by the applicant as evidence in said application of the effectiveness of the drug, and which were pertinent to the approval of said new-drug application, shows the presence of irregularities in the reports of these investigations of sufficient magnitude that such studies are not adequate as a basis on which it can fairly and responsibly be concluded, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, that the drug will have the effect it purports or is represented to have under the conditions

of use prescribed, recommended, or suggested in its labeling.

2. The new-drug application contains untrue statements of material fact. Specifically, the report of clinical investigations reported by Cass Research Associates, Inc., identified by Project Code No. 64-5-D dated November 3, 1964, and submitted by the applicant in said application as evidence of the effectiveness of the drug, contains untrue statements of material fact in that:

a. It contains the identification of a number of persons reported as being treated with the drug during the period of said investigations who in fact were not so treated. During all or part of the time pertinent to these investigations a significant number of these persons were not hospitalized at the institution where the investigations were allegedly conducted. Some of the persons reported as being treated were actually deceased.

b. It contains the identification of clinical conditions for which a number of persons were being treated with the drug, which conditions are not verified by the records of the institution where the investigations were allegedly conducted.

c. It omits full information concerning other relevant treatments, evidenced by the records of the institution where the investigations were allegedly conducted, given concurrently to patients reportedly being treated with the drug.

d. It omits full information on all relevant clinical conditions of the persons reported as being treated with the drug during these investigations.

e. It contains statements of adverse effects and useful results observed in a number of persons being treated with the drug, which observations for reasons specified in paragraphs a, b, c, and d above could not have been made.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Title 21, Code of Federal Regulations, Part 130, the Commissioner will give the applicant named above, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 14-228 should not be withdrawn.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the **FEDERAL REGISTER** will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, as amended, 1055, as amended; 21 U.S.C. 355, 371) and delegated by the Secretary of Health, Education, and Welfare to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: October 13, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11361; Filed, Oct. 18, 1966; 8:48 a.m.]

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2096) has been filed by B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, proposing the issuance of a regulation to provide for the safe use of 2,2'-di-*tert*-butyl-4,4'-isopropylidenediphenol bis(*p*-nonylphenyl) phosphite as an antioxidant and/or stabilizer in certain polymers for food-contact use.

Dated: October 10, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-11362; Filed, Oct. 18, 1966; 8:48 a.m.]

DOW CHEMICAL CO.

Amended Notice of Filing of Petition for Food Additives

In the **FEDERAL REGISTER** of August 9, 1966 (31 F.R. 10616), notice was given that a petition had been filed by the Dow Chemical Co., Post Office Box 512, Midland, Mich. 48641, proposing the issuance of a regulation to provide for the safe use of metichlorpindol (3,5-dichloro-2,6-dimethyl-4-pyridinol) as an aid in the prevention of coccidiosis in growing chickens.

Notice is given, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), that said peti-

tion proposed the issuance of a regulation also to provide for the safe use for growing chickens of metichlorpindol in combination with arsanilic acid or 3-nitro-4-hydroxyphenyl arsonic acid, as an aid in the prevention of coccidiosis, and in either case, with or without penicillin, bacitracin, or a penicillin-bacitracin combination added for growth promotion and feed efficiency.

Dated: October 12, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-11363; Filed, Oct. 18, 1966; 8:48 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2097) has been filed by the Dow Chemical Co., Biochemical Research Laboratory, 1803 Building, Midland, Mich. 48640, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of 1,2-dichloroethylene (mixed isomers) in the formulation of food-packaging adhesives.

Dated: October 10, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-11364; Filed, Oct. 18, 1966; 8:48 a.m.]

HAWAIIAN COCONUT PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additive Sorbitan Monostearate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Hawaiian Coconut Products, Inc., 5441 Opihi Street, Honolulu, Hawaii 96821, has withdrawn its petition (FAP 3A1131), notice of which was published in the **FEDERAL REGISTER** of September 11, 1964 (29 F.R. 12852), proposing the issuance of a regulation to provide for the safe use of sorbitan monostearate in combination with polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as an emulsifier in coconut milk drink, whereby the level of each additive does not exceed 1,000 parts per million in the finished drink.

The withdrawal of this petition is without prejudice to a future filing.

Dated: October 12, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-11365; Filed, Oct. 18, 1966; 8:48 a.m.]

HOPCON INC.

Notice of Filing of Petition for Food Additive Methyl Alcohol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A2038) has been filed by Hopcon Inc., 274 Madison Avenue, New York, N.Y. 10016, proposing that § 121.1044 *Methyl alcohol* be amended to provide for the safe use of methyl alcohol as a solvent in the extraction of hops. The methyl alcohol will not exceed 1.0 percent by weight of the hops extract for use in beer production.

Dated: October 10, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-11366; Filed, Oct. 18, 1966; 8:49 a.m.]

PACIFIC RESINS & CHEMICALS, INC.

Notice of Filing of Petition for Food Additive Triethylenetetramine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B2048) has been filed by Pacific Resins & Chemicals, Inc., 3400 13th Avenue SW., Seattle, Wash. 98134, proposing an amendment to § 121.2542 *Polyamide-epichlorohydrin resins* to provide for use of triethylenetetramine to replace all or part of the diethylenetriamine used in formulating polyamide-epichlorohydrin resins used as components of articles intended for food-contact use.

Dated: October 10, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-11367; Filed, Oct. 18, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16737, 16738; FCC 66M-1379]

ADIRONDACK TELEVISION CORP. AND NORTHEAST TV CABLEVISION CORP.

Order Continuing Hearing

In re applications of Adirondack Television Corp., Albany, N.Y.; Docket No. 16737, File No. BPCT-3511; Northeast TV Cablevision Corp., Albany, N.Y.; Docket No. 16738, File No. BPCT-3635; for construction permit for new television broadcast station (Channel 23).

It is ordered, This 12th day of October 1966, by the Hearing Examiner on his own motion, that the hearing in the above-entitled matter now scheduled for 10 a.m., October 17, 1966, is hereby rescheduled to commence at 10 a.m., Oc-

tober 20, 1966, in the Commission's offices, Washington, D.C.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11373; Filed, Oct. 18, 1966;
8:49 a.m.]

[Docket No. 16922; FCC 66-908]

AMERICAN HOMES STATIONS, INC. (WVCF)

Order Designating Application for Hearing on Stated Issues

In re application of American Homes Stations, Inc. (WVCF), Windermere, Fla.; Docket No. 16922, File No. BP-16643; Has: 1480 kc, 1 kw, Day, Class II; Requests: 1480 kc, 5 kw, DA-Day, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of October 1966;

1. The Commission has before it the above-captioned and described application for an increase in power for Station WVCF, Windermere, Fla., from 1 kw to 5 kw, daytime operation. The applicant also requests a site change from its present location to a location approximately 4 miles closer to Orlando, Fla.

2. According to the 1960 census, Windermere has a population of 576, and is located approximately 10.5 miles from the city limits of Orlando, Fla., population 88,135. The applicant's proposed 5 mv/m contour penetrates the geographic boundary of Orlando, thus raising a presumption that the applicant is realistically proposing to serve that city rather than Windermere. Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, adopted December 22, 1965, 2 FCC 2d 190, 6 RR 2d 1901.

3. In an amendment filed on April 7, 1966, the applicant submitted data and arguments in support of a grant of his proposal notwithstanding the above policy. However, after careful study of this material, the Commission finds that substantial and material questions are raised under the "Policy Statement" and that a hearing must be held to explore the matter further.

4. Except as indicated by the issues specified below, the applicant is qualified to construct, own, and operate as proposed but, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place

to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WVCF and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of WVCF will realistically provide a local transmission facility for Windermere or for Orlando, in the light of all the relevant evidence, including, but not limited to, the showing with respect to:

(a) The extent to which Windermere, Fla., has been ascertained by the applicant to have separate and distinct pro-

(b) The extent to which the needs of grating needs; Windermere, Fla., are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programming needs of Windermere, Fla.; and

(d) The extent to which the projected sources of the applicant's advertising revenues within Windermere, Fla., are adequate to support the proposed station as compared with the projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to Issue 2 above, that the proposal of WVCF will not realistically provide a local transmission service for Windermere, Fla., whether the proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to Orlando, Fla.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the above application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication

of such notice as required by § 1.594(g) of the rules.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11374; Filed, Oct. 18, 1966;
8:49 a.m.]

[Docket Nos. 16879-16881; FCC 66M-1380]

AUDUBON BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Audubon Broadcasting Corp., Westwego, La.; Docket No. 16879, File No. BP-17113; Holmes Broadcasting, Inc., Westwego, La.; Docket No. 16880, File No. BP-17114; West Jefferson Broadcasting, Inc., Gretna, La.; Docket No. 16881, File No. BP-17115; for construction permits.

A prehearing conference having been held on October 13, 1966;

It is ordered, This 13th day of October 1966, that this hearing shall be governed by the agreements and rulings appearing on the record of the said conference, and that hearing shall convene on January 9, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11375; Filed, Oct. 18, 1966;
8:49 a.m.]

[Docket No. 16928; FCC 66-922]

CALIFORNIA WATER AND TELEPHONE CO.

Order Instituting Investigation

In the matter of California Water and Telephone Co.; Docket No. 16928; Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by community antenna television systems.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of October 1966;

1. The Commission has under consideration:

(1) Tariff FCC No. 1 (effective July 29, 1966) and Tariff FCC No. 2 (effective Oct. 15, 1966) of California Water and Telephone Co. applicable to "Channel Service For Use By Community Antenna Television Systems" within the operating territory of the filing company in the State of California; and

(2) A telegraphic petition filed October 3, 1966, by the California Community Television Association requesting suspension and investigation of the aforementioned Tariff FCC No. 2 of California Water and Telephone Co.

¹ Chairman Hyde dissenting.

2. The above-mentioned telegraphic petition was filed with the Commission 12 days before the effective date of the tariff objected to rather than 14 days prior thereto as required by § 1.773 (47 CFR 1.773) of our rules, and will be dismissed for noncompliance therewith.

3. The Commission has reviewed the provisions in Tariff FCC No. 1 and Tariff FCC No. 2 of California Water & Telephone Co. and is of the opinion that there are numerous provisions therein that do not appear to be in conformance with the form and content requirements of Part 61 (47 CFR Part 61) of the Commission's rules and that the provisions of both tariffs present substantive questions as to whether these tariffs are lawful within the meaning of sections 201(b), 202(a), and 203 of the Communications Act of 1934, as amended.

4. The Commission is unable to determine at this time whether or not such tariffs are or will be just and reasonable or otherwise lawful and is concerned that, if the aforementioned Tariff FCC No. 2 of California Water and Telephone Co. is permitted to become effective on the date specified thereon, substantial injury to the public may result therefrom. Pending hearing and decision thereon, the Commission is of the opinion that the proposed Tariff FCC No. 2 should be suspended in order to avoid any substantial injury to the public;

5. In view of the foregoing: *It is ordered*, That pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of Tariff FCC No. 1 and Tariff FCC No. 2 of the California Water & Telephone Co.;

6. *It is further ordered*, That pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the effectiveness of the aforementioned Tariff FCC No. 2 is suspended until January 15, 1967;

7. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons, to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the aforesaid tariffs conform to the requirements of section 203 of the Act and Part 61 of our rules implementing that section;

(4) If any of such charges, classifications, practices, and regulations are found to be unlawful, whether the Commission should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed;

8. *It is further ordered*, That a hearing be held in this proceeding at the

Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276, and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282;

9. *It is further ordered*, That the petition of the California Community Television Association for suspension and investigation of Tariff FCC No. 2 of California Water and Telephone Co., is dismissed for noncompliance with § 1.773 of the Commission's rules; and

10. *It is further ordered*, That California Water and Telephone Co. is made a party respondent hereto, and that the California Community Television Association shall be granted leave to intervene upon the filing of a notice of intention to appear and participate within 20 days of the release date of this order.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11376; Filed, Oct. 18, 1966;
8:49 a.m.]

[Docket No. 16928; FCC 66M-1384]

CALIFORNIA WATER AND TELEPHONE CO.

Order Scheduling Hearing

In the matter of California Water and Telephone Co.; Docket No. 16928; Tariff FCC No. 1 and Tariff FCC No. 2, applicable to channel service for use by community antenna television systems.

It is ordered, This 13th day of October 1966, that Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 17, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 28, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.¹

Released: October 13, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11377; Filed, Oct. 18, 1966;
8:49 a.m.]

¹ An expedited hearing in this proceeding is indicated, in view of the following language in the Commission's order of hearing designation: *It is further ordered*, That pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the aforementioned Tariff FCC No. 2 is suspended until Jan. 15, 1967;

[Docket No. 15668, 15708; FCC 66M-1377]

CHICAGOLAND TV CO. AND CHI- CAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUN- CIL

Order Scheduling Further Prehearing Conference

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill.; Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill.; Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

A hearing conference having been held on October 12, 1966;

It appearing, that certain pleadings are to be filed expeditiously, and that the disposition thereof will clarify the course of further proceedings;

It is ordered, This 12th day of October 1966, that further hearing conference herein shall convene on October 26, 1966, commencing at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: October 12, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11378; Filed, Oct. 18, 1966;
8:49 a.m.]

[Docket Nos. 16340, 16341; FCC 66M-1387]

EDGEFIELD-SALUDA RADIO CO. (WJES) AND WQIZ, INC. (WQIZ)

Order After Prehearing Conference

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C.; Docket No. 16340, File No. BP-16489; WQIZ, Inc. (WQIZ), Saint George, S.C.; Docket No. 16341, File No. BP-16625; for construction permits.

The Hearing Examiner having under consideration the proceedings during today's prehearing conference in the above remand matter;

It is ordered, This 14th day of October 1966, that the further hearing in the instant proceeding will convene at 10 a.m., on Tuesday, October 25, 1966, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the suggestions and requests of the Hearing Examiner as set forth in the transcript of the prehearing conference will be carefully observed by the parties and their attorneys.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11379; Filed, Oct. 18, 1966;
8:49 a.m.]

[Docket Nos. 16794, 16795; FCC 66M-1385]

LYNN MOUNTAIN BROADCASTING AND WBEJ, INC.

Order Continuing Hearing

In re applications of Roy C. Nelson, Fred P. Davis, William E. Hale, and C. M. Taylor doing business as Lynn Mountain Broadcasting, Elizabethton, Tenn.; Docket No. 16794, File No. BPH-5193; WBEJ, Inc., Elizabethton, Tenn.; Docket No. 16795, File No. BPH-5260; for construction permits.

The Hearing Examiner having under consideration a motion for continuance filed by WBEJ, Inc. on October 12, 1966;

It appearing, that because of illness one of the principals in WBEJ has been unable to assist in preparation of exhibits in order to meet the exchange date of October 12. It is now requested that the Examiner change the schedule to provide for exhibit exchange on November 2, notification of witnesses on November 7, and commencement of hearing on November 15, 1966; and

It further appearing, that counsel for all parties have consented to an immediate grant of this motion;

It is ordered, This 13th day of October 1966, that the motion of WBEJ, Inc. is granted as requested except that the date for commencement of hearing is continued from October 25 to November 17, 1966.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11380; Filed, Oct. 18, 1966;
8:49 a.m.]

[Docket No. 16867]

TAXICAB RADIO SERVICE

Order Extending Time for Filing Comments

In the matter of inquiry into the requirement of the Taxicab Radio Service for all of the frequencies available within Standard Metropolitan Areas of 50,000 or more population in the 152 and 157 Mc/s bands; Docket No. 16867.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a request filed by the American Taxicab Association and the National Association of Taxicab Owners for extension of time for filing comments in the above-entitled proceeding. The prescribed time for filing comments expires on October 17, 1966. The petitioners have requested that this time be extended to December 1, 1966.

2. In support of their request, the petitioners state that additional time is required to gather the detailed information requested by the Commission concerning the current use of the frequencies allocated to the taxicab industry, and the industry's future requirements.

3. In view of the foregoing: *It is ordered*, This 13th day of October 1966,

pursuant to § 0.331(b) (4) and 1.46 of the Commission's rules, that the above-described request of the American Taxicab Association and the National Association of Taxicab Owners is granted and that the time for filing comments in the above-entitled proceeding is extended to December 1, 1966.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11381; Filed, Oct. 18, 1966;
8:49 a.m.]

[Docket No. 16612; FCC 66M-1386]

STAR STATIONS OF INDIANA, INC.

Order Following Hearing Conferences

In re applications of Star Stations of Indiana, Inc., Docket No. 16612, File No. BR-1144, BRH-1276; for renewal of licenses of Stations WIFE AM-FM, Indianapolis, Ind.

Since issuance of the Commission's memorandum opinion and order of October 7, 1966, denying applicant's petition for reconsideration (FCC 66-887), two prehearing conferences have been held, one on October 12th and the other on October 13th. On the basis of the discussions held at these conferences, the particulars of which are to be found in the transcripts of the conferences, the Examiner takes the action framed in the ordering clause below. Other matters germane to the forthcoming hearing were discussed at these conferences. To the extent that these discussions resulted in binding agreements and understanding between counsel and the Examiner affecting future course of hearing they will be covered by subsequent order following receipt of transcript.

Accordingly, it is ordered, This 13th day of October 1966, that hearing now scheduled to be held on October 26, 1966, in Indianapolis, Ind., is continued, without change of place, to November 7, 1966.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11382; Filed, Oct. 18, 1966;
8:49 a.m.]

FEDERAL MARITIME COMMISSION SEATRAN LINES, INC., AND MOORE- McCORMACK LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916; as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done. Notice of Agreement Filed for Approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9583, between Seatrain Lines, Inc., and Moore-McCormack Lines, Inc., establishes a through billing arrangement in the trade from Puerto Rico to Norway, Holland, Denmark, Belgium, Sweden, Poland, and Finland, with transshipment at the port of New York, N.Y., in accordance with the terms and conditions set forth in the agreement.

Dated: October 14, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11340; Filed, Oct. 18, 1966;
8:46 a.m.]

U.S. FLAG OCEAN CARRIERS RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

O. W. Koke, Secretary, Pro Tem, 80 Broad Street, 34th Floor, New York, N.Y. 10004.

Agreement No. 9584, which cancels and supersedes Agreement No. 9578, notice of which appeared in the FEDERAL REGISTER of October 1, 1966, provides that the six American Flag lines may from time to time meet, discuss, and agree between

themselves upon rates, terms and conditions, and other matters relating to the carriage of cargoes of military or State Department household goods, personal effects, and unaccompanied baggage originating with the U.S. Department of Defense or U.S. Department of State and moving under Department of Defense or State Department through Government bills of lading executed by trucklines, household movers, railroads and/or regulated or nonregulated freight forwarders operating under rate and service tenders approved by either Department. The Agreement covers movements from and to ports on the U.S. Atlantic, Great Lakes or Gulf of Mexico and ports in the Bordeaux/Hamburg Range in Europe and in the United Kingdom and Eire.

Dated: October 14, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11341; Filed, Oct. 18, 1966;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5766, etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

OCTOBER 11, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 3, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing

will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate applica-

tion, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5766 C 8-19-66	Continental Oil Co. (Operator), et al., ¹ Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Langley-Matrix and Cooper-Jal Fields, Lea County, N. Mex.	10.0	14.65
G-12302 E 10-3-66	Grande Oil Co. (successor to Emerald Oil & Carbonic Co. (Operator), et al.), 1920 Alamo National Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Salem Field, Victoria County, Tex.	13.8733	14.65
G-13103 C 10-3-66	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
G-16199 9-30-66 ²	Banquete Gas Co., a division of Crestmont Oil & Gas Co. (formerly Banquete Gas Co., a division of Crestmont Consolidated Corp.), 2622 Mission St., San Marino, Calif. 91108.	United Gas Pipe Line Co., Plymouth and East Taft Fields, San Patricio County, Tex.	12.0	14.65
G-16218 D 10-3-66	Gulf Oil Corp. (Operator), et al., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Southeast Gage Field, Ellis County, Okla.	(*)	-----
G-17199 9-30-66 ²	Banquete Gas Co., a division of Crestmont Oil & Gas Co. (formerly Banquete Gas Co., a division of Crestmont Consolidated Corp.).	United Gas Pipe Line Co., Spartan and Odem Fields, San Patricio County, Tex.	13.0	14.65
CI60-444 E 9-23-66	Tri Gas Co. (successor to James H. Helland (Operator), et al., Pettus, Tex. 78146.	Trunkline-Gas Co., Bryne Field, Bee County, Tex.	12.25	14.65
CI60-625 9-30-66 ²	Banquete Gas Co., a division of Crestmont Oil & Gas Co. (formerly Banquete Gas Co., a division of Crestmont Consolidated Corp.).	United Gas Pipe Line Co., acreage in San Patricio County, Tex.	13.0	14.65
CI61-397 D 10-3-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Kings Ridge Field, Lafourche Parish, La.	Uneconomical	-----
CI61-487 C 8-22-66	Ferrell L. Prior d.b.a. Prior Oil & Gas Co., Post Office Box 590, Spencer, W. Va. 25276.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	25.0	15.325
CI61-1147 C 10-3-66	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Various Fields, Alfalfa, Dewey, Major, Woods, and Woodward Counties, Okla.	17.0	14.65
CI62-1219 C 10-3-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	*18.5	14.65
CI63-875 D 9-29-66 ²	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Lone Star Gathering Co., Speary Field, Karnes County, Tex.	Assigned ³	-----
CI66-470 C 9-22-66	Sunray D. Oil Co.	Arkansas Louisiana Gas Co., Arkansas Area, LeFlore, Latimer, Pittsburg, and Haskell Counties, Okla.	15.0	14.65
CI66-763 C 9-29-66	Samedan Oil Corp. (Operator), et al., Post Office Box 909, Ardmore, Okla. 73401.	Panhandle Eastern Pipe Line Co., Greensburg Field, Woods County, Okla.	15.0	14.65
CI66-952 C 9-29-66	Joseph S. Gruss (Operator), et al., 30 Broad St., New York, N.Y. 10004.	El Paso Natural Gas Co., Ignacio-Blanco Mesa Verde Field, La Plata County, Colo.	13.0	15.025
CI66-988 C 10-6-66	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Panhandle Eastern Pipe Line Co., South Feldman Field, Hemphill County, Tex. and South Bishop Field, Ellis County, Okla.	*17.0	14.65
CI67-357 A 9-26-66	J. C. Barnes Oil Co. (Operator), et al., Post Office Box 595, Midland, Tex. 79701.	Michigan Wisconsin Pipe Line Co., West Campbell Field, Major County, Okla.	15.0	14.65
CI67-358 A 9-27-66	U.S. Natural Gas Corp., 9601 Wilshire Blvd., Beverly Hills, Calif. 90210.	Colorado Interstate Gas Co., Desert Springs Area, Sweetwater County, Wyo.	15.0	14.65
CI67-359 A 9-28-66	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	*15.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession

See footnotes at end of table.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[Docket No. G-10181, etc.]

HOUSTON NATURAL GAS PRODUCTION CO. ET AL.**Order Amending Orders**

OCTOBER 11, 1966.

Houston Natural Gas Production Co. (a Delaware corporation) (formerly Morgan Minerals Corp.) (successor to Houston Natural Gas Production Co.) (a Texas corporation), Docket No. G-10181, et al.

Order amending orders issuing certificates of public convenience and necessity, redesignating proceedings, redesignating FPC gas rate schedules, and requiring filing of agreements and undertakings.

On July 25, 1966, Houston Natural Gas Production Co., a Delaware corporation (Houston Delaware), formerly Morgan Minerals Corp., filed applications to amend the orders issuing certificates of public convenience and necessity to Houston Natural Gas Production Co., a Texas corporation (Houston Texas), by authorizing Houston Delaware to continue sales of natural gas heretofore authorized to be made by Houston Texas, all as more fully set forth in the applications and in the Appendix below.

Effective July 1, 1966, Morgan Minerals Corp., a Delaware corporation, merged into Houston Texas and simultaneously changed its own name to that of the merged corporation. Houston Delaware has assumed the obligations and responsibilities of Houston Texas and requests that it be authorized to continue those sales heretofore authorized to be made by Houston Texas and that its own certificates and rate schedules be redesignated to reflect the change in name.

After due notice no petition to intervene, notice of intervention or protest to the granting of the applications herein has been received.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates to Houston Texas and Morgan Minerals Corp. should be amended as hereinafter ordered and that the related FPC gas rate schedules and pending proceedings should be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Houston Texas are amended by authorizing Houston Delaware to continue the sales of natural gas therein authorized, and in all other respects said orders shall remain in full force and effect.

(B) The orders issuing certificates to Morgan Minerals Corp. are amended by changing the name of the certificate holder to "Houston Natural Gas Production Company," and in all other respects said orders shall remain in full force and effect.

(C) The FPC gas rate schedules of Houston Texas and Morgan Minerals Corp. are redesignated as those of Houston Delaware, and the notices of

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-360. A 9-28-66	Prenalta Corp. (Operator), et al., Post Office Box 2514, Casper, Wyo. 82602.	Colorado Interstate Gas Co., Desert Springs Area, Sweetwater County, Wyo.	15.0	14.65
CI67-361. A 9-28-66	Mesa Petroleum Co., Operator, 1501 Taylor St., Amarillo, Tex. 79105.	Natural Gas Pipeline Co. of America, Upper Morrow Field, Hansford County, Tex.	17.0	14.65
CI67-362. A 9-28-66	Kimberly Exploration, Ltd., 201 University Blvd., Denver, Colo. 80206.	Kansas-Nebraska Natural Gas Co., Inc., Cayuse Field, Logan County, Colo.	10.0	16.4
CI67-363. (CI64-1375) F 9-29-66	Sinclair Oil & Gas Co. (successor to Magna Oil Corp.), Post Office Box 521, Tulsa, Okla. 74102.	Lone Star Gas Co., Delaware Bend Field, Cooke County, Tex.	14.0	14.65
CI67-366. (G-16874) F 9-27-66	Tamarack Petroleum Co., Inc. (successor to Robert K. Kimberlin, Jr.), 413 First Savings & Loan Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Buckhorn (Ellenburger) Field, Crockett County, Tex.	10 11.0	14.65
CI67-367. A 9-29-66	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., Northeast Wynoka Field, Woods County, Okla.	17.0	14.65
CI67-368. B 9-29-66	Clary Petroleum, Inc., 310 Kremak Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Area, Woodward County, Okla.	Uneconomical	-----
CI67-369. B 9-30-66	R. H. Burns (Operator), et al.	Cities Service Gas Co., Canyon Creek Pool, Osage County, Okla.	Uneconomical	-----
CI67-370. A 9-30-66	Graham-Michaelis Drilling Co., 211 North Broadway, Wichita, Kans. 67202.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	17.0	14.65
CI67-371. A 9-30-66	Continental Oil Co.	Natural Gas Pipeline Co. of America, Northeast Fort Supply Area, Harper County, Okla.	17.0	14.65
CI67-372. A 9-30-66	Pennzoil Co., 54 Boylston St., Bradford, Pa. 16701.	Pennsylvania Gas Co., Cooper Field, Sheffield Township, Warren County, Pa.	27.0	15.025
CI67-373. A 10-3-66	Lock 3 Oil, Coal & Dock Co., et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Cumberland and Allegheny Gas Co., Warren District, Upshur County, W. Va.	25.0	15.325
CI67-374 "A" A 10-3-66	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Southeast Gage and Tangiers Fields, Ellis and Woodward Counties, Okla.	12 17.986	14.65
CI67-375. B 10-3-66	Vincent & Welch, Inc. (Operator), et al., 900 Pioneer Bldg., Lake Charles, La. 70601.	Transcontinental Gas Pipe Line Corp., Grand Coulee Field, Acadia Parish, La.	Depleted	-----
CI67-376. B 10-3-66	Kilroy Co. of Texas, Inc. (Operator), et al., c/o W. H. Drushel, Jr., attorney, Vinson, Elkins, Weems & Searls, First City National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Aldine Field, Harris County Tex.	Depleted	-----
CI67-377. B 10-3-66	Kilroy Properties, Inc., c/o W. H. Drushel, Jr., Attorney, Vinson, Elkins, Weems & Searls, First City National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Dolly Field, Newton County, Tex.	(13)	-----
CI67-378. B 10-3-66	Southwestern Exploration Consultants, Inc. (Operator), et al., 404 Local Federal Bldg., Oklahoma City, Okla. 73102.	Lone Star Gas Co., acreage in Jefferson County, Okla.	Depleted	-----
CI67-379. B 9-28-66	Sunset International Petroleum Corp., et al., 8920 Wilshire Blvd., Beverly Hills, Calif. 90201.	Kansas-Nebraska Natural Gas Co., Inc. Little Hoot and Cement Fields, Logan County, Colo.	Depleted	-----
CI67-380. B 9-28-66	Sunset International Petroleum Corp.	Cities Service Gas Co., acreage in Lincoln County, Okla.	Depleted	-----
CI67-381. A 10-4-66	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Northern Natural Gas Co., acreage in Woodward and Ellis Counties, Okla.	17.0	14.65
CI67-382. B 10-4-66	E. Dunlap, Jr., Post Office Box 1888, Ardmore, Okla. 73401.	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	Depleted	-----
CI67-383. B 10-3-66	Texaco, Inc.	do.	Depleted	-----
CI67-384. A 10-5-66	Slat's Honeyman Drilling Co., Post Office Box 94413, Oklahoma City, Okla. 73109.	Northern Natural Gas Co., Fort Supply, Southwest Field, Ellis County, Okla.	17.0	14.65
CI67-386. A 10-6-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver and Texas Counties, Okla.	17.0	14.65

¹ Applicant states its willingness to accept authorization for the additional acreage containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

² Amendment to certificate filed to reflect change in corporate name.

³ No sales have been made by Applicant to Transwestern from the depleted acreage. Petitioner proposes to dedicate production from the subject acreage to a contract with Panhandle Eastern Pipe Line Co. which is the subject of the application filed in Docket No. CI67-374.

⁴ Subject to upward and downward B.t.u. adjustment. Includes 1.5 cents upward adjustment.

⁵ Applicant assigned all of its right, title, and interest from the surface to a depth of 9,720 feet to H. D. Bruns who has filed for a certificate covering this interest in Docket No. CI67-246.

⁶ Subject to upward and downward B.t.u. adjustment.

⁷ Applicant states its willingness to accept permanent certificate conditioned similar to the sales certificated in Opinion No. 353.

⁸ Applicant states its willingness to accept permanent certificate conditioned to 15 cents per Mcf at 14.65 p.s.i.a.

⁹ Successor in interest to Willets & Craig.

¹⁰ Rate in effect subject to refund in Docket No. RI64-666.

¹¹ Production from a portion of the subject acreage has heretofore been dedicated to Transwestern Pipeline Co. and sales therefrom have been authorized in Docket No. G-16218 to be made pursuant to Applicant's FPC GRS No. 196. Applicant has filed a petition to amend the order issuing a certificate in Docket No. G-16218 by deleting authorization to sell gas to Transwestern from the subject acreage.

¹² Subject to upward and downward B.t.u. adjustment. Includes 0.986 cent estimated upward adjustment.

¹³ Well covered by subject contract has stopped producing gas and has been reclassified as an oil well.

[F.R. Doc. 66-11324; Filed, Oct. 18, 1966; 8:45 a.m.]

succession to Houston Texas' rate schedules submitted by Houston Delaware are accepted for filing effective as of July 1, 1966.

(D) Those proceedings in which Houston Texas and Morfgan Minerals Corp. are Applicant or Respondent are redesignated to reflect the succession of interest and change of name.

(E) Within 30 days from the issuance of this order Houston Delaware shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. RI63-316 and RI65-588 to assure the refunds of any amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be

just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, said agreements and undertakings shall be deemed to have been accepted for filing.

(F) Houston Delaware shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Houston Delaware in Docket Nos. RI63-316 and RI65-588 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Certificate docket No.

	Former designation	New designation	Rate proceeding docket No.
	<i>Houston Natural Gas Production Co. (a Texas corporation), FPC GRS No.</i>	<i>Houston Natural Gas Production Co. (a Delaware corporation), FPC GRS No.</i>	
G-12797	12	12	
G-12797	4	1	
C162-1053	5	5	
C163-1561	6	6	
G-19546	17	17	
G-19546	18	18	RI63-316.
G-19546	19	19	
G-19546	110	110	
G-19546 ²	111	111	
C161-212	12	12	RI65-588.
C162-1023	113	113	
C164-1314	14	14	
C164-1314	15	15	
C-20054	16	16	
G-10181	17	17	RI63-326.
	<i>Morgan Minerals Corp., FPC GRS No.</i>		
G-12020	2	18	G-17345. ³
G-12021	3	19	
G-19628	14	120	
G-19629	15	121	
G-19630	16	122	
C161-648	7	23	
G-20504	8	24	

¹ "(Operator), et al."

² The notice issued Aug. 24, 1966, in Docket No. G-3270, et al., incorrectly stated that this sale is made to Transcontinental Gas Pipe Line Corp. from the South Mineral Unit, Mineral Field, Bee County, Tex. The sale is, in fact, made to Texas Eastern Transmission Corp., from the Yoward Field, Bee County, Tex.

³ Consolidated in the proceeding in Docket No. AR64-2, et al.

[F.R. Doc. 66-11325; Filed, Oct. 18, 1966; 8:45 a.m.]

[Project 2609]

INTERNATIONAL PAPER CO.

Notice of Application for License for Constructed Project

OCTOBER 11, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by International Paper Co. (correspondence to: Paul B. Carroll, Secretary, International Paper Co., 220 East 42d Street, New York, N.Y. 10017) for constructed Project No. 2609, known as the Palmer Falls Project, located on the Hudson River in the region west of Glen Falls and at the villages of Corinth, Hadley, and Palmer in the towns of Corinth and Hadley in Saratoga County, and the village of Lake Luzerne in the town of Luzerne, in Warren County—all in the State of New York.

The existing Palmer Falls Project consists of two developments known as the

Curtis development and Palmer Falls development. The Curtis development consists of: (1) A concrete dam about 25 feet high and 736 feet long in two sections: (a) An overflow spillway about 663 feet long with 46-inch flashboards; and (b) a gated section about 73 feet long; (2) a reservoir about 5.8 miles long with a surface area of about 390 acres and a maximum drawdown of 3 feet; (3) an integral-intake powerhouse containing five generating units, one each rated at 1,250, 950, 900 kw and two each rated at 800 kw, totaling 4,700 kw; and (4) appurtenant facilities. The Palmer Falls development consists of: (1) A concrete hollow-arch dam about 37 feet high and 369 feet long with: (a) A spillway 334 feet long with 45-inch flashboards; and (b) a central log sluice and sluice gates in the remaining 35 feet; (2) a reservoir about 2,700 feet long and with a surface area of about 27 acres; (3) an upper forebay at reservoir level controlled by an in-

take with eight slide gates and a 92-foot spillway with flashboards from which water may be released to: (a) The lower forebay through two waste gates; and (b) the penstocks by eight gates; (4) a lower forebay which is controlled by: (a) A 168-foot spillway, with flashboards, and (b) a gate structure; (5) four hydroelectric units with turbines totaling 5,600 hp and generators totaling 3,200 kw served by three steel penstocks, (a) 10 to 8.5 feet in diameter and 205 feet long, (b) 10 feet in diameter and 47 feet long and (c) 9.5 feet in diameter and 24 feet long; (6) 12 hydromechanical units totaling 18,600 hp served by 12 steel penstocks varying in diameter from 9 to 13.5 feet and in length from 24 feet to 141 feet (all turbines and generators being housed in the paper mill buildings); and (7) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 8, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11326; Filed, Oct. 18, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BRAZIL TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Brazil Trust Co. for approval of merger with Farmers & Merchants Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by The Brazil Trust Co., Brazil, Ind., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Farmers & Merchants Bank, Clay City, Ind., under the charter of the former and title of First Bank and Trust Company of Clay County, Ind. As an incident to the merger, the sole office of Farmers & Merchants Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger.

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20561, or to the Federal Reserve Bank of Chicago.

hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 10th day of October 1966.

By order of the Board of Governors.²

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11327; Filed, Oct. 18, 1966;
8:45 a.m.]

UPPER MAIN LINE BANK

Order Approving Merger of Banks

In the matter of the application of Upper Main Line Bank for approval of merger with Farmers Bank of Parkesburg.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by Upper Main Line Bank, Paoli, Pa., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Farmers Bank of Parkesburg, Parkesburg, Pa., under the charter of the former and title of Community Bank & Trust Co. As an incident to the merger, the sole office of Farmers Bank of Parkesburg would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 10th day of October 1966.

By order of the Board of Governors.²

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11328; Filed, Oct. 18, 1966;
8:45 a.m.]

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Philadelphia.

² Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4318]

AMERICAN GAS CO. AND AMERICAN GAS COMPANY OF WISCONSIN, INC.

Notice of Filing of Third Posteffective Amendment Regarding Issue and Sale of Notes to Banks

OCTOBER 13, 1966.

Notice is hereby given that American Gas Co. ("American"), a public-utility company and a registered holding company, and its public-utility subsidiary company, American Gas Company of Wisconsin, Inc. ("Wisconsin"), 546 South 24th Avenue, Omaha, Nebr. 68105, have filed with this Commission, pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"), a third posteffective amendment to the joint application-declaration in this matter. All interested persons are referred to said posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

Wisconsin has outstanding 6½ percent promissory notes in the amount of \$360,000, maturing on September 30, 1966, all of which are held by Harris Trust & Savings Bank, Chicago, Ill. Such notes were issued, renewed, or extended pursuant to orders of the Commission in this proceeding dated October 26, 1965, February 10, 1966, and May 2, 1966 (Holding Company Act Release Nos. 15335, 15398, and 15459). The company now proposes to renew or extend said notes for an additional period or periods of not to exceed in the aggregate 270 days from September 30, 1966. The notes will bear interest at a rate of not in excess of 1 percent over the prime rate in effect at the time of renewal or extension.

Wisconsin also proposes to issue and sell, from time to time, to a bank or banks additional notes in an aggregate amount not exceeding \$175,000 to be outstanding at any one time. These notes, as issued or as renewed or extended will mature no later than June 30, 1967, and will bear interest at a rate of not in excess of 1 percent over the prime rate in effect at the time of issuance, renewal, or extension. The additional notes are to provide funds required for property additions, operating expenses, and the payment of interest on outstanding debt.

The filing states that no separable fees and expenses are to be incurred in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 31, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said third posteffective amendment to the joint application-declaration

which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as heretofore and presently amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11368; Filed, Oct. 18, 1966;
8:49 a.m.]

[811-548]

QUINBY & CO., INC.

Notice of Filing of Application for Exemption

OCTOBER 13, 1966.

Notice is hereby given that Quinby & Co., Inc. ("Applicant"), Lincoln Rochester Building, Rochester, N.Y. 14604, the principal underwriter for, and sponsor of, The Quinby Plan for Accumulation of Common Stock of Xerox Corp., which is a unit investment trust registered as such under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting such plan from the provisions of section 22(d) of the Act and Rule 22d-1 adopted thereunder, to the extent necessary to permit Applicant to offer such plan at reduced public offering prices on group accounts. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The aforementioned plan is organized under an agreement between Applicant and a custodian, the Lincoln Rochester Trust Co. ("Custodian") of Rochester, N.Y., and is designed to provide for investment and dividend reinvestment over a period of years in the common stock of the Xerox Corp.

The public offering price on the plan includes a sales load, expressed as a percentage of the amount of the planned investment, of 5.9 percent for total planned investments aggregating \$12,000, 50 percent of which is deducted from the first 12 payments with the balance de-

ducted in equal amounts from the subsequent payments. Applicant proposes to charge a reduced sales load of 5 percent on: (1) Additional accounts opened by the same subscriber after he has completed the first 12 specified payments on an account or a series of accounts with combined planned investments of at least \$12,000; (2) single and multiple accounts opened by individuals at one time with a planned investment of \$24,000 or more; (3) multiple accounts opened at one time by an individual, his spouse and their children with an aggregate planned investment of \$24,000 or more; (4) multiple accounts with an aggregate planned investment of \$24,000 or more opened at one time by two or more individuals who have a common employer or who are members of a recognized partnership, but not including groupings by members of professional associations, social or fraternal organizations or investment clubs; and (5) special payroll accounts involving an original minimum of 50 or more employees of a common employer. In the case of all accounts on which a 5 percent sales load is applicable, except the special payroll accounts, Applicant proposes to deduct the entire sales load from the first 12 payments at the rate of 50 percent of each payment. On the special payroll accounts, Applicant proposes to deduct 32 percent of each of the first 12 payments as sales load.

Section 22(d) of the Act, with certain exceptions not pertinent here, prohibits a registered investment company and its principal underwriter from selling redeemable securities of such company except at a current public offering price described in the prospectus. Rule 22d-1, relating to permissible variations in sales loads of redeemable securities, specifies, among other things, that investment companies and their underwriters may not treat as one person "a group of individuals whose funds are combined, directly or indirectly, for the purchase of redeemable securities of a registered investment company jointly or through a trustee, agent, custodian, or other representative * * * of such a group of individuals." Unless exempted, therefore, Applicant will be unable to effect the sale of plans upon the basis of reduced public offering prices on group accounts.

In support of the application, Applicant states that the Quinby Plan is not the usual type of investment company since it is a plan for the purchase of a specific stock listed on the New York Stock Exchange, rather than a company with a diversified portfolio or a plan for the purchase of redeemable shares of such a company. Because of the special nature of the Quinby Plan, Applicant states that the requested exemption will have no bearing upon the orderly distribution of redeemable shares of registered investment companies, which section 22(d) of the Act is designed to protect. Except for the method of payments of charges and the contractual obligations flowing therefrom, the Quinby Plan is similar to other types of plans which involve the purchase of a specific listed stock through simple brokerage arrangements and which do not prohibit

grouping of purchases to determine the applicable charges. Applicant further states that the substance of its application is substantially similar to the order granted in 1959 to the Quinby Plans for the Accumulation of the Common Stock of American Telephone & Telegraph Co., Eastman Kodak Co., E. I. DuPont de Nemours & Co., General Electric Co., General Motors Corp., and Standard Oil Corp. (New Jersey) (Investment Company Act Release No. 2887).

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 21, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11369; Filed, Oct. 18, 1966;
8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended,

29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of \$1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

Barr Co., variety store; 116 South Main Street, Celina, Ohio; 9-26-66 to 9-25-67.

Byck Brothers & Co., apparel store; 532 South Fourth Street, Louisville, Ky.; 9-15-66 to 8-31-67.

Eagle Store Co., Inc., variety store; No. 51, Charleston Heights, S.C.; 9-23-66 to 9-22-67.

Glosser Brothers, Inc., department store; Franklin and Locust Street, Johnstown, Pa.; 9-14-66 to 9-13-67.

Goldblatt Brothers, Inc., department store; 1505 West King, Decatur, Ill.; 9-27-66 to 9-26-67.

W. T. Grant Co., variety stores; No. 202, Hackensack, N.J. (10-7-66 to 10-6-67); No. 677, Middletown, Ohio (9-15-66 to 9-14-67).

Grebe's Bakeries, Inc., bakery store; 5132 West Lincoln Avenue, West Allis, Wis.; 9-3-66 to 9-2-67.

Hested Brentwood Corp., variety store; No. 775, Denver, Colo.; 11-24-66 to 11-23-67.

K. C. Super Market, food store; Eighth Street and Ohio Avenue, Etowah, Tenn.; 9-20-66 to 8-31-67.

S. S. Kresge Co., variety stores; No. 69, Washington, D.C. (10-11-66 to 10-10-67); No. 50, Deerfield, Ill. (9-3-66 to 9-2-67); No. 272, Flint, Mich. (9-15-66 to 9-14-67); No. 240, Cleveland, Ohio (9-19-66 to 9-18-67); No. 362, Marion, Ohio (9-19-66 to 9-18-67); No. 4579, Kenosha, Wis. (9-27-66 to 9-26-67).

S. H. Kress & Co., variety store; 100 East Seventh Street, Okmulgee, Okla.; 12-1-66 to 11-30-67.

McCrory-McLellan-Green Stores, variety stores; No. 310, St. Petersburg, Fla. (9-21-66 to 9-20-67); No. 432, Athens, Ga. (9-21-66 to 9-20-67); No. 161, Chester, S.C. (9-18-66 to 9-17-67).

Neisner Brothers, Inc., variety store; No. 42, Detroit, Mich.; 9-27-66 to 9-26-67.

Rayless Department Store, department stores; Corner Main and Davis Streets, Burlington, N.C. (9-21-66 to 9-20-67); 335 Main Street, Danville, Va. (9-17-66 to 9-2-67); 307 Main Street, South Boston, Va. (9-16-66 to 9-2-67).

S. H. Heironimus Co., Inc., department store; 405 South Jefferson Street, Roanoke, Va.; 11-1-66 to 12-31-66.

A. B. Wyckoff, Inc., department store; 564 Main Street, Stroudsburg, Pa.; 9-20-66 to 9-19-67.

Wytheville Crest 5-10-25¢ Store, variety store; Wytheville, Va.; 9-12-66 to 8-31-67.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of \$1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Blue Hills Super Market, food store; 2309 Tuttle Boulevard, Manhattan, Kans.; carry-out boy, checker, stocker, bottle boy; between 9.0 percent and 10 percent; 9-19-66 to 9-18-67.

W. T. Grant Co., variety stores; No. 993, Reisterstown, Md. (sales clerk, between 7.5 percent and 10 percent, 9-22-66 to 9-21-67); No. 1108, Richmond, Va. (sales clerk, stock clerk, office clerk, cashier; between 1.7 percent and 8.2 percent; 10-1-66 to 9-30-67).

S. S. Kresge Co., variety stores for the occupation of sales clerk except as otherwise indicated, from 10-1-66 to 9-30-67 except as otherwise indicated: No. 765, Birmingham, Ala. (between 3.0 percent and 10 percent, 10-4-66 to 10-3-67); 130 New Circle Road, Lexington, Ky. (between 6.1 percent and 10 percent, 11-19-66 to 11-18-67); No. 4091, Bay City, Mich. (10 percent for each month); 216 South Washington Avenue, Lansing, Mich. (10 percent for each month, 9-22-66 to 9-21-67); No. 4032, Greensburg, Pa. (between 4.0 percent and 10 percent); No. 422, New Castle, Pa. (between 4.3 percent and 10 percent); No. 4054, New Kensington, Pa. (between 6.5 percent and 10 percent); No. 4010, Pittsburgh, Pa. (between 6.5 percent and 10 percent, 10-6-66 to 10-5-67); No. 4009, Washington, Pa. (between 6.5 percent and 10 percent); No. 4043, Columbia, S.C. (marker, sales clerk, stock clerk, 10 percent for each month, 9-24-66 to 9-23-67); No. 4033, Knoxville, Tenn. (between 2.1 percent and 10 percent, 12-22-66 to 12-21-67); No. 741, Lubbock, Tex. (between 0.8 percent and 9.8 percent, 9-22-66 to 9-2-67); No. 4029, San Angelo, Tex. (between 7.2 percent and 10 percent); No. 716, San Antonio, Tex. (cashier, sales clerk, between 0.0 percent and 10 percent, 10-13-66 to 10-12-67); No. 4025, Tyler, Tex. (between 7.2 percent and 10 percent, 10-21-66 to 10-20-67); No. 4042, Fredericksburg, Va. (10 percent for each month); No. 4104, Roanoke, Va. (10 percent for each month, 11-1-66 to 10-31-67); No. 547, Springfield, Va. (10 percent for each month).

McCrorry-McLellan-Green Stores, variety stores for the occupations of sales clerk, stock clerk, office clerk except as otherwise indicated, from 9-23-66 to 9-22-67: No. 340, Tarpon Springs, Fla. (between 6.2 percent and 10 percent); No. 391, Matteson, Ill. (between 7.4 percent and 10 percent); No. 390, Morton Grove, Ill. (between 7.4 percent and 10 percent); No. 364, Scranton, Pa. (sales clerk, stock clerk, between 6.0 percent and 10 percent); No. 333, Wyoming, Pa. (between 0.0 percent and 10 percent).

Minimax Super Market, food store; 1201 Strawberry Road, Pasadena, Tex.; bag boy, carry-out boy, stock boy, janitor; between 8.3 percent and 10 percent; 10-19-66 to 10-18-67.

Sunshine Department Store, department stores for the occupation of sales clerk, between 7.7 percent and 10 percent; 1241 Moreland Avenue SE., Atlanta, Ga. (10-7-66 to

10-6-67); 2824 Jonesboro Road, Forest Park, Ga. (10-1-66 to 9-30-67).

T. G. & Y. Stores Co., variety store; No. 248, Pine Bluff, Ark.; sales clerk, stock clerk; 10 percent for each month; 10-2-66 to 10-1-67.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Pursuant to the provisions of 29 CFR 519.9, any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 7th day of October 1966.

ROBERT G. GRONEWALD,
*Authorized Representative
of the Administrator.*

[F.R. Doc. 66-11331; Filed, Oct. 18, 1966;
8:45 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalf's Manufacturing Co., 1009 Second Avenue, Sheldon, Iowa; 10-1-66 to 9-30-67; 10 learners (ladies' jeans).

H. Alter & Co., 311 Market Street, Kingston, Pa.; 9-22-66 to 9-21-67 (men's outerwear jackets).

The Arrow Co., Division of Cluett, Peabody & Co., Inc., 105 Mill Street, Corinth, N.Y.; 10-1-66 to 9-30-67 (men's dress shirts).

Branchville Shirt Co., Inc., 108 Carroll Street, Branchville, S.C.; 9-30-66 to 9-29-67 (men's work shirts and boys' sport shirts).

Bruce Co., Inc., 120 East 15th Street, Ottawa, Kans.; 9-28-66 to 9-27-67 (men's work clothing).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N.C.; 9-30-66 to 9-29-67 (men's pajamas and ladies' dresses).

Dunbrooke Shirt Co., El Dorado Springs, Mo.; 10-1-66 to 9-30-67 (men's sport shirts).

The Enro Shirt Co., Inc., 1008 West Sample Street, South Bend, Ind.; 9-23-66 to 9-22-67 (men's pajamas and shorts).

Form-O-Uth Brassiere Co., Inc., doing business as Marie Foundations, Box P, McLean, Tex.; 9-30-66 to 9-29-67 (brassieres and girdles).

Hopkinsville Clothing Manufacturing Co., Inc., Skyline Drive, Hopkinsville, Ky.; 10-1-66 to 9-30-67 (men's and boys' pants).

Jeansco, Inc., Canal and High Streets, Petersburg, Va.; 9-24-66 to 9-23-67 (boys' jeans).

Oshkosh B'Gosh, Inc., Columbia Division, Post Office Box 408, Columbia, Ky.; 9-24-66 to 9-23-67 (men's and boys' dungarees).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; 10-8-66 to 10-7-67 (men's pants, shirts, and work clothing).

Phillips-Van Heusen Corp., Fort Payne, Ala.; 9-21-66 to 9-20-67 (men's dress and sport shirts).

The Shirtmaster Co., Inc., 206 Barnette Street, Abbeville, S.C.; 10-3-66 to 10-2-67 (men's sport shirts).

Henry I. Siegel Co., Inc., Verona, Miss.; 9-24-66 to 9-23-67 (men's and boys' sport shirts).

Troytown Shirt Corp., Harmony Hill No. 3, North Mohawk Street, Cohoes, N.Y.; 10-1-66 to 9-30-67 (men's sport shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; 9-21-66 to 3-20-67; 20 learners (brasieres).

Edison Textiles, Inc., Edison, Ga.; 9-19-66 to 3-18-67; 20 learners (infants' and girls' panties, shorts, and slacks).

Hopkinsville Clothing Manufacturing Co., Inc., Skyline Drive, Hopkinsville, Ky.; 9-23-66 to 3-22-67; 70 learners (men's and boys' work pants).

Levi Strauss & Co., 802½ West Erwin Street, Tyler, Tex.; 9-22-66 to 3-21-67; 70 learners (men's and boys' jeans).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Boss Manufacturing Co., Greenville, Ala.; 9-27-66 to 9-26-67; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Monte Glove Co., Inc., Monte Lane, Maben, Miss., Pheba, Miss.; 10-7-66 to 10-6-67; 10 learners for normal labor turnover purposes (work gloves).

Monte Glove Co., Inc., Monte Lane, Maben, Miss., Pheba, Miss.; 9-24-66 to 3-23-67; 15 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Broadway Hosiery Mills, Inc., 53 Burton Street, Asheville, N.C.; 9-22-66 to 9-21-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Claussner Hosiery Co., Division of Joseph Bancroft & Sons Co., 28th and Adams Streets, Paducah, Ky.; 10-1-66 to 9-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dothan Manufacturing Co., Dothan, Ala.; 9-30-66 to 9-29-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas and shorts).

Norwich Mills, Inc., Clayton, N.C.; 10-1-66 to 9-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' tee shirts and briefs).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Anasco Sports Co., Inc., Post Office Box 595, San German, P.R.; 9-6-66 to 1-31-67; 50 learners for plant expansion purposes in the occupation of handstitching of baseballs and softballs, for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 78 cents an hour for the remaining 160 hours (baseballs and softballs).

Consolidated Cigar Corp. of Cayey, Planta No. 21, Bo, Montallano—Apartado 937, Cayey, P.R.; 9-7-66 to 9-6-67; 114 learners for normal labor turnover purposes in the occupation of cigar making, packing, each for a learning period of 320 hours at the rates of 94 cents an hour for the first 160 hours and \$1.04 an hour for the remaining 160 hours (cigars).

Exotica Foundations, Inc., Road No. 3, Km. 58.6, Post Office Box 672, Ceiba, P.R.; 9-1-66 to 2-28-67; 30 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 92 cents an hour (girdles).

Rico Glove, a division of Fownes Bros. & Co., Lincoln and Washington Streets, Post Office Box 1087, Cayey, P.R.; 9-15-66 to 9-14-67; 12 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 7th day of October 1966.

ROBERT G. GRONEWALD,
Authorized Representative of
the Administrator.

[F.R. Doc. 66-11332; Filed, Oct. 18, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 417]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 14, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 334) (Cancels Deviation No. 193), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed October 5, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, with the following access routes between points on present service routes (1) from Cleveland, Ohio, over Ohio Highway 3 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction Interstate Highway 71, (2) from Cleveland, Ohio, over Ohio Highway 94 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction Interstate Highway 71, (3) from Medina, Ohio, over Ohio Highway 3 to junction Interstate Highway 71, (4) from Medina, Ohio, over Ohio Highway 18 to junction Interstate Highway 71, (5) from Akron, Ohio, over Ohio Highway 18 to junction Interstate Highway 71, (6) from Akron, Ohio, over Ohio Highway 261 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71, (7) from Medina, Ohio, over Ohio Highway 3 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71, (8) from Lodi, Ohio, over Ohio Highway 76 to junction Interstate Highway 71, (9) from Ashland, Ohio, over U.S. Highway 250 to junction Interstate Highway 71, (10) from Mansfield, Ohio, over U.S. Highway 30 to junction Interstate Highway 71, (11) from Mans-

field, Ohio, over Ohio Highway 13 to junction Interstate Highway 71.

(12) From Mount Gilead, Ohio, over Ohio Highway 95 to junction Interstate Highway 71, (13) from Mount Gilead, Ohio, over Ohio Highway 61 to junction Interstate Highway 71, (14) from Delaware, Ohio, over U.S. Highway 36 to junction Interstate Highway 71, (15) from Columbus, Ohio, over city streets to junction Interstate Highway 71, (16) from Mount Sterling, Ohio, over U.S. Highway 62 and Ohio Highway 3 to junction Interstate Highway 71 (approximately 2 miles north of Harrisburg, Ohio), (17) from Washington Court House, Ohio, over U.S. Highway 35 to junction Interstate Highway 71, (18) from Wilmington, Ohio, over U.S. Highway 68 to junction Interstate Highway 71, (19) from Wilmington, Ohio, over Ohio Highway 73 to junction Interstate Highway 71, (20) from Lebanon, Ohio, over Ohio Highway 123 to junction Interstate Highway 71, (21) from Lebanon, Ohio, over Ohio Highway 48 to junction Interstate Highway 71, (22) from Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71, and (23) from Cincinnati, Ohio, over U.S. Highway 22 and Ohio Highway 3 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 42 via Lebanon, Xenia, and London, Ohio, to Delaware, Ohio, (2) from Columbus, Ohio, over U.S. Highway 62 to Washington Court House, Ohio, thence over U.S. Highway 22 to Cincinnati, Ohio, (23) from Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Columbus, Ohio, (4) from Cleveland, Ohio, over Ohio Highway 3 to Wooster, Ohio, (5) from Cleveland, Ohio, over U.S. Highway 42 to Delaware, Ohio, thence over U.S. Highway 23 to Columbus, Ohio, (6) from Cleveland, Ohio, over Ohio Highway 3 to junction Ohio Highway 94, thence over Ohio Highway 94 to junction Ohio Highway 5, and (17) from Sunbury, Ohio, over Ohio Highway 61 to Mount Gilead, Ohio, and return over the same routes.

No. MC 74761 (Deviation No. 3), TAMAMI TRAIL TOURS, INC., 4305 21st Avenue, Tampa, Fla., filed October 5, 1966. Carrier's representative: James E. Wharton, Suite 506, First National Bank Building, Orlando, Fla. 32802. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From Gainesville, Fla., over Florida Highway 24 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa, Fla., and (2) from Orlando, Fla., over Interstate Highway 4 to junction Interstate Highway 95, approximately 6 miles west of Daytona Beach, Fla., thence over Interstate Highway 95

to Jacksonville, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Tampa, Fla., over U.S. Highway 41 to Archer, Fla., thence over Florida Highway 24 to Gainesville, Fla., and (2) from Orlando, Fla., over U.S. Highway 17 via Sanford, Fla., to De Land, Fla., thence over Florida Highway 11 to Bunnell, Fla., thence over U.S. Highway 1 via St. Augustine, Fla., to Jacksonville, Fla., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11342; Filed, Oct. 18, 1966;
8:46 a.m.]

[Notice 978]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 14, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER* issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 61403 (Sub-No. 125) (republication), filed April 8, 1965, published *FEDERAL REGISTER* issue of April 28, 1965, and republished, this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Post Office Box 47, Eastman Road, Kingsport, Tenn. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of inedible vegetable oils in bulk, in tank vehicles, from the plant, warehouse and storage facilities of Cargill, Inc., within the city limits of Chicago, Ill., to points in Alabama, Georgia, North Carolina, and South Carolina, limited to shipments of inedible vegetable oils which are moved in mixed loads with liquid chemicals in bulk, in tank vehicles, from Carpentersville, Ill. A decision and order of the Commission, Operating Rights Review Board No. 2, dated September 30, 1966, and served October 11, 1966, as amended, finds operation by ap-

plicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *inedible vegetable oils*, in bulk, in tank vehicles, when moving in mixed loads with liquid chemicals (presently authorized) from the plantsite and storage facilities of Cargill, Inc., at Chicago, Ill., to points in Alabama, Georgia, North Carolina, and South Carolina. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority as redescribed in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate containing such authority in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 118527 (Sub-No. 3) (Republication) filed March 1, 1965, published *FEDERAL REGISTER* issue of May 19, 1965, and republished, this issue. Applicant: SOURDOUGH EXPRESS, INC., 508 12th Avenue, Post Office Box 288, Fairbanks, Alaska. By application filed March 1, 1965, and amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in that part of Alaska bounded by a line beginning at the junction of the United States-Canada boundary line and Alaska Highway 2, at or near Boundary, Alaska, and extending north along the United States-Canada boundary line to its junction with the Yukon River, near Eagle, Alaska, thence north and west along the Yukon River to the confluence of the Yukon and Tanana Rivers at or near Tanana, Alaska, thence east along the Tanana River to the confluence of the Tanana and the Kantishna Rivers, thence south along the Kantishna River to Kantishna, Alaska, thence east along an unnumbered highway between Kantishna, Alaska, and Alaska Highway 3 to junction Alaska Highway 3, thence along Alaska Highway 3 to junction Alaska Highway 8, thence east along Alaska Highway 8 to Paxson, Alaska, thence along an imaginary line drawn in an easterly direction from Paxson to Slana, Alaska, located on Alaska Highway 1, thence easterly along an imaginary line to the point of beginning (presently authorized territory), on the one hand, and, on the other, Haines, Alaska, restricted to through traffic interlined at Haines, Alaska, with no local service on shipments originating at or destined to Haines, Alaska.

That through inadvertence the application was published in the *FEDERAL REGISTER* as one seeking to serve only a part of the territory actually sought and that by order of the Commission, Operating Rights Board No. 1, entered May 25, 1966, in the above-titled application, applicant

was granted operating authority to provide the proposed service solely within the limited territory as noticed in the *FEDERAL REGISTER* publication. A supplemental order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served October 7, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *household goods* as defined by the Commission, between points in Alaska except those east and south of an imaginary line constituting a southward extension of the international boundary line between the United States (Alaska) and Canada (Yukon Territory), on the one hand, and, on the other, Haines, Alaska, restricted against the transportation of shipments originating at or destined to Haines, Alaska; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 128210 (republication), filed May 12, 1966, published *FEDERAL REGISTER* issue of June 3, 1966, and republished, this issue. Applicant: MARLAND L. CHICK, Oak Street, Alfred, Maine. By application filed May 12, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of sugar and exempt commodities in the same vehicle at the same time, from Boston, Mass., to Sanford and Springvale, Maine, service to be under a continuing bilateral contract and restricted to one shipper, Kostis Fruit Co., Inc., Sanford, Maine, and further restricted to not exceed 3 tons of sugar per trip. An order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served October 7, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *sugar*, and (2) *commodities* the transportation of which would otherwise be exempt from economic regulation pursuant to section 203(b)(6) of the act, in mixed loads with sugar, from Boston, Mass., to Sanford and Springvale, Maine, under a continuing contract with Kostis Fruit Co., Inc., of Sanford, Maine, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the In-

terstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 107906 (Sub-No. 18) (Notice of Filing of Petition for Modification of Certificate) filed September 13, 1966. Petitioner: TRANSPORT MOTOR EXPRESS, INC., Meyer Road, Post Office Box 958, Fort Wayne, Ind. 46801. Petitioner's representative: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Petitioner states that it holds authority in MC 107906 (Sub-No. 18) to transport, among other things, *Classes A, B, and C explosives*, serving the site of the terminal of Roy Cartage Co., located on Caton Road approximately one-half mile west of Alternate U.S. Highway 66, North of the city limits of Joliet, Ill., as an off-route point in connection with carrier's regular-route operations between Chicago, Ill., and Terre Haute, Ind., authorized in said certificate, and restricted to the transportation of traffic received from or delivered to connecting common motor carriers. By the instant petition, petitioner seeks to modify the above portion of its certificate MC 107906 (Sub-No. 18), by allowing it to serve the site of Roy Cartage Co. at its new site for the interchange of explosives traffic, located at 2150 Moen Avenue, Rockdale, Ill., a suburb located adjacent to the city limits of the city of Joliet, Ill., and a point in the Joliet, Ill., commercial zone, in lieu of the site of its former terminal which has been closed as the result of an ordinance enacted by the city of Joliet. Any person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 33278 (Sub-No. 18), filed July 20, 1966. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those of unusual value), over regular routes: (1) Be-

tween Farmington and St. Louis, Mo., over U.S. Highway 67, serving the intermediate points of Flat River, Bonne Terre, and Festus, Mo., (2) between Farmington and Ste. Genevieve, Mo., over Missouri Highway 32, serving all intermediate points, including the Alien Enemy Internment Camp at or near Weingarten, Mo., and points within 5 miles of said route as off-route points, except no service is authorized between Ste. Genevieve, Mo. and any point not located on or along the regular route between Farmington and Ste. Genevieve, Mo., (3) between St. Louis, Mo. and the Missouri-Arkansas State line; from St. Louis over U.S. Highway 61-67 to Festus, Mo., and thence over U.S. Highway 67 to the Missouri-Arkansas State line, and return over the same routes, serving the intermediate points of Arnold, Barnhart, Beck, Cantwell, Crystal City, Esther, Farmington, Festus, Halifax, Herculanum, Imperial, Kimmswick, Luxemburg, Mattese, Mehlville, Pevely, St. Francois, Sulphur Springs, Valles Mines, Fredericktown, Mill Creek, Neelyville, Poplar Bluff, and Zion, Mo. and the off-route points of Bonne Terre, Desloge, Flat River, Libertyville, Mine La Motte, and Elvins, Mo., (4) between St. Louis, Mo. and the Missouri-Arkansas State line, over U.S. Highway 67.

(5) Between Doniphan, Mo., and junction U.S. Highways 160 and 167, over U.S. Highway 160, (6) between Doniphan, Mo., and Oxly, Mo., over Missouri Highway 142, (7) between Neelyville and Naylor, Mo., over Missouri Highway 142, (8) between Chaonia, Mo., and junction U.S. Highway 67 and unnumbered county highway, over unnumbered county highway, (9) between Williamsville, Mo., and junction U.S. Highway 67, over unnumbered county Supplementary Route "A", and return over the same routes in (4) through (9) above, serving all intermediate points between (1) Fairdeal, Mo., Poynor (off-route point), Oxly, Doniphan, St. Louis, and Poplar Bluff, Mo., (2) between St. Louis, Zion, Coldwater, Silva, Greenville, Taskee, Poplar Bluff, Harviell, Neelyville, Naylor, Williamsville, and Chaonia, Mo., and (3) between Zion, Coldwater, Silva, Greenville, Taskee, Poplar Bluff, Harviell, Neelyville, Naylor, Williamsville, and Chaonia, Mo., on the one hand, and, on the other, Fredericktown, Mine La Motte, Farmington, Elvins, Esther, Flat River, St. Francois, Desloge, Bonne Terre, Crystal City, and Festus, Mo., and (2) over irregular routes: (1) Between Neelyville and Poplar Bluff, Mo., on the one hand, and, on the other, Elvins, Fredericktown, Mill Creek, and Zion, Mo., (2) between Fredericktown and Zion, Mo., and (3) between St. Louis, Mo., on the one hand, and, on the other, Arnold, Barnhart, Beck, Bonne Terre, Cantwell, Crystal City, Desloge, Esther, Farmington, Festus, Flat River, Halifax, Herculanum, Imperial, Kimmswick, Libertyville, Luxemburg, Mattese, Mehlville, Mine La Motte, Pevely, St. Francois, Sulphur Springs, and Valles Mines, Mo. NOTE: This application is a matter directly related to MC-F-9468, published FEDERAL REGISTER issue of July 20, 1966.

APPLICATIONS UNDER SECTIONS 5 AND 210(a) (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-8440 (Refrigerated Transport Co., Inc., of Florida—Purchase—Warren P. Kurtz), published in the May 29, 1963, issue of the FEDERAL REGISTER on page 5339, and substitution of REFRIGERATED TRANSPORT CO., INC. (ATLANTA, GA.), in lieu of REFRIGERATED TRANSPORT CO., INC., OF FLORIDA, as vendee, published in the November 23, 1963, issue of the FEDERAL REGISTER on page 12695. By amendment filed October 12, 1966, applicants, who after the hearing, changed ownership and LAMAR BEAUCHAMP, Post Office Box 1453, Winter Haven, Fla., joins in the application as the controlling stockholder of REFRIGERATED TRANSPORT CO., INC. (ATLANTA, GA.).

No. MC-F-9553. Authority sought for control by TRIMAC TRANSPORTATION LIMITED, 640 12th Avenue, S.W., Calgary, Alberta, Canada, of (1) H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue, S.E., Calgary, Alberta, Canada; and (2) OIL AND INDUSTRY SUPPLIERS LTD., 400 Archibald Street, St. Boniface, Manitoba, Canada, and for acquisition by J. R. McCAIG, 2320 Sunset Avenue, Calgary, Alberta, Canada, R. W. McCAIG, 16 Turnbull Place, Regina, Saskatchewan, Canada, and M. W. McCAIG, 335 River Park, Moose Jaw, Saskatchewan, Canada, of control of H. M. TRIMBLE & SONS, LTD., and OIL AND INDUSTRY SUPPLIERS LTD., through the acquisition by TRIMAC TRANSPORTATION LIMITED. Applicants' representative: Randall Swanberg, 314 Montana Building, Post Office Box 2567, Great Falls, Mont. 59401. Operating rights sought to be controlled: (1) *Petroleum and petroleum products* (except liquefied petroleum gases), as defined in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from port of entry on the United States-Canada boundary line at or near Portal and Noonan, N. Dak., to points in North Dakota on and west of North Dakota Highway 3; *liquefied petroleum gases*, in bulk, in tank vehicles, from junction Alaska Highway 7 and the United States-Canada boundary line near Porcupine, Alaska, to Haines, Alaska, from junction Alaska Highway 2 and the United States-Canada boundary line, near Tok Junction, Alaska, to Fairbanks, Alaska; from the ports of entry on the United States-Canada boundary line located at or near Eastport, Idaho, and Metaline Falls, Wash., to Spokane, Wash., and Bonners Ferry, Coeur d'Alene, Sandpoint, and Wallace, Idaho,

with restriction; from junction Alaska Highway 2 and the United States-Canada boundary line, near Tok Junction, Alaska, to Anchorage, Alaska; and *vermiculite ore*, in bulk, in tank vehicles, from points in Montana within 5 miles of Libby, Mont., to ports of entry on the United States-Canada boundary line at or near Roosville, Mont., and Eastport and Porthill, Idaho, with restriction; and

(2) *Soybean oil, edible animal fats, edible animal and vegetable oils, and blends thereof*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Belmond and Sioux City, Iowa, and South St. Paul, Minn., to the United States-Canada boundary line at the port of entry at or near Noyes, Minn.; *animal fats, oils, lards, tallow, or greases, or blends or combinations thereof*, in bulk, in tank vehicles, from Chicago (except that part of its commercial zone, as defined by the Commission, lying within Indiana), and Rochelle, Ill., Austin, Duluth, Minneapolis, and Worthington, Minn., Huron, Mitchell, and Sioux Falls, S. Dak., Cedar Rapids, Davenport (except that part of its commercial zone, as defined by the Commission, lying within Illinois), and Sioux City (except that part of its commercial zone, as defined by the Commission, lying within Nebraska), Iowa, and Madison, Wis., to the ports of entry on the United States-Canada boundary line located in Minnesota and North Dakota; and *molasses*, in bulk, in tank vehicles, from points in Dakota, Scott, Washington, Hennepin, and Ramsey Counties, Minn., and Pierce and St. Croix Counties, Wis., to the port of entry on the United States-Canada boundary line at or near Noyes, Minn., with restriction. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9554. Authority sought for merger into YELLOW TRANSIT FREIGHT LINES, INC., 92d Street at State Line Road, Kansas City, Mo. 64114, of the operating rights and property of WATSON-WILSON TRANSPORTATION SYSTEM, INC., 92d Street at State Line Road, Kansas City, Mo. 64114, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo., GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo., and LESTER H. BRICKMAN, 6419 Belinder, Swanee Mission, Kans., of control of such rights and property through the transaction. Applicants' attorneys: Kenneth E. Midgley, 1500 Commerce Building, Kansas City, Mo. 64106, Homer S. Carpenter, 1111 E Street NW., Washington, D.C. 20004, and David Axelrod, 39 South La Salle, Chicago, Ill. 60603. Operating rights sought to be merged: General commodities, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Minnesota, Iowa, Missouri, Nebraska, Kansas, Illinois, Colorado, Indiana, Arizona, California, New Mexico, Wyoming, Oklahoma, Utah, Idaho, Montana, Oregon, Washington, Texas, Wisconsin, Tennessee, Georgia, South Carolina, and Kentucky, with certain restric-

tions, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-70451 and Subs. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. YELLOW TRANSIT FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio. Application has not been filed for temporary authority under section 210a(b). NOTE: YELLOW TRANSIT FREIGHT LINES, INC., controls WATSON-WILSON TRANSPORTATION SYSTEM, INC., pursuant to authority granted May 5, 1966, in Docket No. MC-F-9030, by the Commission, Finance Board No. 1.

No. MC-F-9555. Authority sought for purchase by THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Baltimore, Md. 21203, of a portion of the operating rights of KEYSTONE EXPRESS AND STORAGE COMPANY, INC., 1451 Manheim Pike, Lancaster, Pa., and for acquisition by JOSEPH DAVIDSON, B. D. DAVIDSON, J. I. DAVIDSON, and DAVID DAVIDSON, all also of Baltimore, Md., of control of such rights through the purchase. Applicants' attorneys: Homer S. Carpenter and John S. Fessenden, both of 618 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Lancaster, Pa., and Downingtown, Pa., serving all intermediate points and the off-route point of Churchtown. Vendee is authorized to operate as a *common carrier* in Maryland, New York, Delaware, New Jersey, Pennsylvania, Virginia, Massachusetts, Rhode Island, Maine, Connecticut, New Hampshire, Vermont, Ohio, Illinois, Indiana, Michigan, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11343; Filed, Oct. 18, 1966;
8:46 a.m.]

[Notice 980]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 14, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as

filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 25869 (Sub-No. 72), filed October 10, 1966. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 O Street, Omaha, Nebr. 68107. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (other than oilfield, and pipeline commodities as defined by the Commission), from Pueblo, Colo., to points in Illinois, Iowa, and Nebraska, restricted to traffic originating at the plant, mill, yards, and storage facilities of C.F. & I. Steel Corp. NOTE: Common control may be involved.

HEARING: October 24, 1966, at the New Courthouse and Federal Building, 1961 Stout Street, Denver, Colo., before Examiner Jerome K. Soffer.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11344; Filed, Oct. 18, 1966;
8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 14, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. L-13587, filed June 21, 1966. Applicant: ANDREW J. GYULVESZI, doing business as LAKE CITY CARTAGE COMPANY, 20743 Van Born Road, Taylor, Mich. Applicant's representative: Robert K. Anderson, 22500 Orchard Lake Road, Farmington, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Diesel engines and diesel parts* for Circle Forwarders in Detroit to Perkins Diesel in Novi, Mich., and restricted to pickup and delivery on the same day from 4461 West Jefferson, Detroit, to 27575 Wixom Road, Wixom, Mich., as follows: Leaving the pier of Circle Forwarders at 4461 West Jefferson and proceeding down Jefferson Avenue to Livernois and north on Livernois to the I-96 Lansing Expressway and thence out the Expressway to the Wixom Road Ramp, thence south to the Perkins Plant. Both intrastate and interstate authority is sought.

HEARING: Tuesday, November 8, 1966, at the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.[F.R. Doc. 66-11345; Filed, Oct. 18, 1966;
8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 16, Amdt. 2]

ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.**Boxcar Distribution; Expiration Date**

Upon further consideration of Pfahler's Car Distribution Direction No. 16 (Erie-

Lackawanna Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 16 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 13, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-11346; Filed, Oct. 18, 1966;
8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 15, Amdt. 2]

PENNSYLVANIA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.**Boxcar Distribution; Expiration Date**

Upon further consideration of Pfahler's Car Distribution Direction No. 15 (The Pennsylvania Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 15 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 13, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-11347; Filed, Oct. 18, 1966;
8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 13, Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.**Boxcar Distribution; Expiration Date**

Upon further consideration of Pfahler's Car Distribution Direction No. 13 (Louisville and Nashville Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 13 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 13, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-11348; Filed, Oct. 18, 1966;
8:46 a.m.][S.O. 981; Pfahler's Car Dist. Dir. 14,
Amdt. 2]**KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.****Boxcar Distribution; Expiration Date**

Upon further consideration of Pfahler's Car Distribution Direction No. 14 (Kansas City Southern Railway Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 14 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 13, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[F.R. Doc. 66-11349; Filed, Oct. 18, 1966;
8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 14, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40744—*Joint motor-rail rates—southwestern territory.* Filed by J. D. Hughett, agent (No. 86), for inter-

ested carriers. Rates on property moving on class and commodity rates, loaded in highway trailers and moving over joint routes of applicant rail and motor carriers, between points in Arkansas, Colorado, Oklahoma, Louisiana, Missouri, New Mexico, Texas, and Wyoming, also Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief—Motortruck competition.

Tariff—Supplement 29 to J.D. Hughett, agent, tariff MF-ICC 404.

FSA No. 40745—*Frozen meats to North Atlantic Ports.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2865), for interested rail carriers. Rates on frozen fresh meats, frozen salted meats or frozen packing-house products also frozen foodstuffs, in carloads, minima 60,000 and 90,000 pounds, from points in official (including Illinois) territory, excluding points in northern Illinois and southern Wisconsin, to Boston, Mass., Baltimore, Md., Albany and New York, N.Y., Philadel-

phia, Pa., Norfolk and Richmond, Va., and ports grouped therewith.

Grounds for relief—Rate relationship with domestic rates.

Tariff—Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-613.

FSA No. 40746—*Asphalt to Greenville, Miss.* Filed by O. W. South, Jr., agent (No. A4951), for interested rail carriers. Rates on asphalt (asphaltum), natural byproduct or petroleum (other than paint, stain, or varnish), in tank carloads, from Blakely, Ala., to Greenville, Miss.

Grounds for relief—Barge competition.

Tariff—Supplement 29 to Southern Freight Association, agent, tariff ICC S-479.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11350; Filed, Oct. 18, 1966;
8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATIONS:		112.....	13203	PROPOSED RULES—Continued	
3749.....	12935	113.....	13203	989.....	13244
3750.....	12995	210.....	13035	991.....	13394
3751.....	13197	319.....	12834	993.....	13136
EXECUTIVE ORDERS:		354.....	13203	994.....	13090
Sept. 24, 1847 (revoked by		701.....	13035	1005.....	12845, 13090
PLO 4100).....	12950	719.....	13204	1006.....	13272
April 17, 1926 (revoked in part		722.....	13035	1038.....	12954
by PLO 4098).....	12950	13036, 13132, 13168, 13205, 13303,		1041.....	13136
10126 (superseded by 14 CFR		13465.		1067.....	13395
73.87).....	13422	728.....	13036	1069.....	13091
10154 (superseded by EO		729.....	12921, 12940	1102.....	13395
11313).....	13417	777.....	13502	1103.....	13476
10558 (superseded by EO		811.....	13133, 13313	1126.....	13005
11313).....	13417	874.....	12940	1205.....	13478
10686 (superseded by EO		905.....	12835, 13385	Ch. XI.....	12956
11313).....	13417	908.....	12836, 13077, 13385		
11122 (superseded by EO		909.....	13134		
11307).....	12917	910.....	12837, 13077, 13386		
11215 (amended by EO 11309).....	13075	915.....	13135, 13386		
11307.....	12917	932.....	13171		
11308.....	12919	947.....	13171		
11309.....	13075	958.....	12940		
11310.....	13199	984.....	13421		
11311.....	13413	993.....	13037		
11312.....	13415	1038.....	13037		
11313.....	13417	1421.....	13078		
11314.....	13419	1443.....	12837		
		1446.....	13207		
		1490.....	12997		
4 CFR		PROPOSED RULES:			
Ch. II.....	13381	725.....	13242		
5 CFR		730.....	12952		
213.....	12833, 12937, 13113, 13465	909.....	13174		
1700.....	13113	929.....	13136		
7 CFR		948.....	12953		
31.....	13203	972.....	13394		
110.....	13203	982.....	12954, 13346		
		984.....	13005		

14 CFR	Page
21	13387
37	12941
39	12921, 13167
47	13313
71	12840, 12921, 12943, 13038, 13039, 13115, 13207, 13314, 13315, 13389, 13390, 13421, 13422, 13466.
73	12922, 12944, 13115, 13422
95	12944
97	13116, 13316
121	13078
151	13423
208	12947
295	12948
378	12948
PROPOSED RULES:	
39	12924
71	12925, 13481
73	12925
75	13176
91	13352

15 CFR	Page
230	13167, 13390
372	13040
373	13040
374	13040
379	13040
382	13040
385	13040
398	13040
399	13040

16 CFR	Page
13	12937, 12938, 13078-13080, 13208, 13209, 13337, 13423.
15	13210, 13423
PROPOSED RULES:	
303	13353

18 CFR	Page
204	12840

19 CFR	Page
1	12938, 13080, 13390
4	13424
PROPOSED RULES:	
12	12964

20 CFR	Page
404	13126
405	13424, 13456
602	13466

21 CFR	Page
8	12840
17	12949
27	12949
51	12950
53	12840
120	13210
121	12841, 13128, 13474, 13475
146	12841
PROPOSED RULES:	
19	13005
121	12849
130	13347
191	13006

22 CFR	Page
41	13080
42	13080

23 CFR	Page
Ch. II	13128

24 CFR	Page
5	13081
203	13000

24 CFR—Continued	Page
220	13000
221	13000
232	13000
234	13000
1000	13000

25 CFR	Page
PROPOSED RULES:	
221	13242

26 CFR	Page
177	13443
507	13466
PROPOSED RULES:	
1	12843, 12845, 13091, 13242

28 CFR	Page
PROPOSED RULES:	
5	13343

29 CFR	Page
462	13001
512	13211
PROPOSED RULES:	
40	13174
1207	13176

31 CFR	Page
520	13001

32 CFR	Page
1	13326
2	13329
3	13329
4	13330
7	13331
8	13332
11	13332
13	13336
15	13336
18	13337
855	13081
1001	13217
1002	13217
1003	13217
1004	13217
1007	13218
1010	13219
1013	13219
1017	13220
1018	13220
1030	13220
1053	13220
1054	13220

32A CFR	Page
Ch. XV	13444
FRS Reg. V	13444
PROPOSED RULES:	
Ch. X	12924, 13050

33 CFR	Page
202	13129
204	13129, 13445

36 CFR	Page
311	13313
326	13172

37 CFR	Page
1	12922

38 CFR	Page
3	13088, 13172, 13390, 13446
36	13003

39 CFR	Page
822	13172
PROPOSED RULES:	
43	13394

41 CFR	Page
5-12	13337
9-1	13046
9-2	13046
9-3	13046
22-1	13001

42 CFR	Page
22	12939
52	13445

43 CFR	Page
5430	13446
PUBLIC LAND ORDERS:	
1195 (revoked in part by PLO 4099)	12950
3152 (revoked in part by PLO 4104)	12951
3584 (revoked in part by PLO 4104)	12951
4094 (corrected)	13473
4097	12950
4098	12950
4099	12950
4100	12950
4101	12951
4102	12951
4103	12951
4104	12951

45 CFR	Page
6	12842
7	12842
8	12842
170	13220

46 CFR	Page
PROPOSED RULES:	
2	12860
24	12860
30	12860
70	12860
90	12860
110	12860
175	12860
188	12860
189	12860
190	12860
191	12860
192	12860
193	12860
194	12860
195	12860
196	12860

47 CFR	Page
0	13473
1	13228
2	13230
15	13391
73	13234, 13237, 13474
91	13230
99	13230
PROPOSED RULES:	
31	13244
33	13244
73	12965, 13245, 13246, 13481

49 CFR	Page
7	13446
PROPOSED RULES:	
Ch. I	13392
95-97	13393

50 CFR	Page
32	12923, 12939, 13003, 13004, 13048, 13049, 13088, 13130, 13240, 13241, 13342, 13447, 13475.
33	12939, 13391, 13447, 13475

FEDERAL REGISTER

VOLUME 31 • NUMBER 203

Wednesday, October 19, 1966 • Washington, D.C.

PART II

Department of Agriculture

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Agricultural Stabilization
and
Conservation Service

Processor Wheat Marketing
Certificate Regulations



Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Republication of Regulations

The following republication of Part 777 of Title 7 of the Code of Federal Regulations is issued to include all amendments to date (29 F.R. 6271, 7983, 11642, 13471, 17086; 30 F.R. 5358, 8385, 9299; 31 F.R. 194, 4271, and 9111). This republication of Part 777 contains minor editorial corrections but does not include any substantive changes. The "Basis and Purpose" provisions which relate to the original issuance and various amendments to Part 777 can be found in the FEDERAL REGISTERS cited above.

- Sec.
777.1 General.
777.2 Administration.
777.3 Definitions.
777.4 Applicability of certificate requirements.
777.5 Registration of processors.
777.6 Transition.
777.7 Refunds or credits for flour exports.
777.8 Penalties.
777.9 Semi-processed wheat.
777.10 Wheat Marketing Certificate (Domestic).
777.11 Time and manner of acquiring and surrendering certificates.
777.12 Food processing reports.
777.13 Weight of wheat basis of reporting.
777.14 Conversion factor basis of reporting.
777.15 Records.
777.16 Casualty losses.
777.17 Payments in dispute.
777.18 Food processors manufacturing flour second clears.
777.19 Industrial users of flour second clears.
777.20 Sales of flour second clears by distributors.

Appendix I—Instructions to Processors for Preparation of Wheat Transition Report Forms.

Appendix II—Instructions for Preparation of Processing Report—Weight of Wheat Basis.

Appendix III—Instructions for Preparation of Processing Report—Conversion Factor Basis.

Appendix IV—Instructions to Industrial Users for Preparation of Industrial Users Production Report and Claim for Refund Forms.

Appendix V—Instructions for Preparation of Industrial Users Production Report and Claim for Refund Forms (For Users Who Produce Nonfood Products Only).

AUTHORITY: The provisions of this Part 777 issued under secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, and 79 Stat. 1202; 7 U.S.C. 1379 a-j.

§ 777.1 General.

The Agricultural Adjustment Act of 1938, as amended, provides that during any marketing year for which a marketing allocation program is in effect, all persons engaged in the processing of wheat into food products shall, with certain exceptions, prior to marketing any

such food products or removing such food products for sale or consumption, acquire domestic wheat marketing certificates equivalent to the number of bushels of wheat contained in such products. The act also provides that upon the giving of a bond or other undertaking satisfactory to the Secretary of Agriculture to secure the purchase of and payment for such marketing certificates as may be required, and subject to such regulation as he may prescribe, any person required to have marketing certificates in order to market the food product may be permitted to market any such product without having acquired marketing certificates in advance. The regulations in this part contain the terms and conditions for implementing these and related requirements of law.

§ 777.2 Administration.

The regulations in this part will be administered by the Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS") under the general supervision of the Administrator, ASCS. The Commodity Credit Corporation (hereinafter referred to as "CCC") will assist in carrying out the regulations through the sale and purchase of domestic certificates. Information pertaining to the regulations in this part may be obtained from the Director, Procurement and Sales Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 777.3 Definitions.

As used in the regulations in this part and in all instructions, forms, and documents pertaining hereto, the words and phrases defined in this section shall have the meaning assigned to them as follows, unless the context or subject matter otherwise requires:

(a) "Wheat" means wheat (regardless of whether produced in the United States), as defined in the Official Grain Standards of the United States or any wheat contained in any mixed grain or in any other mixture, which if not contained in such mixture would qualify as wheat under such standards.

(b) "Food product" means:

(1) Any product processed in whole or in part from wheat, irrespective of whether such product is actually used for human consumption, except such products as are defined herein as non-food products. Such food products shall, except as provided in paragraph (c)(3) of this section, include but not be limited to the following:

(i) Flour, as defined herein. (See §§ 777.18 and 777.19 for special provisions on flour second clears which are not used for human consumption.)

(ii) Wheat which is boiled, steeped, or commercially sprouted.

(iii) Any breakfast cereal.

(iv) Any beverage.

(v) Cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or such other similarly processed wheat as may be designated by the Administrator, except to the extent that

the total product of the wheat processed is used in or marketed as animal feed or other nonfood product. To qualify as ground wheat not more than 70 percent of such total product shall pass through a No. 8 sieve, and not more than 30 percent of such total product shall pass through a No. 20 sieve.

(c) "Non-food product" means:

(1) Any of the following products when produced in a single plant from wheat, provided (i) none of the products obtained from the wheat used in the processing of such product is marketed, or removed from the plant for sale or consumption, as a food product, (ii) the product is not manufactured from only a part of the total flour streams obtained in the processing of patent flours, and (iii) the product is labeled or otherwise identified as a non-food product.

(a) Animal feed;

(b) Pet food and poultry feed;

(c) Adhesives and other industrial products unsuitable for human consumption;

(d) Any product marketed or removed from the plant for use as a component of the products listed in subdivisions (a), (b), or (c) of this subparagraph if such product is unsuitable for marketing as a food product because of ingredients added or other action taken during the total course of processing.

(2) Cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat designated by the Administrator to the extent that the total product of the wheat processed is used in or marketed as animal feed or other non-food product specified in this paragraph.

(3) Any product which prior to marketing or removal for sale or consumption (whichever occurs first) is determined to be unfit for human consumption by the Food and Drug Administration or any agency of a State or local government, has not been rendered unfit for human consumption by deliberate action on the part of the processor and is destroyed or disposed of for animal feed or other non-food use; or any product processed from wheat determined to be unfit for human consumption by any such agency, if the product is destroyed or disposed of for animal feed or other non-food use.

(4) Any product, being manufactured as a food product which in the course of processing inadvertently, and not by design or deliberate action on the part of the processor, becomes unsuitable for marketing as the food product originally intended to be produced, provided such product and all other products obtained from the wheat are destroyed, or prior to marketing or removal from the plant (whichever occurs first) are unsuitable for marketing as a food product and are used in or marketed as animal feed or other non-food products specified in this paragraph.

(5) Such other products processed from wheat as the Administrator may determine to be non-food products.

(d) "Flour" means all flour (including flour clears) processed in whole or in part from wheat and shall include whole wheat or graham flour, Durum flour, malted wheat flour, stone ground flour, self-rising flour, semolina, farina and bulgur.

(e) "Person" means an individual, corporation, partnership, association, State, State agency, municipality or any other legal entity.

(f) "Food processor" means any person who processes wheat into a food product, irrespective of whether or not his principal business activity is that of a food processor. An individual who processes wheat in his own home for family use in his home is not a food processor.

(g) A "plant" or "processing plant" means collectively all processing units under one roof or located adjacent to each other except that (1) any such unit or units producing animal feed or other nonfood product exclusively shall be considered a separate plant, (2) any such unit or units processing durum wheat exclusively may be considered a separate plant, (3) any such unit in which beverage distilled spirits are placed in barrels for aging shall be considered a separate plant, (4) any such unit in which flour second clears are used in the manufacture of products which are not used for human consumption shall be considered a separate plant, and (5) any such unit in which cereal products are produced may be considered a separate plant.

(h) "United States" means all the States in the United States, the District of Columbia and Puerto Rico, including any Free Trade zones located therein.

(i) "Bushel" means 60 pounds of wheat, exclusive of dockage as defined in the Official Grain Standards of the United States or 60 pounds of wheat which is contained in mixed grain or in any mixture.

(j) "Domestic certificate" or "certificate" means a Form CCC-145, Wheat Marketing Certificate (domestic) issued by CCC, or a certificate credit established by CCC in its accounts in favor of a food processor for certificates purchased pursuant to these regulations.

(k) "Marketing year" means the twelve months beginning July 1, and ending June 30.

(l) "Director" means the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, or his designee.

(m) "Commodity office" means the Kansas City ASCS Commodity Office, 8930 Ward Parkway, P.O. Box 205, Kansas City, Missouri 64141.

(n) "ASCS offices" means:

Evanston ASCS Commodity Office, ASCS-USDA, 2201 Howard Street, Evanston, Ill. 60202.

Kansas City ASCS Commodity Office, ASCS-USDA, 8930 Ward Parkway, Kansas City, Mo., Mailing Address: P.O. Box 205, Kansas City, Mo. 64141.

Portland Branch Office, 1218 Southwest Washington Street, Portland 5, Oreg.

Minneapolis Branch Office, Room 310, Grain Exchange Building, Minneapolis, Minn. 55415.

(o) "Administrator" means the Administrator, ASCS, or his designee.

(p) "GR-262" means "Announcement GR-262, Terms and Conditions of Contracts for the Acquisition of CCC wheat for Export as Wheat Flour", under which wheat is acquired from CCC for exportation in the form of flour pursuant to a barter transaction, or Export Credit Announcement GSM-1, or any other program under which CCC offers wheat at competitive world prices for export in the form of flour.

(q) "GR-346" means the regulations with respect to the "CCC Flour Export Program—Cash Payment, GR-346" (25 F.R. 5816, as amended, 25 F.R. 9939, 25 F.R. 10758, 27 F.R. 1753, 27 F.R. 4863, 27 F.R. 10351, 29 F.R. 4667 and any further amendments thereto) under which export payments may be made on flour exports at announced payment rates.

(r) "State or State Agency" means any of the fifty states in the United States, the District of Columbia and Puerto Rico, and any agency thereof.

(s) "Institution" means an organization operating primarily as a charitable or religious institution which provides assistance on a charitable or welfare basis to needy persons and which, for the purpose of these regulations, has been approved in writing by the Administrator as an institution to which the food processor may deliver food products for distribution by donation to needy persons without acquiring certificates, or if the institution is a food processor, which may remove food products from the plant for donation to needy persons without acquiring certificates. Any institution which wishes to apply for such approval shall submit a request in writing to the Administrator specifying its name and address, and describing its activities, including the purpose for which the food products will be used. Such institution must be recognized by the Internal Revenue Service as an institution to which contributions are deductible as charitable contributions for Federal income tax purposes under section 170 of the Internal Revenue Code (26 U.S.C. 170) as evidenced by the listing of such organization in the U.S. Treasury Department's Internal Revenue Service Publication No. 78, "Cumulative List of Organizations Described in Section 170(c) of the Internal Revenue Code of 1954," as revised and supplemented.

(t) [Reserved]

(u) "Flour second clears," means a coproduct of patent flours (including Durum patent flour) which is produced in a 72 percent extraction rate type of milling operation in the United States from wheat produced in the United States and which meets the requirements of this paragraph. Flour second clears produced from Soft Red Winter wheat or White wheat (except the subclass Hard White wheat) or from a mixture which includes at least 80 percent Soft Red Winter or White wheat (except Hard White wheat) shall have an ash content of 0.75 percent or more. Flour second clears produced from Durum wheat, or from a mixture which includes more than 20 percent Durum wheat, shall have an ash content of 1.25

percent or more. Flour second clears produced from any other class or other mixtures shall have an ash content of 1.0 percent or more. The ash content shall be calculated to 14 percent moisture basis. Flour second clears shall be a product of the initial milling process and shall not be a product reconstituted by the mixing or blending of the normal by-products of 72 percent extraction type flour milling operation such as mill run, bran, shorts, middlings or red dog.

(v) "Industrial user" means any person who uses flour second clears in the United States in the production of any products not used for human consumption.

(w) "Nonqualifying clears" means clears which do not comply with the requirements of paragraph (u) of this section.

(x) "Shrinkage" as used herein, means that loss in weight resulting from normal handling of wheat, including the loss in moisture content, which occurs after the wheat is weighed and unloaded into the plant (including the servicing elevator(s)) and until it is removed for milling (i.e. prior to cleaning and tempering) or other disposition. Shrinkage shall not include the loss of weight resulting from artificial drying, screening, or cleaning, nor shall it include any loss of weight to the extent it is offset by any residue which is recovered in the form of sweepings, bin cleanout, or in similar operations.

§ 777.4 Applicability of certificate requirements.

(a) *General.* Any food processor processing wheat into food products, as defined herein, in the United States on or after 12:01 a.m. local time, July 1, 1964, regardless of whether he has legal title to the wheat or the food products processed therefrom, shall for the wheat so processed acquire and surrender certificates to CCC at the time and in the manner hereinafter specified in these regulations. The cost of domestic certificates for the marketing year beginning July 1, 1964, shall be 70 cents per bushel except to the extent that the processor qualifies for transition certificates under § 777.6. The cost of domestic certificates for the marketing years beginning July 1, 1965, and July 1, 1966, shall be 75 cents per bushel.

(b) *Exemptions.* Notwithstanding the foregoing, certificates shall not be required in the circumstances specified in the following subparagraphs:

(1) *Farm-use exemption.* Certificates shall not be required for wheat which is processed into a food product for use on the farm where grown and not for sale or other disposition. To support such exemption, the processor shall, at the time of delivery of the food product, obtain a certificate from the producer, or his authorized agent, on Form CCC-148, Food Product Farm Use Certificate, to cover the quantity of food product delivered. The food processor shall exercise care to ascertain that the exemption is not claimed for a quantity of food products in excess of that actually required for use on the farm where produced. The food processor may without

acquiring certificates, deliver to the person from whom he obtained the certification on Form CCC-148, a quantity of the food product not in excess of the quantity of the product processed from a quantity of wheat equivalent to the wheat received by the processor from such person less any such wheat which is received by the processor in payment of processing charges. It is not necessary that the food product be processed from the identical wheat received.

(2) *Wheat processed in bond.* Certificates shall not be required for wheat produced outside the United States which moves into the United States under customs bond, which is processed into food products in a bonded manufacturing warehouse, and which is exported without having been withdrawn from bond for consumption in the United States. To obtain such exemption, the food processor shall obtain authenticated copies of customs Form 7521—a copy evidencing the entry of wheat into a bonded manufacturing warehouse and a copy evidencing the withdrawal from customs bond for export of the food product processed therefrom.

(3) [Reserved]

(4) *Processing by educational institutions or other persons for purposes of student training, experimentation, research, analysis or testing.* An educational institution or other person engaged in the processing of wheat at any installation primarily for the purpose of student training, experimentation, research, analysis or testing shall not be required to acquire and surrender certificates on any wheat processed at the installation into a food product for any such purpose if the food product is not marketed or removed for sale or consumption. Food processing reports need not be submitted nor records maintained with respect to wheat exempt under this subparagraph or food products processed therefrom.

(5) *Wheat produced by and processed for use by a State or State agency.* Certificates shall not be required for wheat produced by a State or agency thereof and processed beginning July 1, 1964, for use by the State or any agency thereof. To support such exemption, the processor shall at the time of delivery of the food product or at such other time as may be approved in writing by the Director, obtain a certification from an authorized official of the State or State agency on Form CCC-148-1, to cover the quantity of food product delivered. The food processor may, without acquiring certificates, deliver to the State or agency thereof from which he obtained the certification on Form CCC-148-1 a quantity of the food product processed from a quantity of wheat equivalent to the wheat received by the processor from the State or agency thereof less any such wheat which is received by the processor in payment of processing charges. It is not necessary that the food product be processed from the identical wheat received. Any State or State agency which processes exclusively wheat produced by such State or State agency solely for its own use is not required to submit food processing reports under § 777.12.

(6) *Wheat processed for donation.* Certificates shall not be required for wheat processed beginning July 1, 1964, into a food product for donation to needy persons under a welfare or charitable program operated by an approved institution (see § 777.3(s)). If the institution is not the food processor, to support such exemption, the food processor shall, at the time of delivery of the food product, or such other time as may be approved in writing by the Director, obtain from the institution a certification on Form CCC-148-2 to cover the quantity of food product delivered for donation. The food product upon which the claim for exemption is based shall not be disposed of by the institution other than for donation to needy persons. The provisions of this subparagraph do not apply to purchases by CCC for donation.

(7) *Wheat processed for noncommercial uses.* Certificates shall not be required for wheat processed for noncommercial uses as determined by the Administrator and specified in this paragraph. Any food processor who wishes to petition the Administrator to establish in the regulations an exemption for any such use shall submit to the Administrator the name and detailed description of the food product, the use which is to be made of the food product, the name and address of the person who will make such use, and any other information deemed relevant by the food processor and as may be required by the Administrator. The exemption shall apply to wheat used in the manufacture of food products for the following use: Wheat processed beginning July 1, 1964, into a food product for use by either the producer or a person to whom he has donated the food product outside the farm where the wheat was grown. To support the exemption provided for in this subparagraph (7), the processor shall at the time of delivery of the food product or at such other time as may be approved in writing by the Director, obtain a certificate from the user in such form as is approved by the Administrator covering the quantity of food product delivered and describing the use to be made of the food product.

§ 777.5 Registration of processors.

(a) *Time of registration.* Any person who processes wheat, either into a food product or nonfood product (except a person who processes wheat in his home solely for family use in his home and a person who processes wheat on a farm solely for use on such farm), shall register with the Director by making the report required by paragraph (b) of this section by May 30, 1964, or such later date as may be approved by the Director in writing. Any such person who begins such processing operations subsequent to May 30, 1964, and who is not registered, shall register not later than the date he commences operations or such later date as may be approved in writing by the Director for good cause shown. Any person who has registered with the Director and who modifies his operations, such as by opening or closing plants, or beginning to process food products, subsequent to the date of his registration,

shall give notice of such change to the Director not later than the date he modifies his operations.

(b) *Method of registration.* A person who is required to register (hereinafter called "registrant") shall submit to the Director a report on Form CCC-146, Wheat Processor Registration and Report Form. Any person failing to submit such report is subject to criminal penalties. Blank forms may be obtained from the Director or from any ASCS office listed in paragraph (n) of § 777.3. A separate form in an original and three copies shall be prepared for each processing plant. The original and two copies, shall be submitted to the Director and one copy shall be retained by the registrant. The form shall include the following information: (1) Name of the registrant, (2) Central Office address, (3) plant address, (4) list of food products and non-food products processed at each plant, (5) request for any non-food product designation which the registrant may wish to make, (6) intention to participate or not to participate in transition procedure (see § 777.6), (7) such other information on the form as may be required by the Director.

(c) *Notification of registration by Director.* The Director will assign a primary registration number to the person and return one copy of the Form CCC-146 to him. If he operates more than one plant, he will be assigned a sub-number for each plant, such as Nos. 295-1, 295-2, 295-3, etc.

§ 777.6 Transition.

(a) *General.* It has been determined necessary to facilitate the transition from the 1963 program to the 1964 marketing allocation program by reducing the cost of domestic certificates from 70 cents per bushel to 18 cents per bushel on certain wheat produced and stored in the United States and processed into food products on and after July 1, 1964. Such reduced cost certificates shall hereinafter be referred to as "transition certificates".

(b) *Eligible persons.* Food processors who elect to apply for transition certificates and who comply with the requirements of this section shall be eligible to acquire transition certificates from CCC.

(c) *Quantity eligible for transition certificates.* (1) The quantity of wheat for which transition certificates may be acquired by a processor shall be computed separately for each processing plant for which the processor elects to qualify for transition certificates and separately for each class of wheat for which he elects to qualify for such certificates. Such quantity shall be:

(i) The quantity of old crop wheat (i.e., wheat of 1963 and prior crops) produced and stored in the United States to which the processor holds legal title as of midnight, May 23, 1964, and which has been assigned by the processor for use in the processing plant for which the computation is being made; plus

(ii) The quantity of wheat which the processor purchases from CCC for unrestricted use, which is not designated by CCC as non-storable, which is assigned by the processor for use in the

processing plant, and to which legal title is acquired by the processor during the period commencing at 12:01 a.m. on May 24, 1964, and ending at midnight on June 30, 1964; minus

(iii) The quantity of wheat owned by the processor and processed by the processing plant during the period commencing at 12:01 a.m. on May 24, 1964, and ending at midnight on June 30, 1964, irrespective of when the wheat was acquired or whether the wheat processed is old or 1964 crop wheat; and minus

(iv) The quantity of all wheat assigned or intended for use in the processing plant (irrespective of when the wheat was acquired or whether the wheat was old or 1964 crop wheat) as to which there is a transfer of legal title to a buyer, or an intra-company transfer from the plant or reassignment for use other than in the processing plant or a delivery to a carrier for shipment from the United States during the period commencing at 12:01 a.m. on May 24, 1964, and ending at midnight on June 30, 1964.

(2) The processor shall not on or after July 1, 1964, use any wheat which was used as a basis for acquiring transition certificates to replace wheat exported between May 24, 1964 and July 1, 1964, so as to have used such wheat both for the purpose of establishing eligibility for transition certificates and for the purpose of facilitating certificate free exports prior to July 1, 1964. Any processor who violates the foregoing provision shall be considered not to have acted in good faith and shall be subject to the provisions of paragraph (h) of this section.

(3) For the purposes of this section, mixed wheat shall be deemed to consist of the classes of wheat which comprise the mixture. Cleaned wheat, irrespective of degree of cleaning or sizing, and any wheat in process with the berry remaining unbroken by processing (excluding boiled, pearled, steeped or commercially sprouted wheat) shall be eligible on the same basis as any other wheat for transition certificate purposes. For purposes of this section all time shall be local time.

(d) *Transition certificates.* Transition certificates shall be valid only to cover wheat processed into food products during the period July 1, 1964, through August 31, 1964, in the processing plant or which the certificates were issued, except that the Administrator may extend such period to the extent that it is established to his satisfaction that additional time is needed to use such transition certificates. Transition certificates may be used to cover wheat other than the class for which the processor qualified. The cost of such certificates shall be 18 cents per bushel. Transition certificates shall be issued by establishing certificate credits in favor of the processor in the accounts of CCC upon receipt by CCC of payment therefor.

(e) *Submission of reports.* (1) Any food processor who wishes to qualify for transition certificates must submit for each processing plant and for each class

of wheat for which he wishes to qualify the following reports:

(i) *Beginning Inventory Transition Report.* Form CCC-152, together with supporting schedules, to be postmarked not later than June 26, 1964, or such later date as may be approved in writing by the Director for good cause shown.

(ii) *Transition Operations Report.* Form CCC-153, together with supporting schedules, to be postmarked not later than July 24, 1964, or such later date as may for good cause shown, be approved by the Director in writing. Forms and form preparation instructions may be obtained from the ASCS offices named in § 777.3(n). Completed forms shall be submitted to the Kansas City Commodity Office. Quantities shall be reported in bushels, excluding dockage. Completed forms shall contain all the information required on the forms and shall be prepared in accordance with instructions relating thereto.

(f) *Transition Records to be retained by food processor.* (1) Food processors shall establish and retain accurate records and documents to support the quantities of each class of wheat reported under this section. Separate records shall be established and documents retained for each processing plant. Documents to be retained shall include:

(i) Purchase and sale contracts, purchase and sale invoices, delivery documents, and any other documents necessary to establish legal title to the wheat and the date such title was acquired.

(ii) Bills of lading and related weight and inspection certificates for wheat in transit.

(iii) Records showing the determination of inventory of wheat in the elevator at the processing plant location servicing the processing plant and in the processing plant as of May 23, 1964, and June 30, 1964, including weight tickets representing a weigh-up of the wheat, or accurate measurements made of the wheat.

(iv) Documents evidencing the weight of wheat received in and withdrawn from the processing plant and the elevator at the processing plant location servicing the processing plant during the period from May 23, 1964, through June 30, 1964.

(v) Any other documents relating to the quantities of wheat reported.

(2) Representatives of the U.S. Department of Agriculture may examine such records and documents or the stocks of wheat in storage or in the processing plant at any time during normal business or working hours. Transition inventory records shall be retained until July 1, 1966.

(g) *Wheat stored in public warehouses and elevators.* If any wheat included in the Beginning Inventory Transition Report is stored in a public warehouse or elevator and such warehouse or elevator does not have either a Uniform Grain Storage Agreement with CCC, or is not licensed under the U.S. Warehouse Act, the processor must obtain a certification by the warehouseman that the warehouse receipts representing such wheat are outstanding, that he had on May 23,

1964, sufficient stocks of wheat of the particular class to cover his entire storage liability of such wheat, that he will maintain adequate stocks of the particular class of wheat to cover his storage liability so long as such warehouse receipts are outstanding, and that he will maintain accurate records of all wheat of the particular class received and withdrawn from storage during the period such warehouse receipts are outstanding. Such records shall be retained until July 1, 1966. Warehousemen shall furnish such certification upon request of food processors who establish ownership of outstanding warehouse receipts. Representatives of the U.S. Department of Agriculture may examine such warehouse records and the stocks of wheat in storage at any time during normal business hours of the warehousemen. Warehousemen who have a Uniform Grain Storage Agreement with CCC or are licensed under the U.S. Warehouse Act are obligated under such agreement or license to maintain adequate stocks of wheat to cover their storage liability and to maintain accurate records of wheat in storage.

(h) *Failure to act in good faith.* Any processor who is determined by the Administrator not to have acted in good faith in any report made under this section or in any transaction which serves as a basis for establishing the amount of wheat on which he is entitled to purchase transition certificates under this section, in addition to any other liability, may be denied, to the extent determined by the Administrator, the right to acquire, use, or retain the benefits of any transition certificates to which he might otherwise be entitled.

(i) *Hardship cases.* If, as a result of causes arising after May 23, 1964, beyond the control of a food processor and without his fault or negligence, including but not limited to acts of God, acts of the government, fire, flood, explosion, quarantine, and strikes, a food processor is unable to effectuate the transition in the manner contemplated by these regulations and thereby suffers an undue hardship, he may apply to the Administrator for relief from the requirements of any provision in this Part. Such application shall be in writing and supported by documentary evidence necessary to substantiate the basis on which the application is made. If, in the judgment of the Administrator, relief from the requirements of such provision is justified under all the circumstances of the case, he may issue transition certificates in such amount, valid to cover wheat processed during such period, or take such other action to facilitate the transition as may be authorized by section 379g of the Act, as he determines appropriate to provide relief from the hardship. This authority may not be redelegated.

§ 777.7 Refunds or credits for flour exports.

(a) *General.* In order to expand international trade in wheat and wheat flour and promote equitable and stable prices therefor, the Commodity Credit Cor-

poration shall upon the exportation from the United States of any wheat or wheat flour, make a refund to the exporter or allow him a credit against the amount payable by him for marketing certificates, in such amount as is determined will make United States wheat and wheat flour generally competitive in the world market, avoid disruption of world market prices, and fulfill the international obligations of the United States. Refunds shall be made through export payments under GR-346. If the amount of the export payment under GR-346 exceeds the cost of the certificates for the flour, a part of the export payment equal to the cost of such certificates shall constitute the refund. If the amount of the export payment does not exceed the cost of the certificates, the entire amount of the payment shall constitute the refund.

(b) *Exports under GR-262.* In the case of wheat acquired from CCC under GR-262 at competitive world prices for export in the form of flour, the exporter will be allowed a credit in the amount of the full cost of certificates required to be acquired and surrendered to CCC for the flour exported in fulfillment of the exporter's obligations under GR-262, or certificates for such amount will be issued to the exporter. When wheat is acquired from CCC under GR-262, CCC will establish a credit or issue certificates in such amount in the exporter's favor which may be transferred to the processor from whom the flour to be exported is acquired. If the exporter does not make exportation as required under GR-262, he shall pay to CCC promptly on demand the amount of the credit or the face value of the certificates applicable to the flour not so exported, together with interest at the rate of 6 percent per annum from the date such credit was established or certificates issued.

(c) *Exports of food products other than flour.* No refunds shall be made or credits allowed against the amount payable for certificates on the wheat used in processing any food products, other than flour as defined in § 777.3(d), which are exported.

§ 777.8 Penalties.

(a) *Violation of marketing restrictions—forfeitures.* Any person who beginning July 1, 1964, knowingly violates or attempts to violate or who knowingly participates or aids in the violation of any of the provisions of these regulations with regard to the acquisition of certificates prior to marketing any such food product or removing such food product for sale or consumption shall be subject to section 379i(a) of the Agricultural Adjustment Act of 1938 which provides for the forfeiture to the United States by such person of a sum equal to two times the face value of the certificates involved in such violation. Such forfeiture shall be recoverable in a civil action brought in the name of the United States.

(b) *Violation of marketing restrictions; failure to make reports or maintain records—criminal penalties.* Any

person, except a producer in his capacity as a producer, who beginning July 1, 1964, knowingly violates or attempts to violate or who knowingly participates or aids in the violation of any provision of these regulations governing the acquisition, disposition, or handling of certificates or who knowingly fails to make any report or keep any record as required by these regulations shall be subject to the provisions of section 379i(b) of the Agricultural Adjustment Act of 1938 which state that such person shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$5,000 for each violation.

(c) *Fraudulent use of marketing certificates.* Any person who falsely makes, issues, alters, forges or counterfeits any certificate, or with fraudulent intent possesses, transfers, or uses such falsely made, issued, altered, forged or counterfeited certificate, shall be subject to the provisions of section 379i(c) of the Agricultural Adjustment Act of 1938 which state that such person shall be deemed guilty of a felony and upon conviction thereof shall be subject to a fine of not more than ten thousand dollars or imprisonment of not more than ten years, or both.

§ 777.9 Semi-processed wheat.

Any food processor who processes wheat into cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat as may be designated in § 777.3(b)(1)(v) shall not market or remove such processed wheat for sale or consumption without acquiring certificates and surrendering certificates to CCC as provided in these regulations, unless the total product of the wheat processed is used in or marketed as a non-food product. Any person who acquires and further processes cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat into a food product (including by mixing with a food product or packaging for marketing as a food product) shall be considered a food processor except as otherwise provided in § 777.3(f). Such person shall acquire and surrender certificates and make reports as required by the regulations of this part on the cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat used in the processing of the food product, unless prior to marketing the food product, or removing it for sale or consumption, he has obtained a certification from the person who produced the cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat that he has or will acquire and surrender certificates as required by these regulations. The person processing the cracked wheat

(wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat into a food product shall maintain records of the quantities thereof of processed into food products as required by § 777.15 and shall retain any certification obtained by him under the foregoing provisions of this section for a period of three years.

§ 777.10 Wheat Marketing Certificate (Domestic).

(a) *Description.* Wheat Marketing Certificates (Domestic), herein called "domestic certificates" or "certificates", shall be represented by Form CCC-145, Wheat Marketing Certificate (Domestic) issued by CCC, or a certificate credit established by CCC in favor of a food processor for certificates purchased from CCC pursuant to these regulations. Form CCC-145 is a serially numbered form entitled "Wheat Marketing Certificate." A Form CCC-145 domestic certificate will be identified as "domestic", will show date of issuance, bushel quantity, face value, name and address of person to whom issued, and the marketing year to which it applies, and will bear the signature of a representative of CCC authorized to sign certificates.

(b) *Sale by CCC.* CCC will sell certificates to food processors and others who offer to purchase certificates from CCC and who pay to CCC the face value of the certificates plus such interest as may be required by the regulations of this part. Offers to purchase certificates and payment therefor may be made at the Kansas City Commodity Office or may be made by deposit of funds to the credit of CCC at the Kansas City Federal Reserve Bank. If certificates are being purchased for wheat processed in a specific processing report period as provided in § 777.12, the food processor shall identify in his offer the processing report period to which the certificates are to be applied by indicating the beginning and ending report period dates and the processor number. Payment for certificates shall be deemed to have been made when payment is received at the Kansas City Commodity Office or the Kansas City Federal Reserve Bank, except that if payment is by mail and a date appears on the postmark, payment shall be deemed to have been made on the date which appears on the postmark. Form CCC-145 will be issued for certificates sold by CCC, except that in any case where certificates are purchased for wheat processed in a specific processing report period, CCC will establish a credit in favor of the food processor for the amount of the certificates purchased in lieu of issuing Form CCC-145.

(c) *Negotiability.* Form CCC-145 certificates may be transferred to any person by endorsement and delivery. A person acquiring certificates by transfer may surrender them to CCC to cover wheat processed into food products or may sell them to CCC.

(d) *Surrender of certificates to CCC.* Food processors shall discharge their obligation to surrender certificates to CCC by endorsing Form CCC-145 certifi-

icates and delivering them to CCC at the Kansas City Commodity Office or by making payment to CCC for certificates required for wheat processed into food products in a specific processing report period. Surrender of certificates to CCC shall be deemed to have been made at the time when payment is made for certificates purchased or at the time delivery of Form CCC-145 certificates is made at the Kansas City Commodity Office. If Form CCC-145 certificates are received in the Kansas City Commodity Office by mail and a date appears on the postmark, delivery shall be deemed to have been made on the date which appears on the postmark. Certificates will be deemed to be cancelled by CCC upon their surrender to CCC.

(e) *Balance certificates.* If Form CCC-145 certificates delivered to the Kansas City Commodity Office have a face value in excess of the value of certificates required to be surrendered, CCC will issue Form CCC-145 certificates to the food processor for the unused balance.

(f) *Purchase by CCC.* Any valid Form CCC-145 certificates legally held by any person will be purchased by CCC at face value if presented for purchase to the Kansas City Commodity Office.

§ 777.11 Time and manner of acquiring and surrendering certificates.

(a) *General.* Food processors shall acquire certificates and surrender certificates to CCC as provided in paragraphs (b) and (c) of this section and in the manner specified in § 777.10. The number of certificates acquired by the food processor and surrendered to CCC shall be equivalent to the number of bushels of wheat used in processing the food products for which certificates must be acquired and surrendered. Such quantity of wheat shall be determined and reported to CCC as provided in §§ 777.12 to 777.14 on the basis of the weight of wheat used in processing the food products or by application of conversion factors to the weight of food products obtained in the processing operation.

(b) *Undertaking to secure purchase and payment.* Any food processor may market a food product or remove a food product for sale or consumption without first having acquired and surrendered certificates if he enters into the undertaking with CCC provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Kansas City ASCS Commodity Office a properly executed "Food Processor Certificate Undertaking," Form CCC-147. The undertaking shall apply to wheat processed into food products in each plant specified in Form CCC-147 beginning with the first day of the processing report period as determined under § 777.12 in which the undertaking was received by the Commodity Office, except that the undertaking shall apply to wheat processed beginning July 1, 1964, if the undertaking is received in the Commodity Office on or before August 25, 1964. If an undertaking has been filed, it shall remain in effect unless

the food processor breaches the undertaking in which event it shall terminate at such time as provided in subparagraph (4) of this paragraph, or unless the food processor notifies CCC that he wishes to withdraw the undertaking in which event it shall expire at such time as may be determined by CCC. By filing Form CCC-147 with the Commodity Office, the food processor agrees, in consideration of the right to market food products and to remove food products for sale or consumption without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from CCC and surrender the certificates for the wheat processed into food products, as required under the regulations of this part on or before the 45th calendar day after the close of the processing report period during which the wheat was processed or such later date as may be approved by the Administrator for good cause shown by the food processor.

(2) If certificates are acquired and surrendered to CCC later than the 15th calendar day after the close of the processing report period during which the wheat was processed, the cost of the certificates acquired from CCC shall be the face value of the certificates plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates.

(3) If requested by the Administrator, the food processor will furnish a bond or letter of credit in such form and amount and within such period as may be specified by the Administrator to secure the food processor's obligations hereunder.

(4) The food processor's right to market food products and to remove food products for sale or consumption without first having acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. If the food processor breaches his undertaking, his right to market food products and to remove food products for sale or consumption without first acquiring and surrendering certificates shall be deemed terminated as of the first day of the reporting period with respect to which the breach occurred.

(c) *Purchase of certificates in absence of undertaking.* (1) Except as provided in paragraph (b) of this section, the food processor must acquire certificates and surrender such certificates to CCC on or before the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown, for all food products sold and removed for sale or consumption from the processing plant, covered by the processing report, during the processing report period. The cost of certificates acquired from CCC shall be as provided in subparagraphs (2), (3), and (4) of this paragraph.

(2) The food processor may acquire certificates from CCC at face value to the extent that he acquires and surrenders certificates not later than the first day

of each processing report period (as determined under § 777.12) to cover the estimated quantity of wheat to be used in the processing of food products during the first half of the report period. In addition, the food processor may acquire certificates from CCC at face value to the extent he acquires and surrenders certificates not later than the first day of the second half of each processing report period to cover the estimated quantity of wheat to be used in the processing of food products during the second half of the report period. If the quantity of wheat estimated to be used in the processing of food products during the processing report period was underestimated, additional certificates may be acquired from CCC at face value if acquired and surrendered to CCC on or before the last day of the report period.

(3) If the certificates acquired and surrendered as provided in subparagraph (2) of this paragraph are equal to 90 percent or more of the certificates required to cover the wheat used in processing food products during the report period, any additional certificates may be acquired from CCC at face value if acquired and surrendered to CCC not later than the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown. The cost of any certificates purchased from CCC after such date to cover wheat used in processing the food products during the report period shall be the face value thereof plus interest at six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates.

(4) If the certificates acquired and surrendered to CCC by the food processor as provided in subparagraph (2) of this paragraph are less than 90 percent of the certificates required to cover the wheat used in processing food products during the processing report period or if the food processor does not acquire and surrender certificates as provided in subparagraph (2) of this paragraph, the cost of any certificates purchased from CCC subsequent to the last day of the processing report period to cover the wheat used in processing food products during the processing report period will be the face value of the certificates plus interest at six percent per annum from the first day of the report period until the date of surrender of the certificates.

(d) *Wheat acquired from CCC for export as flour under GR-262.* The processor of any food products exported in fulfillment of an exporter's obligation to export under GR-262, shall surrender certificates to CCC on such food products as provided in the foregoing paragraphs of this section. A credit will be allowed or certificates issued to the exporter in the manner provided in § 777.7 for the full cost of certificates required to be acquired and surrendered to CCC on such flour.

(e) *Beverage distilled spirits.* In the case of a food processor who ages beverage distilled spirits which he has manufactured from wheat, the beverage distilled spirits are deemed to be re-

moved from the processing plant for consumption for the purpose of these regulations when the spirits are placed in barrels for aging. Certificates shall be acquired and surrendered as provided in paragraph (c) of this section in an amount equivalent to the number of bushels of wheat used on and after July 1, 1964, in processing the beverage distilled spirits, except that a food processor may age beverage distilled spirits manufactured by him from wheat without first having acquired and surrendered certificates if he enters into the undertaking with Commodity Credit Corporation provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Kansas City Commodity Office a properly executed "Food Processor Certificate Undertaking" Form CCC-147. The undertaking shall apply to wheat processed into beverage distilled spirits in each plant specified in such form beginning with the first day of the processing report period specified in the undertaking. By filing Form CCC-147 with the commodity office, the food processor agrees in consideration of the right to age beverage distilled spirits manufactured by him from wheat without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from Commodity Credit Corporation and surrender the certificates for the wheat processed into beverage distilled spirits and placed in a barrel for aging as required under this part, on or before the 45th calendar day after the end of the month in which such barrel of aged beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first, or such later date as may be approved by the Administrator for good cause shown by the food processor. The number of certificates for the wheat used in manufacturing the beverage distilled spirits aged in each barrel shall be determined by dividing (i) the total quantity of wheat used by the processor in manufacturing all the beverage distilled spirits which are produced and placed in barrels for aging in the same marketing year as the particular barrel for which certificates are acquired, by (ii) the total number of barrels of beverage distilled spirits produced and placed in barrels for aging in such marketing year.

(2) If certificates are acquired and surrendered to Commodity Credit Corporation later than the 15th calendar day after the end of the month in which the barrel of aged beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first, the cost of certificates acquired from Commodity Credit Corporation will be the face value of the certificates plus interest at the rate of 6 percent per annum starting on the day after such 15th calendar day until the date of surrender of the certificates.

(3) The food processor shall furnish a bond or letter of credit in such form and amount and within such period as may be specified by the Administrator to secure the food processor's obligations hereunder.

(4) The food processor's right to age beverage distilled spirits without first having acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. If the food processor breaches his undertaking, his right to age the spirits without first acquiring and surrendering certificates shall be deemed terminated as of the first day of the report period with respect to which the breach occurred.

(f) *Inapplicability of interest.* Interest charges under this section will not apply to the extent it is established to the satisfaction of the Administrator, ASCS, that a delay in the acquisition and surrender of certificates resulted from reliance in good faith upon action or advice of an authorized official of the Department. Any processor who wishes to apply for relief under this section shall submit a request in writing supported by documentary evidence necessary to substantiate the basis on which the application is made.

§ 777.12 Food processing reports.

(a) *General.* Processing reports shall be submitted to the Kansas City Commodity Office by each food processor as defined in § 777.3(f). Descriptions of the processing reports are set forth in §§ 777.13 and 777.14 and detailed instructions are provided in Appendices II and III.

(b) *Processing report period.* (1) The period of processing operations which a processing report shall cover shall be one of the following:

- (i) Each calendar month.
- (ii) 4 or 5 week periods in combination.
- (iii) Each 4 weeks.
- (iv) Effective commencing with the marketing year beginning July 1, 1965, each 6-month period in the case of a food processor whose certificate liability during the previous marketing year totalled 300 bushels of wheat or less. The first 6-month report shall cover the 6-month period beginning on 12:01 a.m., July 1, and ending at midnight December 31, and succeeding reports shall cover each 6-month period thereafter. CCC reserves the right to require any processor to report in the period prescribed in (i), (ii), or (iii) above.

(2) The food processor shall report to the Kansas City Commodity Office the processing report periods which he proposes using, by listing specific report periods ending dates for the entire marketing year. The list shall be submitted with Form CCC-147, "Food Processor Certificate Undertaking," if such an undertaking is made, otherwise, with the first processing report. If such list is not submitted, the food processor shall report on a calendar month basis.

(3) Once a processing report period has been established, it shall not be changed for any marketing year except

with the approval of the Administrator in writing for good cause shown.

(4) The first report period for any marketing year shall begin on July 1 at 12:01 a.m. If a food processor elects to use a processing report period as provided in paragraph (b) (1) (ii) or (iii) the first report period shall end at such time short of 5 weeks as will make the second report coincide with the plant's established 4- or 5-week reporting period. The last report period for any marketing year shall end with the close of business on June 30. If the first period is less than 7 days, such period need not be reported separately, but may be included in the report for the first full 4- or 5-week period as applicable; similarly, if the last report period is less than 7 days it may be included in the last full 4- or 5-week period as applicable.

(5) If August 31, 1964 is not designated as a processing report period ending date and the processor is still eligible to acquire additional transition certificates which he wishes to acquire for use during the report period in which August 31, 1964 falls, he must submit an additional processing report as of August 31, 1964, or as of a date prior to August 31, 1964, at the election of the processor for the portion of the period in which he wishes to use the transition certificates.

(c) *Date of submittal.* The processing report shall be submitted not later than 15 days after the close of the processing report period (or such later date as may be approved by the Administrator for good cause shown by the food processor). If the report is mailed and a date appears on the postmark, the report shall be deemed to have been submitted on the date shown on the postmark.

(d) *Basis of reporting.* The weight of wheat basis of reporting prescribed in § 777.13 shall be used except that if conversion factors are provided in § 777.14 for all the food products processed in the plant (or approved combination of plants as provided in paragraph (e) of this section) covered by the report, the food processor may elect to use the food product conversion factor basis prescribed in § 777.14. The basis of reporting used in a food processor's first report in a marketing year, i.e., weight of wheat or conversion factor basis, shall be deemed to constitute his election to use such basis for the entire marketing year, and all subsequent reports for any marketing year shall be on such basis, unless the Administrator for good cause shown approves in writing a change of the basis of reporting.

(e) *Plant or plants.* Separate processing reports shall be submitted for each plant in which any wheat is processed into a food product, for each processing report period, with the exception that a food processor may apply to the Director in advance for approval of a combination of two or more plants or a division of the plant. Such approval will be given if such change better suits the inventory, operating or records systems applicable to such plants and if the change does not impair verification of

quantities processed. If such approval is given, the combination of plants will be assigned a new subnumber in the Director's notification of approval.

(f) *Number of report periods for which submitted.* A processing report shall be submitted for each report period beginning July 1, 1964, regardless of whether there was any wheat processed in the processing plant during the period.

(g) *Corrected processing reports.* If it is found that an incorrect processing report has been submitted to the commodity office, the food processor shall promptly prepare and submit a corrected processing report with the applicable beginning and ending dates for the period involved indicated thereon. A consolidated corrected report may, with the approval of the Director, be submitted to cover more than one processing report period. Such report shall be identified as a "Corrected Report" and transmitted with a letter of explanation. If the processor is entitled to a certificate refund, he shall indicate whether the amount of the refund should be paid to him or held for application to a subsequent report. If additional certificates are required, and such certificates are surrendered to CCC later than the 15th calendar day after the close of the processing report period in which the wheat was processed into the food products, the cost of any certificates acquired from CCC shall be the face value thereof plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates. Any food processor, who has made an incorrect processing report, corrected such report as provided in this section, and surrendered any additional certificates due with the corrected report, will not be subject to the forfeitures referred to in § 777.8 to the extent that the Administrator determines that the error in the report was due to an honest mistake and was not intentional or the result of gross negligence.

(h) *Reports from persons engaged in the processing of wheat primarily for student training, experimentation, research analysis or testing.* Notwithstanding the foregoing provision of this section, food processing reports are not required to be submitted with respect to any wheat processed at an installation by an educational institution or other person which processes wheat at the installation primarily for the purpose of student training, experimentation, research, analysis or testing during a processing report period if all the wheat processed during the period is exempt for the requirement for the acquisition of certificates under § 777.4(b)(4). If any wheat processed into food products during the report period is not so exempt, the food processor shall report on Form CCC-159 on a calendar month basis, the quantity of wheat processed into such food products. The name of such food products shall be entered on the form if not preprinted. If conversion factors are specified in § 777.14 for the food products not so exempt, the quantity of food products produced shall be entered in Item 7(a) the applicable conversion factor in Item

7(b), and the wheat equivalent in Item 7(c). If conversion factors are not so specified, the actual number of bushels used in the processing of the food products shall be entered in Item 7(c). Such person shall state in Item 8 "Wheat not exempt under § 777.4(b)(4) processed at an installation by a person engaged in the processing of wheat at such installation primarily for the purpose of student training, experimentation, research, analysis or testing." The remaining items of the report shall be completed in accordance with Appendix III.

(i) *Beverage distilled spirits.* In the case of a food processor who ages beverage distilled spirits manufactured by him from wheat, the first period of processing operations which a processing report shall cover shall be the period beginning July 1, 1964, and ending June 30, 1965. Thereafter, processing reports shall cover periods as provided in paragraph (b) of this section. In addition, a food processor who has submitted the undertaking provided in § 777.11(e) shall submit not later than the 15th calendar day after the end of the month in which each barrel of aged beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first (or such later date as may be approved by the Administrator for good cause shown by the food processor), a report identifying the month in which this occurred, the serial number of the barrel in which such beverage distilled spirits were aged and the processing report period in which the beverage distilled spirits were produced from wheat.

§ 777.13 Weight of wheat basis of reporting.

(a) *General.* Food processors reporting the quantity of wheat processed into food products on the basis of the weight of wheat processed, shall complete Form CCC 160, Processing Report-Weight of Wheat Basis, for each reporting period in accordance with detailed instructions set forth in Appendix II of this part. Determinations of the weight of wheat processed into food products shall be made in the manner prescribed in Appendix II. No deductions may be made for any by-products of a food product obtained in the processing of the wheat.

(b) *Additional reports in absence of an undertaking.* Food processors purchasing certificates in accordance with § 777.11(c) shall supplement each Form CCC-160 with a statement showing: (1) The quantity (in cwt.) and name of food products processed in the reporting period covered by the form, (2) the quantity (in cwt.) and name of food products sold and removed for sale or consumption during such period, (3) the reporting period in which the food product(s) specified in Item (2) were processed, and (4) the wheat equivalent in bushels of such food product(s) calculated by using the actual conversion factor experienced in the reporting period in which processed (bushels of wheat processed into food products divided by cwt. of food products produced). The

processor's Form CCC-160 for the first period not covered by an undertaking shall also include a statement showing the quantity of food products remaining in inventory from the previous reporting period(s) and the wheat equivalent of such product(s). For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis. The face value of the certificates and the interest charges shall be shown separately on the report.

§ 777.14 Conversion factor basis of reporting.

(a) *Report form.* Food processors reporting the quantity of wheat processed into food products on the basis of the application of conversion factors to the weight of food products obtained in the processing operation (herein called "food product conversion factor basis") shall complete Form CCC-159, Processing Report-Conversion Factor Basis, for each reporting period.

(b) *Additional ingredients.* If the food product conversion factor basis of reporting is used to determine the quantity of the wheat processed, such quantity may be reduced by the weight of any additional ingredient included in the weight of the food products which was introduced during the course of processing. "Additional ingredient" for purposes of this paragraph means:

(1) Any flour and other food products including clears and malted wheat flour, which were produced prior to July 1, 1964, or for which certificates have previously been acquired and surrendered to CCC by the processor or for which certificates are required to be acquired and surrendered to CCC by another food processor from which the food product was purchased.

(2) Any nonwheat ingredient including, but not limited to malted barley flour, creta preparata, and self-rising components, but not including moisture used in the tempering of wheat or otherwise introduced in the production of the product.

(c) *Conversion factors.* For purposes of this section, the wheat equivalent of each food product named in column A shall be the number of bushels prescribed as the conversion factor for such product in column B.

A Food product	B Bushels of wheat-equivalent per 100 pounds of product (conversion factor)
Whole wheat flour or graham flour----	1.700
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction operation -----	2.300
Malted wheat flour-----	2.075
Semolina -----	2.283
Farina -----	2.283
Bulgur -----	1.916
Rolled wheat -----	1.800
Cracked wheat (wheat grits), ground wheat, or crushed wheat-----	1.700

A Food product	B Bushels of wheat-equiva- lent per 100 pounds of product (conversion factor)
Heavy bran, type A (extraction approx- imately 40 percent heavy bran and 50 percent flour) ¹ -----	1.310
Heavy bran, type B (extraction approx- imately 57 percent heavy bran and 32 percent flour) ¹ -----	1.640
Whole wheat cereal, including fines (extraction approximately 80 percent cereal and 13 percent fines) ² -----	2.09
Wheat bits cereal, including fines (ex- traction approximately 68 percent cereal and 27 percent fines) ² -----	2.44
Cracked wheat for cereal, including fines (extraction approximately 59 percent cracked wheat and 27 per- cent fines) ² -----	2.80
Granular cereal (extraction approx- imately 22 percent Granular cereal and 53 percent flour) ¹ -----	2.12
Popped wheat (manufactured from wheat that is soaked and then im- mersed in boiling oil) ³ -----	1.813

(d) *Other conversion factors.* (1) There shall be no conversion factors other than those prescribed in paragraph (c) of this section, except that any food processor may petition the Administrator to establish in the regulations a conversion factor for any additional food product or flour of other rates of extraction.

(2) Any person who wishes to petition for the establishment of a conversion factor for food products other than flour shall submit to the Administrator:

(i) The name and a detailed description of the food product, and

(ii) The conversion factor which is considered to be applicable. (Such factor is to be based upon the quantity of wheat, prior to cleaning, that is required to produce 100 pounds of the particular food product), and

(iii) Evidence to substantiate the recommended conversion factor.

(3) Any person who wishes to petition for the establishment of a conversion factor for flour of other rates of extraction shall submit to the Administrator the rate of extraction for which he desires the establishment of a conversion factor, and a statement to the effect that he mills flour of such rate of extraction.

(e) *Preparation of the report.* Instructions for the preparation of Forms CCC-159 are contained in Appendix III of this part.

(f) *Additional reports in absence of an undertaking.* Food processors who purchase certificates in accordance with section 777.11(c) shall supplement each Form CCC-159 with a statement showing (1) the quantity (in cwt.) and name of food products sold and removed for sale or consumption during the period covered by the form, (2) the quantity of

wheat used in the production of such food products, (3) the conversion factor(s) used in making such determination, and (4) the reporting period in which the food products were processed. The processor's Form CCC-159 for the first period not covered by an undertaking shall include a statement, showing the product, and the wheat equivalent in bushels of the products in inventory at the beginning of the period. For the purpose of determining the report period in which a product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis. The face value of the certificates and the interest charges shall be shown separately on the report.

§ 777.15 Records.

Food processors shall establish and maintain for each processing plant or approved combination of plants accurate records and documents which are necessary (a) to determine the total quantity of wheat processed into food products based upon the weight of wheat used in processing food products as provided in § 777.13 and Appendix II or based upon the application of conversion factors to the weight of food products obtained in the processing operation as provided in § 777.14 and Appendix III, whichever is applicable and (b) to support all reports thereof made to the Kansas City Commodity Office. A food processor shall establish and maintain accurate records of all sales of food products and removals of food products for sale and consumption from the processing plant unless he elects to have all wheat processed during each reporting period considered as having been sold or removed for sale or consumption during such reporting period. The food processor's failure to maintain such records shall constitute his election to have wheat processed during each reporting period considered as having been sold or removed for sale or consumption during such reporting period. Representatives of the U.S. Department of Agriculture may examine the foregoing records and documents and the stocks of wheat and food products in storage or in the processing plant at any time during normal business or working hours. All such records shall be retained for a period of three years.

§ 777.16 Casualty losses.

CCC shall make a refund to the food processor or allow him a credit against the amount payable for certificates to the extent of the value of certificates acquired and surrendered to CCC on any food products which the food processor establishes to the satisfaction of the Administrator was destroyed or rendered unmarketable for use as a food product as a result of a fire, casualty, or act of God prior to sale or removal for sale or consumption (whichever occurs first).

CCC shall make refund to an industrial user to the extent of the value of certificates acquired and surrendered on wheat used in producing flour second clears when it is established to the satisfaction of the Administrator that flour second clears acquired by the industrial

user were destroyed or rendered unfit for human consumption as a result of a fire, casualty, or act of God.

§ 777.17 Payments in dispute.

The making of a payment to CCC for certificates, or the surrender of certificates to CCC by a food processor, or the making of an undertaking by the processor pursuant to § 777.11, shall not deprive the food processor of any right which he might otherwise have to assert a claim in the event of a dispute as to the number of certificates, if any, required to be acquired and surrendered by him to CCC or as to the refunds or credits against the cost of certificates to which he or the exporter of flour is entitled on flour exported.

§ 777.18 Food processors manufacturing flour second clears.

(a) *General.* The food processor is required to purchase and surrender certificates for the wheat used in processing flour second clears in accordance with the other provisions of these regulations. Refunds of the cost of such certificates shall be made only to industrial users of flour second clears as provided in § 777.19. The processor shall upon request from the buyer, distributor, or other transferee of flour second clears execute and furnish a Form CCC-165, Processor Certification, Flour Second Clears, to establish that the flour second clears produced by him and sold to the buyer meet the definition of flour second clears. A separate invoice and a separate Form CCC-165 is required for each separate railroad car, truckload, or other applicable shipment unit of flour second clears. The processor shall issue only one original Form CCC-165 for each such unit.

(b) *Blending by the processor.* A processor may blend together quantities of flour second clears produced by him (including quantities of flour second clears produced from different classes of wheat and quantities of flour second clears produced in two or more plants) without the blended lot thereby becoming ineligible for refund. If the processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund unless the blending is accomplished in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not used for human consumption. The processor shall issue only one original Form CCC-165 for each shipment unit of blended flour second clears. If the blend is constituted in whole or in part of flour second clears produced by the processor in a different plant than the plant in which the blending is accomplished, a separate Form CCC-165 must be issued by each plant from which the flour second clears were transferred and such Form must be retained in the records of the plant in which the blend-

¹ The flour produced is subject to the regular conversion factor applicable to a 72 percent extraction operation.

² When certificates are acquired for these products based on the conversion factors specified, certificates will be deemed to have been acquired for the fines derived in connection therewith.

³ Wheat equivalent of product is predicated on combined nonwheat ingredients equalling approximately 25.4 percent.

ing is accomplished to identify the use of such flour second clears in the blend.

(c) *Records.* The processor shall retain a copy of all Forms CCC-165, laboratory reports, and mill records which identify production runs in which the flour second clears were processed (including, among other things, date of processing, lot number, and type of wheat processed) and blended (if applicable) and which can be identified to the flour second clears covered by a specific certification. In the case of blended flour second clears, it is necessary that (1) all the flour second clears used in the blend be sampled and analyzed at the processor's plant where the flour second clears were produced prior to the blending and issuance of the Forms CCC-165 and (2) the records reflect the quantity of each type of flour second clears used in the blend. The forms and records required of processors of flour second clears shall be retained and be subject to examination as provided in § 777.15.

§ 777.19 Industrial users of flour second clears.

(a) *General.* Refunds of the certificate cost for wheat used in processing flour second clears shall be made to industrial users who use the flour second clears in producing products not used for human consumption as provided in this section. The refund shall be based on the hundredweight of flour second clears used to produce a product not for human consumption, determined as provided in paragraph (h) of this section, multiplied by the refund rate determined as provided in paragraph (e) of this section.

(b) *Registration of industrial users of flour second clears.—(1) Requirement.* Refunds will be paid only to industrial users registered with the Director.

(2) *Method of registration.* Industrial users who wish to register shall submit to the Director, Form CCC-149, Industrial User Registration Form, in an original and two copies. Each plant must be registered separately. Forms may be obtained from either the Director or the Kansas City Commodity Office.

(3) *Notification of registration by the Director.* The Director will assign an industrial user number and return one copy of the Form CCC-149 to notify the industrial user that he is registered and of the number assigned to his plant.

(c) *Reports and claims for refund.* The industrial user shall submit claims for refund to the Commodity Office on Form CCC-161, Industrial Users Production Report and Claim for Refund, except that industrial users producing nonfood products only from flour second clears and nonqualifying clears may submit claims for any reporting period described in paragraph (d) of this section in which such production occurred on Form CCC-161-1, Industrial Users Production Report and Claim for Refund (for users who produce nonfood products only). These forms shall be used by the industrial user to report all products manufactured from flour second clears and nonqualifying clears in a plant

during a reporting period. Production reports on Form CCC-161 or Form CCC-161-1 must be submitted for each reporting period after the period covered by the first claim for refund even though the period may not involve a claim for refund. Payment will not be made of any claim until the Commodity Office has received from the industrial user Forms CCC-161 or Forms CCC-161-1 covering all prior reporting periods for which the user must file a report. Where reference is made to Form CCC-161 in this section (except in paragraph (h) (3)), it shall also be deemed to refer to Form CCC-161-1.

(d) *Reporting periods.* (1) The period of processing operations which Form(s) CCC-161 must cover shall be one of the following:

- (i) Each calendar or fiscal month,
- (ii) Each 4- or 5-week period in combination, or
- (iii) Each 4 weeks.

(2) The first report shall cover the first processing report period beginning on or after 12:01 a.m., January 1, 1966, for which the industrial user wishes to file a claim for refund. If an industrial user elects to use a reporting period other than the calendar month, the first reporting period shall end at such time short of 5 weeks as will make the second report coincide with the established fiscal month or 4- or 5-week reporting period.

(3) The industrial user of flour second clears shall report to the Commodity Office the reporting periods which he proposes using, by listing specific reporting period ending dates for the entire marketing year. If such list is not submitted, the industrial user shall report on a calendar month basis.

(4) Once a reporting period has been established, it shall not be changed except with the approval of the Administrator in writing for good cause shown.

(e) *Refund rate.* The refund rate shall be determined on the basis of the conversion factor 2.283 multiplied by the applicable certificate cost rounded to the nearest cent; i.e., \$1.71 per cwt. for the marketing years beginning July 1, 1965, and July 1, 1966.

(f) (1) *Basis for claiming refund.* Refund of certificate costs may be claimed on flour second clears as provided in this section if the flour second clears were received into the industrial user's plant on and after January 1, 1966, and were either sold by the processor (i.e. title was transferred) or shipped from the processor's plant on or after November 3, 1965. The industrial user may claim the refund only after the flour second clears are used in or manufactured into products which can only be used for other than human consumption or at such time as the nonfood use of the products manufactured has been established by labeling, by identification on the invoice of a product sold or removed from the plant in bulk, or by use.

(2) If a product produced from flour second clears for which an industrial user has received a refund is diverted to food use, the industrial user shall file a corrected Form CCC-161 and reimburse CCC

in the amount of the overpayment of refund plus interest at 6 percent per annum starting on the date of the CCC sight draft by which refund was made to the date of payment to CCC.

(g) *Invoicing requirement.* Industrial user's invoices covering a product(s) produced from flour second clears on which a refund is requested and which can be utilized as either food or nonfood must include the statement: "This product is not for human consumption."

(h) *Determination of quantity of flour second clears not used for human consumption.* The quantity of flour second clears eligible for a refund shall be determined as provided in this paragraph, unless otherwise specified in these regulations.

(1) If during a reporting period an industrial user produces only products not used for human consumption and uses flour second clears either alone or in combination with nonqualifying clears or other ingredients in such production, the quantity of flour second clears eligible for a refund shall be the total number of hundredweight of flour second clears so used.

(2) If, during a reporting period, an industrial user produces both products not used for human consumption and products used for human consumption and uses flour second clears either alone or in combination with nonqualifying clears or other ingredients in such production, the quantity of flour second clears eligible for a refund shall be determined by prorating the flour second clears used between the products produced for human consumption and the products produced for other than human consumption.

(3) If any processing involving flour second clears, nonqualifying clears or other ingredients, either alone or in combination with one another is accomplished separately from any other processing, and such separate processing is supported (in a manner satisfactory to the Administrator) by production records which identify the products to the materials used in such separate processing operation, the industrial user may report the production from such processing operation separately on Form CCC-161. (If the processing involves only other ingredients and no flour second clears or nonqualifying clears are used, such processing need not be reported.) Any period in which such separate processing operation is accomplished is referred to as a "production period" on Form CCC-161. If separate processing is claimed for any period when in fact there was not a physical separation in the production line, from the preceding and succeeding periods, of materials used and products produced, the entire claim is invalid and the industrial user submitting such claim may be subject to penalties under Federal civil and criminal statutes.

(i) *Records.* In submitting Form CCC-161 for a refund, the industrial user agrees:

(1) That he shall maintain accurate records and documents which support the information shown on Form CCC-

161 and establish that he is eligible for a refund as claimed. Documents necessary shall include, among other things, Forms CCC-165 received from the processor who produced the flour second clears or Forms CCC-165-1 received from the distributor of the flour second clears which establish that the flour second clears on which a refund is requested meet the requirements of the definition as provided in § 777.3(u), production records which show the quantity of clears utilized and products produced therefrom, and records which establish that the products obtained from the flour second clears for which a refund is claimed were not used for human consumption or were disposed of other than for human consumption.

(2) That representatives of the USDA may examine such records and documents at any time during normal business or working hours.

(3) That all refunds by CCC are subject to verification that the flour second clears for which such refunds are made were produced into products not used for human consumption.

(4) That all such records and documents shall be retained for a period of 3 years.

(j) *Corrected claims for refund.* If an incorrect Form CCC-161 has been submitted to the Commodity Office, the industrial user shall promptly prepare and submit a corrected Form CCC-161. Such report shall be identified by the original report number and transmitted with a letter of explanation. If the industrial user is entitled to additional refund, payment will be made by the Commodity Office. If an amount is due CCC, the industrial user shall include with the corrected report payment of the amount due CCC, plus interest at 6 percent per annum starting on the date of the CCC sight draft by which the excess refund was made to the date of payment to CCC.

(k) *Performance security.* If requested by the Administrator, the industrial user shall furnish a bond or letter of credit in such form and amount as may be specified by the Administrator to protect the Department from any damages resulting from action by the industrial user.

(l) *Blended flour second clears.* A blended quantity of flour second clears acquired by the industrial user shall be ineligible for refund if:

(1) The quantity had been blended by the processor from flour second clears and nonqualifying clears or any other ingredient;

(2) The quantity had been blended by the processor from flour second clears produced by him and flour second clears produced by another processor; or

(3) The quantity had been blended by a distributor or any person other than the processor of the flour second clears. A blended quantity of flour second clears acquired by the industrial user may qualify for a refund if the quantity had been blended by the processor only from flour second clears produced by him (including flour second clears produced from different classes of wheat or

in two or more plants) and if there otherwise has been compliance with the requirements of these regulations. The industrial user may also blend flour second clears in a plant in which the clears are used in the production of a product not for human consumption. An industrial user who acquires blended flour second clears should exercise care that the blend acquired by him is in compliance with the provisions of this paragraph.

§ 777.20 Sales of flour second clears by distributors.

(a) *General.* If flour second clears are sold to an industrial user by a distributor, broker, or agent (herein referred to as a distributor) and the distributor elects not to furnish the industrial user with the Form CCC-165 issued by the processor, the industrial user may qualify for a refund on such clears only if the industrial user has obtained in lieu thereof a Form CCC-165-1 properly executed by a distributor who is registered with the Director.

(b) *Time of registration.* A distributor must be registered prior to issuing to an industrial user any Form CCC-165-1 which is used to support a claim for refund.

(c) *Method of registration.* A distributor who wishes to be registered must submit an application to the Director in writing that he wishes approval to issue to buyers of flour second clears properly executed Forms CCC-165-1 which may be used in lieu of Form CCC-165 as a basis for a claim for refund.

(d) *Conditions for registration.* The distributor shall agree in his application for registration:

(1) That he will properly execute Forms CCC-165-1 and shall maintain accurate records and documents (including Forms CCC-165 and a copy of each related Form(s) CCC-165-1) which verify that the flour second clears shipped to an industrial user for which a Form CCC-165-1 was issued are the flour second clears which he had received supported by a Form CCC-165.

(2) That any pertinent records and documents will be retained for a period of 3 years and that representatives of USDA may examine them at any time during normal business or working hours.

(3) That he will, if requested by the Administrator, furnish a bond or letter of credit in such form and amount as may be specified by the Administrator to protect the Department from any damages that may result from action by the distributor.

(e) *Notification of registration by the Director.* The Director will assign a distributor registration number and notify the distributor in writing that he is registered and give the number assigned to him unless it is determined that to permit such distributor to be registered is not in the best interest of the United States.

(f) *Blending.* If flour second clears supported by more than one Form CCC-165 are blended together or if flour second clears are blended with nonqualifying clears or any other ingredient by the

distributor, the entire blended lot shall be ineligible for refund.

Appendix I—Instructions to Processors for Preparation of Wheat Transition Report Forms

1. Food Processors who wish to qualify for transition certificates with respect to wheat must submit a Beginning Inventory Transition Report as of May 23, 1964, Form CCC-152 together with supporting schedules (Forms CCC-152-1, 2 and 3) to the Kansas City Commodity Office postmarked not later than May 30, 1964, or such later date as may be approved in writing by the Director for good cause. Blank forms may be obtained from any ASCS office indicated in Section 777.3(n) of the regulations and may be reproduced by the processor, if necessary. Prepare separate reports and schedules for each processing plant and for each class of wheat. Mixed wheat shall be deemed to be comprised of the classes included in the mixture. Show classes and percentages in the mixture and report quantity under applicable class. Report quantities assigned to each processing plant in net bushels. Dockage based on official inspection certificates must be deducted. 1964 crop wheat in the food processor's owned inventory on May 23, 1964, is not eligible for transition certificates and must not be included in the report. Complete the forms as follows:

A. List on Form CCC-152-1 stocks of wheat owned by the processor and stored in public elevators on midnight May 23, 1964. Prepare a separate form for each elevator. (Do not include stocks of wheat stored in a public elevator at the processing plant location servicing the processing plant.) Include only stocks of wheat received in the elevator on or before May 23, 1964, and assigned for use in the processing plant. Do not include wheat removed from elevators on or before May 23, 1964. Enter name and address of elevator and UGSA code or U.S. Warehouse Act License Number, warehouse receipt number, name of person to whom issued, and net bushels. If the wheat is stored in an elevator owned by the processor and a warehouse receipt has not been issued, enter "unreceipted" in the space provided for warehouse receipt number. If any wheat is stored in a public elevator which does not have a Uniform Grain Storage Agreement or is not licensed under the U.S. Warehouse Act, obtain the following warehouseman's certification on each such form:

"I hereby certify that: (1) the above listed warehouse receipts included in the food processor's transition inventory as of May 23, 1964, are outstanding, (2) I had on that date sufficient stocks of wheat of the particular class to cover my entire storage liability for such wheat, (3) I will maintain adequate stocks of the particular class of wheat to cover my entire storage liability so long as such warehouse receipts are outstanding, (4) I will maintain accurate records of all wheat of the particular class received and withdrawn from storage during the period such warehouse receipts are outstanding, and (5) I will retain such records until July 1, 1966."

B. List on Form CCC-152-2 stocks of owned wheat in transit on May 23, 1964, and assigned for use in the processing plant. Include stocks of wheat placed in transit on or before May 23, 1964, which are unloaded after May 23, 1964. Enter car number or other carrier identification, delivering carrier, unload location and net bushels. If official weights are not available, enter estimated weights and submit a corrected report when official unload weights or settlement weights are available.

C. List on Form CCC-152-3, stocks of owned wheat stored in the elevator (whether

public or private) at the processing plant location which services the processing plant and stocks in the processing plant. Include only stocks of wheat received in the elevators on or before May 23, 1964. Do not include wheat removed or transferred from the elevators on or before May 23, 1964. Also list on Form 152-3 the stocks of wheat stored in the processing plant or in process on May 23, 1964, which remains in its whole form and has not been pearled, boiled, steeped or commercially sprouted. The quantity of such wheat shall be determined by weigh-up or by accurate measurement of the wheat stored in bins or tanks less the storage liability for any wheat stored for others and less any 1964 crop wheat owned by the processor and stored at the processing plant location. Enter in the space provided on the form the identification (name, number or location) of the elevator, warehouse, building, processing plant, etc. where the stocks are stored and the net bushels. If dockage was not officially determined, enter gross bushels. Enter the total quantity in storage and deduct the storage liability to others, if any.

D. Enter the total quantities shown on Forms CCC-152-1, 2 and 3 in the related spaces on Form CCC-152. If any wheat owned by the processor and assigned for use in the processing plant is stored at other locations, enter the total net bushels in Item 4. Attach a statement in duplicate showing from whom the wheat was purchased, date title was acquired, complete description as to where the wheat is stored, in whose custody the wheat is stored and any other pertinent information. Enter the grand total in Item 5. The certificate shall be executed and dated by an authorized official of the food processor. Enter your processing plant code in the space provided, if such code is available. Submit the original and one copy of Forms CCC-152, 152-1, 2 and 3. Retain a copy in your files.

2. Food Processors who wish to qualify for transition certificates must also submit to the Kansas City Commodity Office, postmarked not later than July 15, 1964, or such later date as may be approved in writing by the Director for good cause shown, Transition Operations Report as of June 30, 1964, Form CCC-153, together with supporting schedule (Form CCC-152-3) and schedule of any purchases from CCC assigned for use in the processing plant. Prepare separate reports and schedules for each processing plant and for each class of wheat. Report quantities assigned to each processing plant in net bushels. Dockage based on official inspection certificates must be deducted. Complete Form CCC-153 as follows:

A. Enter in Item A1 the total bushels shown in Item 5 of Form CCC-152 prepared as of May 23, 1964, or corrected Form CCC-152, as applicable.

B. Enter the total net bushels in Item A2 of any wheat not designated as non-storable purchased by the processor from CCC for unrestricted use and assigned for use in the processing plant, and on which title was acquired during the period from May 23, 1964, through June 30, 1964. Prepare and attach a schedule in duplicate showing the CCC sales contract number, the name of the ASCS selling office and the net bushels acquired. Enter total of Items A1 and A2 in Item A3.

C. Enter in Item A4 the total net bushels of wheat which were assigned or intended for use in the processing plant as to which there was a transfer of legal title to a buyer, or an intra-company transfer from the plant or reassignment for use other than in the processing plant or a delivery to a carrier for shipment from the United States during the period from May 23, 1964, to June 30, 1964.

D. Enter in Item B 1 the total bushels shown in Item 3 of Form CCC-152, prepared as of May 23, 1964, plus the quantity of any 1964 crop wheat which was owned by

the processor and was stored as of May 23, 1964, in the elevator which services the processing plant and in the processing plant. Show in a footnote to the report the quantity of 1964 crop wheat included in Item B1.

E. Enter in Item B2 the total net bushels of wheat received or acquired instore at the processing location during the period from May 23, 1964, through June 30. Such quantity shall be based upon the weights of the wheat received into the elevator at the processing plant location which services the processing plant.

F. Enter in Item D3 the total net bushels of wheat at the processing plant location assigned or intended for use in the processing plant as to which there was a transfer of legal title to a buyer, or an intra-company transfer from the plant, or reassignment for use other than in the processing plant, or a delivery to a carrier for shipment from the United States during the period from May 23, 1964, through June 30, 1964.

G. List on Form CCC-152-3 stocks of owned wheat stored in the elevator at the processing plant location which services the processing plant, and in the processing plant as of June 30, 1964. Determine the quantities of wheat as of June 30, 1964, in the same manner as provided in subparagraph 1 C of this instruction for the report as of May 23, 1964, except that there shall be included any 1964 crop wheat owned by the processor as of June 30, 1964, and stored in such elevator and processing plant. Enter in Item B 4 of Form CCC-153, the total net bushels so obtained and shown on Form CCC-152-3. Subtract the sum of the net bushels shown in Items B 3 and B 4 from the sum of the net bushels shown in Items B 1 and B 2 and enter the result in Items B 5 and A 5.

H. Subtract the sum of the net bushels shown in A4 and A5 from the net bushels shown in Item A3 and enter the result in Item A6. The result represents the maximum quantity for which the food processor may acquire transition certificates for use at the particular processing plant. The certificate shall be executed and dated by an authorized official of the food processor. Enter your processing plant code in the space provided. Submit the original and one copy of Forms CCC-153 and CCC-152-3 and the schedule of any wheat purchased from CCC. Retain a copy in your files.

Appendix II—Instructions for Preparation of Processing Report—Weight of Wheat Basis

Food processors reporting on the weight of the wheat basis shall submit an original and one copy of Processing Report—Weight of Wheat Basis, Form CCC-160, to the Kansas City Commodity Office at the time set forth in § 777.12. Retain a copy of the processing report and all copies of any supporting certifications and documents in your files. Prepare the report as follows:

(1) Enter in Item 1 the processor's name and address.

(2) Enter in Item 2 the processor number.

(3) Enter in Item 3 the processing report period beginning and ending dates.

(4) Enter in Item 4A the inventory of wheat at the processing plant location as of the beginning of the reporting period. Specify the total of all stocks of wheat (including stocks stored for others) in the processing plant and in any elevator operated by the processor at the processing plant location servicing the processing plant which remains in its whole form and has not been pearled, boiled, steeped, or commercially sprouted. Except as of July 1, 1964, use the ending inventory from the previous report. As of July 1, 1964, the quantity of such wheat shall be determined by weighup or by accurate

measurement of the wheat stored. Deduct from the uncleaned quantity included in the beginning inventory, any officially determined dockage contained in the equivalent quantity of the last received wheat. If the last received equivalent quantity includes any wheat received on a gross weight basis on which no official dockage determination was made, but the dockage content was unofficially determined in accordance with usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) may be deducted from the quantity so received.

(5) Enter in Item 4B the weight of all wheat received in the processing plant and in any elevator operated by the processor at the processing plant location servicing the processing plant (including stocks owned by others) during the reporting period. Such quantity shall be the gross weight received less any officially determined dockage. If any wheat is received on a gross weight basis and no official dockage determination was made, but the dockage content is unofficially determined in accordance with usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) may be deducted from such quantity.

(6) Enter in Item 4C the total of Items 4A and 4B.

(7) Enter in Item 5A the quantity of wheat processed into food products on which the farm use exemption set forth in § 777.4(b) (1) applies. Enter the actual quantity processed into the food product delivered, or the quantity of wheat obtained by applying the conversion factor provided in § 777.14 to the quantity of food product delivered. Such quantity must be supported by Forms CCC-148 executed by the persons to whom the food product was delivered.

(8) Enter in Item 5B the quantity of wheat processed in bond during the period for which an exemption is claimed under § 777.4 (b)(2). Such quantity must be supported by authenticated copies of Customs Form 7521; (i) a copy evidencing the entry of the wheat into a bonded manufacturing warehouse and (ii) a copy evidencing the withdrawal from customs bond for export of the food product manufactured from such wheat.

(9) Enter in Item 5C the quantity of wheat which was produced by and processed for use by a State or State agency during the period for which an exemption is claimed under § 777.4(b)(5). Such quantity(s) must be supported by Forms CCC-148-1 executed by an authorized official or employee of the State or State agency.

(10) Enter in Item 5D the quantity of wheat processed into food products for donation for which an exemption is claimed under § 777.4(b)(6). Such quantity(s) must be supported by Forms CCC-148-2 executed by an authorized official or employee of the Institution receiving the food product(s).

(11) Enter in Item 5E the quantity of wheat processed into food products which is for noncommercial uses as stated in § 777.4 (b)(7). (Identify use in the remarks section of Form CCC-160.) Such quantity(s) must be supported by a certificate from the user in such form as approved by the Administrator, ASCS, to cover the food product delivered and describing the use to be made of the food product.

(12) Enter in Item 5F the quantity of wheat processed into nonfood products during the period (see § 777.3(c)). Such quantity shall be the gross weight less any officially determined dockage. If any wheat is processed into nonfood products and no official dockage determination was made and if the food processor reduces the quantity of wheat received for unofficially determined dockage, the dockage for which the reduction is made must be determined in accordance with usually accepted testing methods and rounded down to the nearest half percent.

Do not include the weight of any byproduct of food products, or the weight of any screenings or other residue from cleaning the wheat used or to be used by the food processor for processing into food products. Also do not include flour second clears which are not used for human consumption.

(13) Enter in Item 5G the weight of all wheat removed from the processing plant and from any elevator operated by the processor at the processing plant location servicing the processing plant for shipment, sale, delivery to the owner, transfer to other plants or other dispositions as wheat. Such quantity shall be the gross weight of the wheat removed less any officially determined dockage. If any wheat is removed and no official dockage determination made, and if the food processor reduces the quantity of wheat received for unofficially determined dockage, the dockage for which the reduction is made must be determined in accordance with usually accepted testing methods and rounded down to the nearest half percent. Also include in Item 5G the quantity of any wheat destroyed. Do not include the weight of any byproducts of food products or the weight of any screenings or other residue from cleaning wheat used or to be used by the food processor for processing into food products.

(14) Enter in Item 5H the quantity of shrinkage, if any, applicable to the weight of wheat received at the processing plant location during the processing report period (Item 4B). Such shrinkage quantity shall not exceed three-fifths of 1 percent of the quantity entered in Item 4B. Any shrinkage deducted of one-eighth of 1 percent or less must be determined on a reasonable basis which can be supported by the processor. Any shrinkage deducted in excess of one-eighth of 1 percent must be based on the most recent representative experience for which the processor has records reflecting his average shrinkage per bushel of wheat received. Shrinkage resulting from artificial drying, cleaning, or screening of wheat is not eligible for deduction as shrinkage.

If the processor can establish his actual shrinkage for the 1964 marketing year, he may elect to enter in Item 5H of his processing report for the period ending June 30, 1965, the actual shrinkage for the 1964 marketing year (not to exceed three-fifths of 1 percent of the total weight of wheat received at the processing plant during the marketing year as reported in Item 4B) less the total shrinkage previously reported. In such case he shall enter in the remarks section of the processing report "shrinkage adjusted based on actual experience for the current marketing year."

Shrinkage claimed for the 1965 and subsequent marketing years must be adjusted to actual shrinkage for the marketing year (not to exceed three-fifths of 1 percent of the total weight of wheat received during the marketing year as reported in Item 4B) in the same manner as provided on an optional basis for the 1964 marketing year. Such adjustment shall be made in the processing report for the period ending June 30 of the marketing year involved.

If the processor elects to take a closing inventory as prescribed in the following paragraph (Item 15) as of his fiscal closing date in lieu of taking a closing inventory as of June 30 of each marketing year, the foregoing provisions applicable to June 30 reporting shall apply to the report covering the fiscal closing date. If the processor takes a weighup or measurement at the end of each processing period to determine the ending inventory, no adjustment for shrinkage shall be made at the end of either the marketing year or the processor's fiscal year.

(15) Enter in Item 5I the inventory of wheat as of the end of the reporting period, including all stocks of wheat in the processing plant, and in any elevator operated by

the processor at the processing plant location servicing the processing plant (including stocks stored for others) which remains in its whole form and has not been pearled, boiled, steeped, or commercially sprouted. Deduct from the unclean quantity included in the ending inventory any officially determined dockage contained in the equivalent quantity of the last received wheat. If the last received equivalent quantity includes any wheat received on a gross weight basis and no official dockage determination was made, but the dockage content was unofficially determined in accordance with the usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) shall be deducted from the quantity so received.

If accurate book inventory records are maintained, such book quantities may be used except as of June 30, or the processor's own fiscal year closing date, whichever is applicable, for each marketing year. As of June 30, or the processor's own fiscal year closing date, whichever is applicable, the quantities of such wheat shall be determined by weighup or by accurate measurement of the wheat stored. The processor may elect to use a fiscal closing date other than June 30, of each year.

When such an election is taken, the processor must notify the Kansas City Commodity Office in writing of his election and specify the fiscal closing date to be used. Such notice must be made at least 30 days in advance of the actual fiscal closing date. An inventory as prescribed in the preceding paragraph of this item may be required as of June 30 of any marketing year if there is to be a change in the cost of marketing certificates for the succeeding marketing year.

If accurate book inventory records are not maintained, the quantities of wheat for each reporting period shall be determined by weighup or by accurate measurement of the wheat.

(16) Enter in Item 5J the total of Items 5A through 5I.

(17) Enter in Item 6 the result obtained by deducting the quantity shown in Item 5J from the quantity shown in 4C.

(18) Enter in Item 7D the face value of wheat marketing certificates (domestic) required. Obtain the amount by multiplying the quantity shown in Item 6 by the applicable cost of certificates as specified in § 777.4(a).

(19) Enter in Item 7A the amount of certificates enclosed. Also enter the certificate serial numbers.

(20) Enter in Item 7B the amount of remittance enclosed.

(21) Enter in Item 7C the amount of certificates previously surrendered to CCC for the specific processing report period and the date of surrender.

(22) In the case of a food processor who ages beverage distilled spirits manufactured by him from wheat and who has filed the undertaking provided in § 777.11(e), enter in the remarks section the identifying serial numbers of each barrel in which the beverage distilled spirits are placed for aging. The reverse side of the form may be used if necessary.

(23) The certification shall be executed by an authorized official of the food processor. Also enter the title of the official and the date in the spaces provided.

Appendix III—Instructions for Preparation of Processing Report—Conversion Factor Basis

Food processors reporting on a food product conversion factor basis shall submit an original and one copy of the Processing Re-

port—Conversion Factor Basis, Form CCC-159 to the Kansas City Commodity Office at the time set forth in § 777.12. Retain a copy of the report and of supporting certifications and documents in your files. Prepare the report as follows:

(1) Enter in Item 1 the processor's name and address.

(2) Enter in Item 2 the processor number.

(3) Enter in Item 3 the processing report period beginning and ending dates.

(4) Enter in Item 4 the names of the respective food products processed in the plant during the reporting period, if the names of these products are not preprinted on the form.

(5) Enter in Item 5 for each food product processed during the reporting period the total quantity in hundredweights which was processed. (When flour is produced, include the weight of all clears.)

(6) Enter in Item 6A the hundredweight of food product processed on which the farm-use exemption set forth in § 777.4(b) (1) applies. Such weight must be supported by Forms CCC-148 executed by the person to whom the food product was delivered.

(7) Enter in Item 6B the hundredweight of the food product processed in bond during the period for which an exemption is claimed under § 777.4(b) (2). Such quantity must be supported by authenticated copies of Customs Form 7521; (i) a copy evidencing the entry of the wheat into a bonded manufacturing warehouse and (ii) a copy evidencing the withdrawal from customs bond for export of the food product manufactured from such wheat.

(8) Enter in Item 6C the hundredweight of food product processed from wheat which was produced by and processed for use by a State or State agency during the period for which an exemption is claimed under § 777.4(b) (5). Such quantity(s) must be supported by Forms CCC-148-1 executed by an authorized official or employee of the State or State agency.

(9) Enter in Item 6D the hundredweight of food product processed for donation for which an exemption is claimed under § 777.4(b) (6). Such quantity(s) must be supported by Forms CCC-148-2 executed by an authorized official or employee of the institution receiving the food product(s).

(10) Enter in Item 6E the hundredweight of food product processed which is for non-commercial uses as stated in § 777.4(b) (7). (Identify use in the remarks section of Form CCC-159.) Such quantity(s) must be supported by a certificate from the user in such form as approved by the Administrator, ASCS, to cover the food product delivered and describing the use to be made of the food product.

(11) If the weight of any additional ingredient set forth in paragraph (b) of § 777.14 is included in the weights entered in Item 5, enter in Item 6F such total weight minus the total weight of any such ingredients included in the weights entered in A, B, C, D, and E of this Item 6. The food processor must maintain records on an individual additional ingredient basis which substantiates any entry in this Item 6F.

(12) Enter in Item 6G the total of Items 6A, B, C, D, E, and F.

(13) Enter in Item 7A the difference between Item 5 and 6G.

(14) Enter in Item 7B the applicable conversion factor from section 777.14.

(15) Enter in Item 7C the result of Item 7A times Item 7B.

(16) Enter the total of Item 7 in the space provided.

(17) Enter in Item 8 any applicable remarks.

(18) Enter in Item 9D the face value of wheat marketing certificates (domestic) re-

quired. Obtain the amount by multiplying the quantity shown in Item 7C by the applicable cost of certificates as specified in § 777.4(a).

(19) Enter in Item 9A the amount of certificates enclosed. Also enter the certificate serial numbers.

(20) Enter in Item 9B the amount of reimbursement enclosed.

(21) Enter in Item 9C the amount of certificates previously surrendered to CCC for the specific processing report period and the date of surrender.

(22) The certification shall be executed by an authorized official of the food processor. Also enter the title of the official and the date in the space provided.

Appendix IV—Instructions to Industrial Users for Preparation of Industrial Users Production Report and Claim for Refund Forms

Industrial Users wishing to claim a refund of the cost of domestic certificates purchased by processors to cover wheat used in processing flour second clears used in a product not for human consumption shall submit such claims on Form CCC-161, Industrial Users Production Report and Claim for Refund, to the Kansas City Commodity Office as provided in § 777.19. A copy of each Form CCC-161 shall be retained by the industrial user. Instructions for the completion of Form CCC-161 are as follows:

(The numbers and letters listed below correspond with the numbers and letters on the form.)

(1) *Heading.* (A) Enter name and mailing address.

(B) Enter the industrial user number assigned on registration Form CCC-149.

(C) Enter the marketing year. Prepare separate Forms CCC-161 for each marketing year. July 1 begins the marketing year. The marketing year shown on Form CCC-165 and/or CCC-165-1 shall determine the marketing year under which the flour second clears are to be reported.

(D) Enter the reporting period dates. (See § 777.19(d).)

(2) *Inventory of flour second clears.* Enter in hundredweights.

(A) Enter the quantity on hand at the end of the preceding reporting period. Bring forward from Item 2I of the preceding Form CCC-161.

(B) Enter the quantity received at the plant during the reporting period covered by the report. Such quantity must not be in excess of the quantity shown on Forms CCC-165 and/or CCC-165-1. If during one reporting period there are involved flour second clears identifiable to more than one marketing year, separate Forms CCC-161 for each marketing year must be prepared.

(C) Enter the total of Items 2A and 2B.

(D) Enter the quantity of shipments which did not enter production.

(E) Enter the quantity used during non-refund production periods as shown in applicable Items 4F.

(F) Enter the quantity of flour second clears used as an additive to products shown in Item 4A. Flour second clears so used must be entered in this item. (Example, addition of flour second clears to gluten.)

(G) Enter quantity of flour second clears used as an additive to products shown in Item 4C. Flour second clears so used must be entered in this item. (Example, addition of flour second clears to animal feed manufactured from starch.)

(H) Enter the quantity which was a casualty loss and did not enter production. (See § 777.16.)

(I) Enter the quantity on hand at the end of the reporting period.

(J) Enter the total of Items 2D through 2I.

(K) Enter the difference between Items 2C and 2J.

(3) *Kind of clears used.* Enter in hundredweight the kind of clears used during the reporting period. If more than one Form CCC-161 is submitted because of the use (during the same reporting period) of clears identified to more than one marketing year, prorate the quantity of each kind of clears used between the marketing years according to the percentage relationship between the quantities shown in Item 2K of each separate marketing year report. Enter the prorated quantities.

(A) Enter the quantity of flour second clears produced from (1) hard wheat, (2) soft wheat, (3) durum, and (4) the total thereof on the basis of information as to type of wheat shown on the Forms CCC-165 and CCC-165-1. The total must agree with the sum of Items 2E, 2F, 2G, and 2K. If blended flour second clears are shown on the Form(s) CCC-161, indicate the quantity of blended clears used.

(B) Enter the quantity of (1) imported clears and (2) other non-qualifying clears.

(4) *Products manufactured from clears—production periods.* Check appropriate box to indicate whether refund or nonrefund period. See § 777.19(h)(3). If more than one production period is reported, also use reverse side of form and show the beginning and ending dates of each production period. If flour second clears used during the reporting period had been processed from wheat in more than one marketing year, prorate the hundredweight of product produced during the reporting period between the Forms CCC-161 prepared for the different marketing years. Use the same percentage as used to distribute the quantities required to be entered in Item 3 of each Form CCC-161.

(A) List the food products produced during the production period in whole or in part from flour second clears and non-qualifying clears. Enter the weight of the food products produced. Determine such weight by subtracting from the gross weight of each food product produced (i) the weight of all ingredients other than clears added to the product produced from clears such as an additive to gluten, (ii) the weight of flour second clears used as an additive (Item 2F), and (iii) the weight of nonqualifying clears used as an additive determined in the same manner as in Item 2F for flour second clears; and adjusting the remainder to a 12% moisture basis.

(B) Enter the total of the weights entered under Item 4A.

(C) List the products not for human consumption produced during the production period in whole or in part from flour second clears and nonqualifying clears. Enter the weight of the products not for human consumption produced. Determine such weight by subtracting from the gross weight of each product not for human consumption produced (i) the weight of all ingredients other than clears added to the product produced from clears such as an additive to starch, (ii) the weight of flour second clears used as an additive (Item 2G), and (iii) the weight of nonqualifying clears used as an additive determined in the same manner as in Item 2G for flour second clears; and adjusting the remainder to a 12% moisture basis.

(D) Enter the total of the weights entered under Item 4C.

(E) Enter the total of Items 4B and 4D.

(F) Enter quantity of flour second clears used for the production period. Total of Items 4F for all refund production periods reported on form must equal the quantity shown in item 2K. Total of Items 4F for all

non-refund production periods reported on form must equal the quantity shown in item 2E.

(G) Enter the percentage relationship of products not for human consumption to all products produced during the refund period. Item 4D divided by Item 4E.

(H) Enter the quantity of flour second clears for which refund is being applied. Multiply Item 4F by 4G. For refund periods II through V, if applicable, bring the entries forward to applicable period shown under Item 4H of period I on face of form.

(I) Enter quantity shown in Item 2G.

(J) Enter the quantity shown in Item 2H.

(K) Enter total of Items 4H, 4I, and 4J.

(5) *Amount of refund claimed.* Enter amount determined by multiplying Item 4K by the applicable refund rate as specified in § 777.19(e).

(6) *Certification.* The certificate shall be dated and executed by an authorized official of the industrial user.

Appendix V—Instructions for Preparation of Industrial Users Production Report and Claim for Refund Forms (for Users Who Produce Nonfood Products Only)

Industrial users manufacturing nonfood products only, who wish to claim a refund of the cost of domestic certificates purchased by processors to cover wheat used in processing flour second clears used in a product not for human consumption may submit such claims on Form CCC-161-1, Industrial Users Production Report and Claim for Refund (for users who produce nonfood products only), to the Kansas City Commodity Office as provided in § 777.19. A copy of each Form CCC-161-1, shall be retained by the industrial user. Instructions for the completion of Form CCC-161-1 are as follows:

(The numbers and letters listed below correspond with the numbers and letters on the form.)

(1) *Heading.*

(A) Enter name and mailing address.

(B) Enter the industrial user number assigned on Registration Form CCC-149.

(C) Enter the marketing year. Prepare separate Forms CCC-161-1 for each marketing year. July 1 begins the marketing year. The marketing year shown on Form CCC-165 and/or CCC-165-1 shall determine the marketing year under which the flour second clears are to be reported.

(D) Enter the reporting period dates. (See 777.19(d).)

(2) *Inventory of flour second clears.* Enter in hundredweights.

(A) Enter the quantity on hand at the end of the preceding reporting period. Bring forward from Item 2F of the preceding Form CCC-161-1.

(B) Enter the quantity received at the plant during the reporting period covered by the report. Such quantity must not be in excess of the quantity shown on Forms CCC-165 or CCC-165-1. If during one reporting period there are received flour second clears identifiable to more than one marketing year, separate Forms CCC-161-1 for each marketing year must be prepared.

(C) Enter the total of Items 2A and 2B.

(D) Enter the quantity of shipments which did not enter production.

(E) Enter the quantity which was a casualty loss and did not enter production. (See § 777.16.)

(F) Enter the quantity on hand at the end of the reporting period.

RULES AND REGULATIONS

(G) Enter the total of Items 2D through 2F.

(H) Enter the difference between Items 2C and 2G.

(3) *Kind of clears used.* Enter in hundredweight the kind of clears used during the reporting period. If more than one Form CCC-161-1 is submitted because of the use (during the same reporting period) of clears identified to more than one marketing year, prorate the quantity of each kind of clears used between the marketing years according to the percentage relationship between the quantities shown in Item 2H of the report for each separate marketing year report. Enter the prorated quantities.

(A) Enter the quantity of flour second clears used which were produced from (1) hard wheat, (2) soft wheat, (3) Durum or (4) if blended clears are received and used, enter the quantity used. (5) Enter the total

of (1), (2), (3), and (4). The quantities shown in (1), (2), (3), and (4) must be on the basis of information as to type of wheat and/or clears shown on the Forms CCC-165 and CCC-165-1. The total must agree with the quantity shown in Item 2H.

(B) Enter the quantity of (1) imported clears and (2) other nonqualifying clears.

(4) *Products manufactured from clears.*

(A) List the products not for human consumption produced during the production period in whole or in part from flour second clears and nonqualifying clears. Enter the weight of the flour second clears used to produce the products not for human consumption.

(B) Enter the total of the weights shown under Item 4A.

(C) Enter the quantity shown in Item 2H.

(D) Enter the quantity shown in Item 2E.

(E) Enter total of Items 4C and 4D.

(5) *Amount of refund claimed.* Enter amount determined by multiplying Item 4E by the refund rate as specified in § 777.19(e).

(6) *Certification.* The certificate shall be dated and executed by an authorized official of the industrial user.

NOTE: The recordkeeping and reporting requirements of Part 777 have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., on October 12, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11353; Filed, Oct. 18, 1966; 8:47 a.m.]

FEDERAL REGISTER

VOLUME 31 • NUMBER 204

Thursday, October 13, 1966 • Washington, D.C.

Pages 13517-13576

Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Air Force Department
Atomic Energy Commission
Civil Service Commission
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Delaware River Basin Commission
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Interior Department
Interstate Commerce Commission
Land Management Bureau
Reclamation Bureau
Securities and Exchange Commission
Small Business Administration
Social Security Administration
State Department
Veterans Administration

Detailed list of Contents appears inside.



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of the

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

**Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402**

* Temporarily out of print



Area Code 202 Phone 963-3261

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations	
Acreage allotments for 1966 and succeeding crops:	
Extra long staple cotton.....	13530
Upland cotton.....	13529
Land use adjustment program; designation and use of acreage and adjustment payment (2 documents)	13531

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

AIR FORCE DEPARTMENT

Rules and Regulations	
Air Force procurement instruction; miscellaneous amendments	13547

ATOMIC ENERGY COMMISSION

Notices	
Curators of the University of Missouri; issuance of facility license	13561
Long Island Nuclear Service Corp.; issuance of amendment to by-product, source and special nuclear material license.....	13561

CIVIL SERVICE COMMISSION

Rules and Regulations	
Navy Department; excepted service	13521
Pay under other systems; maximum stipends.....	13521
Reduction in force; establishment of reemployment priority list..	13521

COMMERCE DEPARTMENT

Notices	
Hasek, Carl W., Jr.; statement of changes in financial interests..	13560

COMMODITY CREDIT CORPORATION

Rules and Regulations	
Livestock emergency feed program	13532

CONSUMER AND MARKETING SERVICE

Rules and Regulations	
Poultry and poultry products; inspection	13527
Proposed Rule Making	
Dried figs; proposed standards for grades	13551
Lettuce grown in Lower Rio Grande Valley of south Texas; limitation of shipments.....	13551
Raisins produced from grapes grown in California.....	13552

CUSTOMS BUREAU

Notices	
Tubeless tire valves from Italy; withholding of appraisement notice	13559

DEFENSE DEPARTMENT

See Air Force Department.

DELAWARE RIVER BASIN COMMISSION

Notices	
Comprehensive plan; notice of hearing	13562

FEDERAL AVIATION AGENCY

Rules and Regulations	
Airman and ground instructor administrative requirements; clarification	13522
Airworthiness directives; Fairchild Model F-27 Series and FH-227 airplanes.....	13521
Control areas; alteration.....	13525
General operating and flight rules; authorization for ferry flight with one engine inoperative....	13525
Proposed Rule Making	
Airworthiness directives: Fairchild Model F-27 Series and FH-227 airplanes.....	13554
Piper Model PA-32-260 airplanes	13554
Prerequisites for flight tests.....	13554

FEDERAL MARITIME COMMISSION

Notices	
Trans-Atlantic Passenger Steamship Conference; notice of agreement filed for approval....	13562

FEDERAL POWER COMMISSION

Proposed Rule Making	
Annual reports of public utilities, licensees and natural gas companies; independent certification of compliance with accounting requirements.....	13557
Notices	
Peacock, Frank E., and Woods Falls B Hydro, Inc.; notice of application for transfer of license	13562

FISH AND WILDLIFE SERVICE

Rules and Regulations	
Certain national wildlife refuges: Hunting:	
Georgia	13549
North Dakota.....	13550
Sport fishing:	
Oklahoma	13550
Texas	13550

FOOD AND DRUG ADMINISTRATION

Rules and Regulations	
Oral prenatal drugs containing fluorides for human use.....	13537

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Social Security Administration.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau; Reclamation Bureau.

Notices	
Bonneville Power Administration; disposition of power from certain projects.....	13560

INTERSTATE COMMERCE COMMISSION

Notices	
Fourth section applications for relief	13573
Motor carrier:	
Broker, water carrier and freight forwarder applications	13564
Transfer proceedings.....	13573

LAND MANAGEMENT BUREAU

Rules and Regulations	
Oklahoma; public land order.....	13549
Notices	
Colorado; modification of Grazing Districts No. 4 and No. 7....	13559
New Mexico; proposed classification of lands.....	13559

RECLAMATION BUREAU

Notices	
Wenatchee National Forest, Washington; order of transfer of administrative jurisdiction of land; correction.....	13560

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations	
Canons of ethics; preamble.....	13533
Notices	
<i>Hearings, etc.:</i>	
Great American Industries, Inc.	13562
National Aviation Corp.....	13563
Pinal County Development Association	13563
Underwater Storage, Inc.....	13563

(Continued on next page)

**SMALL BUSINESS
ADMINISTRATION****Rules and Regulations**

Small business investment companies; collection or compromise of licensee's indebtedness..... 13532

Notices

Deputy Administrator for Investment Division; delegation of authority 13563

**SOCIAL SECURITY
ADMINISTRATION****Rules and Regulations**

Federal health insurance for the aged; exclusions, recovery of overpayment, and liability of certifying officer..... 13534
Federal old-age, survivors, and disability insurance; special payments at age 72 to certain uninsured individuals..... 13533

Notices

Canada; notice of finding regarding foreign social insurance or pension system..... 13560

STATE DEPARTMENT**Rules and Regulations**

Nationality and passports..... 13537

TREASURY DEPARTMENT

See Customs Bureau.

VETERANS ADMINISTRATION**Rules and Regulations**

General Counsel et al.; delegations of authority..... 13548
Tort claims; administrative settlement in foreign countries..... 13548

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

5 CFR

213..... 13521
351..... 13521
534..... 13521

7 CFR

81..... 13527
722 (2 documents)..... 13529, 13530
751 (2 documents)..... 13531
1475..... 13532

PROPOSED RULES:

52..... 13551
971..... 13551
989..... 13552

13 CFR

107..... 13532

14 CFR

39..... 13521
61..... 13522
63..... 13522
65..... 13522
71..... 13525
91..... 13525
143..... 13522

PROPOSED RULES:

39 (2 documents)..... 13554
61..... 13554

17 CFR

200..... 13533

18 CFR**PROPOSED RULES:**

141..... 13557
260..... 13557

20 CFR

404..... 13533
405..... 13534

21 CFR

3..... 13537

22 CFR

50..... 13537
51..... 13540
52..... 13546
53..... 13546

32 CFR

1003..... 13547
1007..... 13547
1012..... 13548

38 CFR

2..... 13548
14..... 13548

43 CFR**PUBLIC LAND ORDERS:**

4105..... 13549

50 CFR

32 (2 documents)..... 13549, 13550
33 (2 documents)..... 13550

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that five postdoctoral research associate positions a year may be filled under Schedule A at the U.S. Naval Ordnance Test Station, China Lake, Calif., under specified conditions. Effective on publication in the FEDERAL REGISTER, paragraph (e) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, Calif.; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Md.; U.S. Naval Weapons Laboratory, Dahlgren, Va.; David Taylor Model Basin, Washington, D.C.; and U.S. Naval Ordnance Test Station, China Lake, Calif.* (1) Scientific and professional research associate positions when filled on a temporary basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to appointees and the installations. Appointments under this provision may not exceed 20 each calendar year at the Naval Research Laboratory, 6 each calendar year at the Navy Electronics Laboratory, 5 each calendar year at the Naval Ordnance Test Station, and 10 each calendar year at the Naval Ordnance Laboratory, Naval Weapons Laboratory, and David Taylor Model Basin. Employment under this provision may not exceed 1 year in any individual case, except that with the approval of the Commission, such employment may be extended for not to exceed one additional year.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11442; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 351—REDUCTION IN FORCE

Subpart J—Establishment and Maintenance of Reemployment Priority List

ESTABLISHMENT OF LIST

Section 351.1001 is amended to show an exception from the right to entry on an

overseas reemployment priority list where entry would be inconsistent with the limits on overseas service under an agency's rotation program. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 351.1001 is amended as set out below.

§ 351.1001 Establishment of list.

(b) When an agency separates a group I or II employee from a competitive position overseas or in Alaska, it shall enter his name on the reemployment priority list for the area in which the position is located, except (1) when he leaves that area or (2) when the agency has a general program for rotating employees between overseas areas and the United States, and the employee's immediately preceding overseas service or residence combined with prospective overseas service under available appointments exceeds the maximum duration of an overseas duty tour in the agency's rotation program. On the request of an employee who leaves the area, the agency shall enter his name on its reemployment priority list for the commuting area from which he was employed for overseas or Alaskan service or for another area (except overseas or Alaska) mutually acceptable to him and the agency. An agency may delete an employee's name from the list for one of the reasons in paragraph (a) of this section, and shall delete it from an overseas or Alaskan list when he leaves the area covered by that list or becomes disqualified for overseas appointment because of his previous service or residence.

(5 U.S.C. 1302, 3502)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11441; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Maximum Stipends

Section 534.202(b) is amended to show the maximum stipend prescribed for certain student nurses, Department of Health, Education, and Welfare. Effective October 2, 1966, the following item is added to paragraph (b) of § 534.202 as set out below.

§ 534.202 Maximum stipends.

(b) * * *
Student nurses, Department of Health, Education, and Welfare:
Approved training during clinical affiliation ----- L-1.

(5 U.S.C. 5102, 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11413; Filed, Oct. 19, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 802; Amdt. 39-294]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series and FH-227 Airplanes

Amendment 308 (26 F.R. 6265), AD 61-15-2, as amended by Amendments 323 (26 F.R. 7761) and 331 (26 F.R. 8375), requires repetitive inspection of the gimbal nuts in the wing flap actuating screwjacks on Fairchild Model F-27 Series airplanes. Subsequent to the issuance of Amendment 331, the Model FH-227 airplane was certificated, which is a modification of the Model F-27 airplane. Therefore, the AD is being further amended to apply to the Fairchild Model F-27 Series and FH-227 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 308 (26 F.R. 6265), AD 61-15-2, as amended by Amendments 323 (26 F.R. 7761) and 331 (26 F.R. 8375), is further amended by amending the applicability statement to read as follows:

Applies to Model F-27 Series and FH-227 airplanes.

This amendment becomes effective October 20, 1966.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11392; Filed, Oct. 19, 1966; 8:45 a.m.]

[Regulatory Docket No. 7258; Amdts. 61-25; 63-7; 65-9; 143-2]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 143—GROUND INSTRUCTORS

Airman and Ground Instructor Administrative Requirements

The purpose of these amendments to Parts 61, 63, 65, and 143 of the Federal Aviation Regulations is to resolve several inconsistent administrative requirements applicable to airman and ground instructor certificate holders, and to standardize these provisions. The requirements concern presentation of certificates for inspection; application during suspension or after revocation; changes of name, and replacement of lost or destroyed certificates; and retesting after failure (written and flight tests). Several additional changes clarify certain provisions or remove others that are considered unnecessary. The changes were proposed in Notice No. 66-9 issued on March 28, 1966 (31 F.R. 5324), except for those making consistent the provisions on return of certificates that are suspended or revoked.

Several comments concurred generally with the proposals. Other comments were addressed to individual proposals, principally those concerned with presenting certificates for inspection, and with clarifying and incorporating in § 61.39 the interpretation that a flight instructor may not log as instrument time (and receive credit for) periods when he is serving as a flight instructor but not manipulating the controls.

(1) *Presentation of certificates for inspection.* Three comments opposed adding Federal law enforcement officers to the list of persons to whom the holder of an airman or ground instructor certificate must present it for inspection upon request. One comment expressed apprehension that a law enforcement officer might use the regulations to deprive an individual of his license. However, neither the proposed change nor the existing regulations (already requiring presentation upon request of the Administrator or an authorized representative of the Civil Aeronautics Board or of any State or local law enforcement officer) purport to extend to other agencies authority to enforce FAA safety regulations. The authority to enforce those regulations by a civil penalty or certificate action remains with the FAA, and only this Agency may suspend or revoke an airman certificate issued by it, subject to review by the CAB. This comment also questioned the existing requirements for presentation to other than authorized personnel of the regulatory agencies. However, the requirements, as expanded by these amend-

ments, are appropriate to implement the enforcement of criminal provisions of the Federal Aviation Act of 1958 such as sections 902(b)—Forgery of certificates, and 902(i) through (m)—Aircraft piracy, etc. (for whose investigation the FBI is responsible), as well as to implement regulations issued thereunder and other regulatory provisions. The second adverse comment believed that presentation should be required only to authorized persons who understand what the certificates are, namely, the FAA and CAB. The concern of the third adverse comment was with the question who constitutes a law enforcement officer. However, no difficulty has been encountered in these respects in connection with the existing regulatory provisions, and none can reasonably be expected in the future.

(2) *Application during suspension or after revocation.* Several comments felt it was too harsh to prohibit a pilot whose pilot certificate has been revoked from applying for any pilot or flight instructor certificate or rating for 1 year, or to prohibit a person whose flight instructor certificate only is revoked from applying for any flight instructor certificate for 1 year. One of these comments suggested that a pilot who flies for a living could not sustain himself for a year without an opportunity to regain his certificate, and that he should be permitted to requalify without a time limit if he shows evidence of up-dating and training. These comments lose sight of the punitive as well as corrective nature of revocation action. Furthermore, the revocation order may allow application in less than 1 year.

(3) *Changes of name, and replacement of lost or destroyed certificates.* One comment objected to requiring a brief statement of the circumstances of loss or destruction of a certificate when a person applies for a replacement certificate. The Agency agrees that this requirement serves no useful purpose, and these amendments therefore omit the requirement from Part 61 where it already exists and from the additions made to the other Parts involved. This comment also criticized the requirement to supply documentary evidence verifying a change of name. However, this is a reasonable requirement to safeguard the integrity of certificates that, once issued, are reissued under changed names. Although the comment asserted that some people change their names without marriage or court order, it is reasonable to require at least some documentary evidence in such a case, as is permitted.

One comment mistakenly believed a "user charge" was being introduced into the regulations, that is, the \$2 charge for a replacement certificate. This is not a new charge. The charge already was provided for in § 61.13, and the other regulations here involved merely repeat what is already included in Part 187.

(4) *Retesting after failure (written and flight tests).* One comment suggested that in § 61.27(d) as amended, the applicant for an airline transport pilot certificate or associated rating should be required, after a second failure of a

maneuver of the flight test, to demonstrate competency on related maneuvers. These amendments make no substantive change at this time. A substantive change has been proposed by Notice No. 66-6 (31 F.R. 4735), upon which final action has not yet been completed.

(5) *Other changes.* As proposed, the word "civil" is inserted before the word "aircraft" in § 61.3(f), thus making the language of this prohibition concerning the lack of instrument rating consistent with § 61.3(a) concerning in general the lack of a pilot certificate. Also, § 61.3(f) is amended to reflect the changes recently made by Amendment 61-24, as well as those proposed by Notice No. 66-9.

Strong opposition was expressed to the proposed change in § 61.39(e) that would specifically express the limitation, already existing and confirmed by interpretation, that a flight instructor may not log (and receive credit for) as instrument time, periods when he is serving as a flight instructor but not manipulating the controls. Since the change is clarifying only, it is made as proposed. However, the Agency intends to fully reconsider this provision in view of the public response to Notice 66-9 and, if relaxation of the rule then appears appropriate, to issue a notice of proposed rule making in order to allow full public participation in making the rule change.

These amendments make the remaining changes proposed by Notice No. 66-9. In addition, the provisions requiring the return of suspended or revoked certificates are made consistent throughout these regulations. Thus, §§ 61.9(g), 63.15(b), 65.15(c), and 143.7(b) are all amended to provide that the holder of a suspended or revoked certificate shall, upon the Administrator's request, return it to the Administrator. This change was not proposed by Notice No. 66-9; however, since the provision is considered procedural only, notice and public procedure thereon is not necessary.

Interested persons have been afforded an opportunity to participate in the making of these amendments (except those concerning return of suspended or revoked certificates), and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 61, 63, 65, and 143 of the Federal Aviation Regulations are amended effective November 19, 1966, as follows:

1. Part 61 is amended as follows:

a. By amending paragraphs (e) and (f) of § 61.3 to read as follows:

§ 61.3 Certificates and ratings required.

(e) *Inspection of certificate.* Each person who holds a pilot certificate or medical certificate shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

(f) *Instrument rating.* No person may act as pilot in command of a civil aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless—

(1) In the case of a helicopter, he holds a helicopter instrument rating, or an airline transport pilot certificate with a rotorcraft category and helicopter class rating not limited to VFR;

(2) In the case of an airship, he holds a commercial pilot certificate with lighter-than-air category and airship class ratings; or

(3) In the case of an aircraft other than a helicopter or airship, he holds an instrument rating or an airline transport pilot certificate.

b. By amending paragraphs (e) and (f) of § 61.5 to read as follows:

§ 61.5 Application and issue.

(e) Unless authorized by the Administrator—

(1) A person whose pilot certificate is suspended may not apply for any pilot or flight instructor certificate or rating during the period of suspension; and

(2) A person whose flight instructor certificate only is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(f) Unless the order of revocation provides otherwise—

(1) A person whose pilot certificate is revoked may not apply for any pilot or flight instructor certificate or rating for 1 year after the date of revocation; and

(2) A person whose flight instructor certificate only is revoked may not apply for any flight instructor certificate for 1 year after the date of revocation.

c. By amending paragraph (g) of § 61.9 to read as follows:

§ 61.9 Duration of certificate.

(g) *Return of certificate.* The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By striking out subparagraph (b) (1) of § 61.13, and redesignating subparagraphs (b) (2) and (b) (3) as subparagraphs (b) (1) and (b) (2) respectively.

e. By amending paragraph (c) of § 61.13 to read as follows:

§ 61.13 Change of name; replacement of lost or destroyed certificate.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for \$2.

f. By amending paragraph (a) of § 61.27 to read as follows:

§ 61.27 Retesting after failure.

(a) *Written test.* An applicant for a certificate or rating under this part who fails a written test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and considers him ready for retesting:

(i) For a private or commercial pilot certificate or associated rating—a certificated flight instructor with an appropriate category rating or a certificated ground instructor with an appropriate rating.

(ii) For an instrument rating—a certificated flight instructor with an instrument rating on his flight instructor certificate or a certificated ground instructor with an appropriate rating.

(iii) For a flight instructor certificate—a certificated flight instructor with an appropriate category or instrument rating on his flight instructor certificate.

(iv) For an airline transport pilot certificate—a person employed by an airline to instruct in airline transport pilot subjects, a certificated airline transport pilot, a certificated ground instructor with an appropriate rating, or a person qualified to instruct in instrument flight theory.

g. By striking out paragraphs (c), (e), and (f) of § 61.27.

h. By amending the lead-in sentence of paragraph (d) of § 61.27 to read as follows:

§ 61.27 Retesting after failure.

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers him ready for retesting, and satisfactory evidence that he has—

i. By amending § 61.29 to read as follows:

§ 61.29 Graduates of certificated flying schools: Special rules.

(a) A graduate of a flying school that is certificated under Part 141 of this chapter is considered to meet the applicable aeronautical experience requirements of this part if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for a flight test for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115 (except paragraphs (a) (3) and (4) thereof).

(b) An applicant for a certificate or rating under this part may be considered to meet the aeronautical knowledge or skill requirements, or both, applicable to that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part 141 of this chapter and is authorized by the

Administrator to test applicants on aeronautical knowledge or skill, or both.

j. By amending paragraph (e) of § 61.39 by inserting the word "only" between the words "log" and "that".

k. By striking out § 61.49.

2. Part 63 is amended as follows:

a. By amending paragraph (c) of § 63.3 to read as follows:

§ 63.3 Certificates required.

(c) Each person who holds a flight engineer or flight navigator certificate, or medical certificate, shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

b. By adding new paragraphs (c) and (d) to § 63.11 to read as follows:

§ 63.11 Application and issue.

(c) Unless authorized by the Administrator, a person whose flight engineer certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose flight engineer or flight navigator certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation.

c. By amending paragraph (b) of § 63.15 to read as follows:

§ 63.15 Duration of certificates.

(b) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By inserting the following new section after § 63.15:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla.

73101, accompanied by a check or money order for \$2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the Federal Aviation Agency confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

3. Part 65 is amended as follows:

a. By adding new paragraphs (c) and (d) to § 65.11 to read as follows:

§ 65.11 Application and issue.

(c) Unless authorized by the Administrator, a person whose air traffic control tower operator, mechanic, or parachute rigger certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise—

(1) A person whose air traffic control tower operator, aircraft dispatcher, or parachute rigger certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation; and

(2) A person whose mechanic or repairman certificate is revoked may not apply for either of those kinds of certificates for 1 year after the date of revocation.

b. By amending paragraph (c) of § 65.15 to read as follows:

§ 65.15 Duration of certificates.

(c) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

c. By inserting the following new section after § 65.15:

§ 65.16 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for \$2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

d. By amending paragraph (a) of § 65.45 to read as follows:

§ 65.45 General operating rules.

(a) Each person who holds an air traffic control tower operator certificate shall keep it readily available when performing duties under it, and shall present that certificate or a medical certificate held by him or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

e. By amending paragraph (b) of § 65.51 to read as follows:

§ 65.51 Certificate required.

(b) Each person who holds an aircraft dispatcher certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

f. By amending § 65.89 to read as follows:

§ 65.89 Display of certificate.

Each person who holds a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aero-

navics Board, or of any Federal, State, or local law enforcement officer.

g. By amending paragraph (b) of § 65.95 to read as follows:

§ 65.95 Inspection authorization: privileges and limitations.

(b) When he exercises the privileges of an inspection authorization the holder shall keep it available for inspection by the aircraft owner, the mechanic submitting the aircraft, repair, or alteration for approval (if any), and shall present it upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

h. By amending § 65.105 to read as follows:

§ 65.105 Display of certificate.

Each person who holds a repairman certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

1. By amending paragraph (c) of § 65.111 to read as follows:

§ 65.111 Certificate required.

(c) Each person who holds a parachute rigger certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

4. Part 143 is amended as follows:

a. By adding new paragraphs (c) and (d) to § 143.3 to read as follows:

§ 143.3 Application and issue.

(c) Unless authorized by the Administrator, a person whose ground instructor certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose ground instructor certificate is revoked may not apply for any ground instructor certificate for 1 year after the date of revocation.

b. By amending paragraph (b) of § 143.7 to read as follows:

§ 143.7 Duration of certificates.

(b) The holder of any certificate issued under this part that is suspended or revoked shall upon the Administrator's request, return it to the Administrator.

c. By inserting the following new section after § 143.7:

§ 143.8 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA, Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) A person whose certificate issued under this part has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) of this section.

d. By striking out § 143.13.

e. By amending § 143.21 to read as follows:

§ 143.21 Display of certificate.

Each person who holds a ground instructor certificate shall keep it readily available to him while instructing and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

(Secs. 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422, 1427)

Issued in Washington, D.C., on October 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11393; Filed, Oct. 19, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control Areas 1141 and 1143.

The Canadian Department of Transport has advised that the Yarmouth, Nova Scotia, radio range was converted to a radio beacon on September 21, 1966. Action is taken herein to correct the descriptions of Control 1141 and Control 1143 by substituting the Yarmouth RBN for the Yarmouth RR. The extent of controlled airspace associated with these control areas will not be altered.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure are unnecessary and may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon the date of publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.163 (31 F.R. 2050) Control 1141 and Control 1143 are amended by deleting "Yarmouth, Nova Scotia, Canada, RR" and "Yarmouth RR" wherever it appears and substitute "Yarmouth, Nova Scotia, Canada, RBN" and "Yarmouth RBN" therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 13, 1966.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 66-11394; Filed, Oct. 19, 1966; 8:45 a.m.]

[Docket No. 7264; Amdt. 91-33]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Authorization for Ferry Flight With One Engine Inoperative

The purpose of these amendments to § 91.45 of the Federal Aviation Regulations is to provide rules for ferry flight of a turbine engine powered airplane equipped with either three or four engines, with one engine inoperative, to a base for repair of that engine. These amendments also change § 91.45 to require the use of temperature accountability for the takeoff field length in flight tests of four-engine reciprocating engine powered airplanes under that section; to require the addition of certain data to the Airplane Flight Manual, and certain limitations to the operator's manual; and to make the rules of the section applicable to the same kind of ferry flights by commercial operators of large aircraft, in addition to air carriers.

These amendments (except as now changed) were proposed in Notice No. 66-10 and published in the FEDERAL REGISTER on April 5, 1966 (31 F.R. 5381). Public comment was received from five sources. One comment expressed opposition to all ferry flights with one engine inoperative. However, the safety record of these flights supports the extension of the rules accomplished by the amendments. The other comments did not oppose the objectives of the proposals as such, but offered a number of sug-

gestions some of which have been adopted, others not.

Several comments dealt with the proposed or existing general criteria of § 91.45(a). Thus, some concern was expressed as to the inclusion, in the operator's manual, of limitations that the operating weight on any ferry flight must be the minimum necessary therefor, and takeoffs must be made from dry runways. Responsive to these comments, these amendments provide in § 91.45(a) (3) (i) and (ii) that the weight may include the necessary reserve fuel load, and that takeoffs may be made from wet runways after approval of an operator's showing of actual takeoff techniques with full controllability from wet runways. One comment was adverse to the provision of § 91.45(a) (4) (ii), already contained in the regulations, that no person may take off an airplane if weather conditions at the takeoff or destination airport are less than those required for VFR flight, and it suggested "circling minimums" of 500 feet and 1 or 2 miles visibility. However, the Agency believes that VFR conditions are essential for safe ferry operations, especially in the event of an additional engine failure at takeoff and destination landing areas, in order to allow the crewmembers to concentrate on the emergency and to minimize the necessity of holding or making an instrument approach.

Several comments dealt with the criteria for flight tests. One comment felt that the speed of not less than 1.3Vs, already contained in § 91.45(b) (1), is too high. However, the experience with this speed indicates it is satisfactory for the purpose and its use should be continued. Several comments objected to the proposed requirement, for both reciprocating and turbine engine powered airplanes, of attainment of a speed not less than the two-engine inoperative minimum control speed before the airplane reaches 400 feet above the surface after takeoff. This requirement has been dropped from the amendments, since upon reconsideration the Agency agrees with the observations made by these comments that the new requirement is not necessary in view of past satisfactory operations without it, and that the minimum cleanup altitude is 400 feet under the airworthiness standards for takeoff path in § 25.111(c) (2) and (4) of Part 25 of the Federal Aviation Regulations.

The preamble of Notice 66-10 referred to the use of "full" temperature accountability for the takeoff field length in flight tests for reciprocating engine powered airplanes, but the word "full" was not used in the proposed regulations themselves (§ 91.45(b) (5)). The operating factors for the weight and takeoff distance may be as little as one-half of the full accountability values, under § 25.61, the provision under which temperature accountability is to be computed. Accordingly, the rule as written governs in this respect, and not the language employed in the preamble of the Notice.

Two comments suggested that the minimum final climb gradient in the test flight for a three-engine turbine engine

powered airplane with two engines inoperative should be 1 percent at the end of the takeoff rather than 1.2 percent as proposed for § 91.45(c) (4) (i). The Agency does not concur with this suggestion. Section 25.121(c), the provision to which reference is made for maximum weight for the performance, requires a 1.2 percent gradient for a two-engine airplane for one engine inoperative, and it is proper to require the same gradient for the similar situation of a three-engine airplane with two engines inoperative.

Two other suggestions made by comments with respect to criteria for flight tests have been adopted. Thus, § 91.45(c) (2) has been clarified as to its inclusion of V_2 speed with respect to takeoff field length; and the word "original" has been dropped from the reference to type certification in § 91.45(c) (1) and (2) (iii) as issued, with respect to the power selection, since use of the word might be confusing when applied to airplanes recertified for engine thrust increases.

Some concern was expressed that the proposals made in Notice 66-10 would require additional flight tests for aircraft for which approved Airplane Flight Manual data for one engine-out ferry flights already had been obtained. Pending these amendments of the rules to provide for the distinction between reciprocating and turbine engine powered airplanes, the Agency has approved the use of jet ferry data contained in Airplane Flight Manuals based upon flight tests determined to meet the existing requirements of § 91.45(a) (1) for three- or four-engine turbine engine powered airplanes. Therefore, it was also determined that this data might be used for compliance with § 91.45(a) (2). Also, the criterion (temperature accountability) added to the regulatory requirements for flight tests in the case of reciprocating engine powered airplanes, and to the criteria used for approval in the case of turbine engine powered airplanes, is a comparatively minor change. In view of these circumstances, these amendments include a provision in § 91.45(a) (1) that each operator who before the effective date of the amendments has shown that a model of airplane with one engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under § 91.45(a) (2) need not repeat that test flight.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, and for the reasons stated in Notice No. 66-10, § 91.45 of Part 91 of the Federal Aviation Regulations is amended effective November 19, 1966, to read as follows:

§ 91.45 Authorization for ferry flight with one engine inoperative by air carriers and commercial operators of large aircraft.

(a) *General.* An air carrier or commercial operator of large aircraft may

conduct a ferry flight of a four-engine airplane or a turbine engine powered airplane equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine subject to the following:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with paragraph (b) or (c) of this section, as appropriate. However, each operator who before November 19, 1966, has shown that a model of airplane with an engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under subparagraph (2) of this paragraph need not repeat the test flight for that model.

(2) The approved Airplane Flight Manual contains the following performance data and the flight is conducted in accordance with that data:

- (i) Maximum weight.
- (ii) Center of gravity limits.
- (iii) Configuration of the inoperative propeller (if applicable).
- (iv) Runway length for takeoff (including temperature accountability).
- (v) Altitude range.
- (vi) Certificate limitations.
- (vii) Ranges of operational limits.
- (viii) Performance information.
- (ix) Operating procedures.

(3) The operator's manual contains operating procedures for the safe operation of the airplane, including specific requirements for—

(i) A limitation that the operating weight on any ferry flight must be the minimum necessary thereof with the necessary reserve fuel load;

(ii) A limitation that takeoffs must be made from dry runways unless, based on a showing of actual operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the Airplane Flight Manual;

(iii) Operations from airports where the runways may require a takeoff or approach over populated areas; and

(iv) Inspection procedures for determining the operating condition of the operative engines.

(4) No person may take off an airplane under this section if—

(i) The initial climb is over thickly populated areas; or

(ii) Weather conditions at the takeoff or destination airport are less than those required for VFR flight.

(5) No air carrier or commercial operator of large aircraft may carry any persons other than required flight crewmembers on board the airplane during the flight.

(6) No air carrier or commercial operator of large aircraft may use a flight crewmember unless he is thoroughly familiar with the operating procedures for one-engine inoperative ferry flights listed in its manual and the limitations and performance information listed in the Airplane Flight Manual.

(b) *Flight tests: Reciprocating engine powered airplanes.* The airplane performance of a reciprocating engine pow-

ered airplane with one engine inoperative must be determined by flight test as follows:

(1) A speed not less than $1.3V_{S1}$ must be chosen at which the airplane may be controlled satisfactorily in a climb with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator) and with all other engines operating at the maximum power determined in subparagraph (3) of this paragraph.

(2) The distance required to accelerate to the speed listed in subparagraph (1) of this paragraph and to climb to 50 feet must be determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator; and

(iii) The other engines operating at not more than the maximum power established under subparagraph (3) of this paragraph.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed must be established.

(4) The performance must be determined at a maximum weight not greater than the weight that allows a rate of climb of at least 400 feet a minute in the en route configuration set forth in § 25.67(d) of this chapter at an altitude of 5,000 feet.

(5) The performance must be determined using temperature accountability for the takeoff field length, computed in accordance with § 25.61 of this chapter.

(c) *Flight tests: Turbine engine powered airplanes.* The airplane performance of a turbine engine powered airplane with one engine inoperative must be determined in accordance with the following, by flight tests including at least three takeoff tests:

(1) Takeoff speeds V_R and V_2 , not less than the corresponding speeds under which the airplane was type certificated under § 25.107 of this chapter, must be chosen at which the airplane may be controlled satisfactorily with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator, if applicable) and with all other engines operating at not more than the power selected for type certification, as set forth in § 25.101 of this chapter.

(2) The minimum takeoff field length must be the horizontal distance required to accelerate, and climb to the 35-foot height at V_2 speed (including any additional speed increment obtained in the tests), multiplied by 115 percent, and determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator (if applicable); and

(iii) The other engines operating at not more than the power selected for type certification, as set forth in § 25.101 of this chapter.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed, must be established. The airplane must be satis-

factorially controllable during the entire takeoff run when operated according to these procedures.

(4) The performance must be determined at a maximum weight not greater than the weight determined under § 25.121(c) of this chapter, but with—

(i) The actual steady gradient of the final takeoff climb requirement not less than 1.2 percent at the end of the takeoff path with two critical engines inoperative; and

(ii) The climb speed not less than the two-engine inoperative trim speed for the actual steady gradient of the final takeoff climb prescribed by subdivision (i) of this subparagraph.

(5) The airplane must be satisfactorily controllable in a climb with two critical engines inoperative. Climb performance may be shown by calculations based on, and equal in accuracy to, the results of testing.

(6) The performance must be determined using temperature accountability for takeoff distance and final takeoff climb, computed in accordance with § 25.101 of this chapter.

For the purposes of subparagraphs (4) and (5), "two critical engines" means two adjacent engines on one side of an airplane with four engines, and the center engine and one outboard engine on an airplane with three engines.

(Secs. 307, 313(a), 603, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1424, 1427)

Issued in Washington, D.C., on October 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11395; Filed, Oct. 19, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Under authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81, as amended) as set forth below.

Statement of considerations. On July 21, 1966, there was published in the FEDERAL REGISTER (31 F.R. 9871) a notice regarding proposed amendments to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81). Interested persons were given an opportunity to submit written data, views, or arguments in connection with the proposed amendments not later than

August 22, 1966. The time for submitting such written data, views, or arguments was extended to September 23, 1966, in a notice published in the FEDERAL REGISTER of August 24, 1966 (31 F.R. 11185).

The amendments now adopted are essentially the same as the proposed amendments except as indicated below and except that § 81.25 *Suspension of plant approval and withdrawal of service* and § 81.205 *Termination of exemptions* are not being amended at this time. Comments were received indicating concern in a broad segment of the poultry industry with respect to the proposed amendment of § 81.25. The Department is considering modification of the proposed amendment to § 81.25 and will publish such modification in a notice of proposed rule-making at a later date. Further consideration is also being given to what action if any should be taken with respect to § 81.205.

Certain sections of the amendments have been modified slightly in the light of comments received during the rule-making procedure. The proposed temperature of 96° F. for incubating canned products has been changed to 95° F. based on additional information available to the Department. The amendments also provide for the thawing of frozen ready-to-cook poultry in recirculated water maintained at a temperature not in excess of 50° F. Clarifying changes have also been made in the amendments.

1. The heading and text of § 81.7 are hereby amended to read, respectively:

§ 81.7 Poultry, poultry products, meat and meat food products entering or prepared in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part. All dressed poultry and poultry products entering an official establishment shall have been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and shall be properly marked as so inspected and passed in accordance with § 81.130. All meat and meat food products of cattle, sheep, swine, goats, or horses entering an official establishment shall have been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.) or the Imported Meat Act (19 U.S.C. 1306(b)-(c)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and not otherwise prepared, and shall be properly marked as so inspected and passed.

2. In § 81.35 *Draining and plumbing*, paragraph (b) (1) is hereby amended to read:

§ 81.35 Draining and plumbing.

(b) *Sewage and plant wastes.* (1) The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing op-

erations and to minimize or, if possible, prevent stoppage and surcharging of the system. When the sewage disposal system is a private system which is required to be approved by a state or local health authority, the applicant should furnish the Administrator a letter from the proper health authority indicating that the sewage disposal system is acceptable to such authority.

3. In § 81.41 *Equipment and utensils*, paragraph (e) (4) is hereby amended to read:

§ 81.41 Equipment and utensils.

(e) *Conveyors.* (4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor. Such troughs shall be flushed continuously by a water spray and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

4. In § 81.49 *Operations and procedures*, paragraph (g) is hereby amended to read:

§ 81.49 Operations and procedures.

(g) *Thawing poultry in water:* (1) *Ready-to-cook poultry.* When frozen ready-to-cook poultry is to be thawed in water, the thawing practices and procedures shall be such as will prevent product from becoming adulterated by the absorption of moisture and such poultry shall be thawed by one of the following methods:

(i) Thawed in continuous running tap water of sufficient volume and for such limited time as is necessary to thaw such poultry. The thawing media shall not exceed 70° F. in temperature.

(ii) Thawed in cooking kettles provided the temperature of the water is raised to cooking temperature as rapidly as possible.

(iii) Thawed in recirculated water, maintained at a temperature not in excess of 50° F., for such limited time as is necessary to thaw such poultry.

(2) *Dressed poultry.* Frozen dressed poultry shall not be thawed in tanks with continuously running water or residual water, but shall be thawed on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

5. In § 81.50 *Temperatures and cooling and freezing procedures*, paragraph (d) is hereby amended to read:

§ 81.50 Temperatures and cooling and freezing procedures.

(d) *Cooling giblets.* Giblets shall be chilled to 40° F. or lower within 2 hours from the time they are removed from the inedible viscera, except that when they are cooled with the carcass the requirements of paragraphs (b)(2) and (f)(4) of this section shall apply. Any of the acceptable methods of chilling the poultry carcass may be followed in cooling giblets, except that unwrapped livers shall not be cooled in agitated ice and water chilling media for a period in excess of 20 minutes, but may be cooled in perforated containers which are immersed in non-circulated ice and water chilling media: *Provided*, That the livers are removed from the chilling containers when their temperature has been lowered to 40° F. When ready-to-cook birds are to be consumer packaged, the giblets shall be handled in a manner that will prevent free water from being included in the giblet package. The average basis weight of giblet wrapping material shall be not more than 30 pounds per standard ream (24" x 36"—500 sheets) when tested in accordance with the Technical Association of the Pulp and Paper Industry (T.A.P.P.I.) Standard T-410 except the basis weight may exceed 30 pounds per standard ream when the absorbent capacity is such that the total weight of the material after moisture absorption is no greater than the total weight, after moisture absorption, of material weighing 30 pounds per standard ream. Test samples shall be conditioned in accordance with T.A.P.P.I. Standard T-402. The sample to be tested shall consist of 10 sheets representative of the shipment or lot, and individual sheets within the sample may vary within normal tolerance from the required basis weight, but the average of the sample (10 sheets) shall not weigh in excess of 30 pounds per standard ream (24" x 36"—500 sheets) except as specified above. The moisture absorption shall not exceed 200 percent of the dry weight (as conditioned in accordance with T.A.P.P.I. Standard T-402) and giblet wrappers (uncreped) shall not exceed the following sizes or equivalents: Chickens and Ducks, 9" x 12", Turkeys, 12" x 14".

6. Section 81.71 *Evisceration*, is hereby amended to read:

§ 81.71 Evisceration.

A post mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official establishment, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be ex-

amined by the inspector. However, the Administrator may, whenever he deems it advisable and under such conditions as he may require to carry out the purposes of the Act, authorize the removal, from any carcass or parts thereof, prior to inspection, of any part which will not be used in the preparation of any edible product.

§ 81.81 [Amended]

7. Section 81.81 is hereby amended by placing a period immediately after the word "condemned" and deleting the remainder of the sentence.

8. In § 81.95 *Reinspection of poultry products; ingredients*, the heading and paragraphs (a) and (c) are hereby amended to read, respectively:

§ 81.95 Reinspection of poultry and other products; ingredients.

(a) No poultry or poultry product may be brought into an official establishment unless it has been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and the container of such product is marked so as to identify the article as so inspected and passed, in accordance with § 81.130, and no meat or meat food product of cattle, sheep, swine, goats or horses may be brought into an official establishment unless it has been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.), or the Imported Meat Act (19 U.S.C. 1306(b)-(c)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and has not been otherwise prepared, and is properly marked as so inspected and passed. All poultry, poultry products, meat and meat food products shall be reinspected by an inspector at the time they are brought into the official establishment. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated or otherwise unfit for human food, such product, or portion thereof, shall, in the case of poultry and poultry products, be condemned and shall receive such treatment as that provided in § 81.92, and shall, in the case of other products, be disposed of according to applicable law.

(c) All substances and ingredients used in the manufacture or preparation of any poultry product shall be clean, sound, wholesome, and fit for human food. Liquid, frozen and dried egg products used in the preparation of any poultry product shall have been prepared under continuous inspection of the Department.

9. Section 81.96 *Retention tags*, is hereby amended to read:

§ 81.96 Retention tags.

An inspector may use such retention tags or other devices and methods as may be approved by the Administrator, for the identification and control of (a) products which are not in compliance with the regulations and/or which are

held for further examination and (b) any equipment, utensils, rooms, or compartments which are found to be unclean or otherwise in violation of any of the regulations. No product, equipment, utensil, room, or compartment so identified shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

§ 81.100 [Amended]

10. In § 81.100 *Manner in which canned products shall be processed and handled*, the second sentence of paragraph (g) is hereby amended by changing "98° F." to read "95° F."

11. A new § 81.105 is hereby added to read:

§ 81.105 Coding requirements.

Either the shipping container or the immediate container of frozen poultry food products shall be plainly and permanently marked, by code or otherwise, with the date of packaging. If the marking is by code, the inspector-in-charge shall be informed as to its meaning.

12. In § 81.130 *Wording on labels*, the introductory provision of paragraph (a) and paragraph (a)(3) are hereby amended to read:

§ 81.130 Wording on labels.

(a) Each label approved for use on immediate containers for poultry products shall bear the following items of information which shall be in distinctly legible form, shall read in the same general direction, and shall be generally parallel to each other:

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of consumer packages which do not bear the net weight: *Provided*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further*, That the total net weight of the contents of the shipping container is marked on such container: *And provided further*, That the shipping container bears a statement "Tare weight of consumer package" and in close proximity thereto, the actual tare weight (weight of packaging material), weighed to the nearest one-eighth ounce or less, of the individual consumer package in the shipping container. The above specified statements may be added to approved shipping container labels upon approval by the inspector-in-charge. The net weight marked on containers of poultry products shall be the net weight of the poultry products and shall not include the weights of the wet or dry packaging materials and giblet wrapping materials. When a poultry product and a nonpoultry product are separately wrapped and are placed in a single immediate container bearing the name of both products, the net weight shown on such immediate container may be the total net weight of the two products, or such immediate container may show the net weights of the

poultry product and the nonpoultry product separately.

13. In § 81.134 *Product specifications for labeling purposes*, paragraph (c) (4) (iii) is hereby amended to read:

§ 81.134 *Product specifications for labeling purposes.*

(c) *Poultry meat content of poultry food products.* * * *

(4) *Poultry rolls.* * * *

(iii) Heat processed rolls which have more than 2 percent liquid remaining with or returned to the product shall be labeled as "(Kind) Roll with Natural Juices." If more than 2 percent of any liquid other than natural cookout juices is added, the product must be labeled to indicate that fact; e.g., "Turkey Roll with Broth." Liquid shall not be returned or added to product within this subdivision (iii) in excess of the amount normally cooked out during preparation.

14. In § 81.301 *Eligibility of foreign countries for importation of products into the United States*, paragraph (a) is hereby amended to read:

§ 81.301 *Eligibility of foreign countries for importation of products into the United States.*

(a) Whenever it is determined by the Administrator that the system of poultry inspection maintained by any foreign country is the substantial equivalent of the system maintained by the United States, notice of that fact will be given by listing the name of such foreign country in paragraph (b) of this section. Thereafter slaughtered poultry and poultry products from the countries so listed shall be eligible, subject to the provisions of this subpart and other applicable laws and regulations, for importation into the United States. Such products to be imported into the United States from these foreign countries must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in the regulations in this entire part. Slaughtered poultry and poultry products from foreign countries not listed herein are not eligible for importation into the United States, except as provided by § 81.311. In determining whether the inspection system of a foreign country is the substantial equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey. After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the

equivalent of the system maintained by the United States.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

The differences between the amendments of the provisions of the regulations set forth above and the amendments of such provisions proposed in the July 21, 1966, notice of rule-making are due to changes made pursuant to comments received from interested persons or in the interests of clarity and consistency. It does not appear that further public rule-making procedure with respect to the amendments set forth above would make additional information available to this Department. Therefore under the provisions in 5 U.S.C. 553, it is found for good cause that such further public procedure is impracticable and unnecessary.

Done at Washington, D.C., this 14th day of October 1966, to become effective the 1st day of December 1966.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 66-11389; Filed, Oct. 19, 1966; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amtdt. 9]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

NOTICES OF FARM ALLOTMENT

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment of § 722.417 is to express in specific terms what has been previously stated in more general terms with respect to the authority of the county committee to issue original and revised notices of farm allotment and marketing quota. Every notice of farm acreage allotment and marketing quota issued to the farm operator in past years has contained substantially the following statement: "Revision of Allotment. This allotment is subject to such changes as may be necessary under the procedure for determination of allotments for the designated crop year, taking into account (1) any incorrect data or information used in establishing this allotment or (2) any change in the total land in the farm for such year from that shown on the reverse. If any change occurs for the crop year designated on the reverse in the ownership, operation, or control of the farm, or if there is any change for such

year in the total land in the farm from that shown on the reverse as a result of subdivision, sale or renting of part of the land, or purchase or renting of additional land, it is the responsibility of the farm operator to report any such change to the ASCS County Office promptly and in any event before planting the crop. If a change is made in the farm for the crop year designated on the reverse which affects the allotment, this notice shall not be effective and a revised notice of the corrected allotment will be furnished."

The present regulations have for many years been uniformly interpreted by the Department to authorize revisions of farm allotment and marketing quota where the farm is reconstituted, transfers of allotment are approved, allotments are released and reapportioned or where errors are discovered. Such authority has been exercised even though the prior quota was not appealed to the review committee by the farmer under section 363 of the act. The only exception to the exercise of such authority is that a county committee cannot revise a quota during the pendency of an appeal before the review committee or the courts.

Another purpose of this amendment is to require the county committee to issue a notice of "None" as the farm allotment and marketing quota for the year in which an old cotton farm loses eligibility to receive an allotment as an old cotton farm. This amendment also contains clarifications as to the procedures to be followed by the county committee in issuing notices of farm allotment and marketing quota.

Since notices are now being issued with respect to the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 722.417 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) is amended to read as follows:

§ 722.417 Notices of farm allotment and marketing quota.

(a) *Initial notice of farm allotment and marketing quota.* The county committee shall mail a written notice of farm allotment and marketing quota to the operator of each old cotton farm and each new cotton farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established. Insofar as practicable, the notice for each old cotton farm shall be mailed so as to be received prior to the referendum under section 343 of the act to determine whether cotton farmers favor or oppose marketing quotas for the current year. If application for a new cotton farm allotment is made but the

county committee determines that no new farm allotment shall be established, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm. If an old cotton farm loses eligibility for a farm allotment as an old cotton farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment and marketing quota.* The county committee shall mail a written notice of revised farm allotment and marketing quota to the operator of the farm as soon as possible after the county committee determines that a revision is required under §§ 722.401 to 722.460 or the Regulations for Reconstitution of Farms, Allotments, and Bases in Part 719 of this chapter; or to correct errors committed by the county committee, or to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm. Such revised notice shall be issued prior to the date when planting of cotton normally becomes general on farms in the county, if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of cotton allotment provisions of § 722.425 are applicable.

(c) *Notice to operator constitutes notice to other persons.* Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee and upon request, a certified copy thereof shall be furnished without charge to any person who as operator landlord, tenant, or sharecropper is interested in the cotton produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved in accordance with § 722.423 and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of

the procedure for application to obtain a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided*, That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota in accordance with section 363 of the act and the regulations in Part 711 of this chapter.

(Secs. 362, 363, 375, 52 Stat. 62, as amended, 63, as amended, 66, as amended; 7 U.S.C. 1362, 1363, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 66-11435; Filed, Oct. 19, 1966;
8:49 a.m.]

[Amtdt. 1]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Ex- tra Long Staple Cotton

NOTICES OF FARM ALLOTMENT

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment of § 722.516 is to express in specific terms what has been previously stated in more general terms with respect to the authority of the county committee to issue original and revised notices of farm allotment and marketing quota. Every notice of farm acreage allotment and marketing quota issued to the farm operator in past years has contained substantially the following statement: "Revision of Allotment. This allotment is subject to such changes as may be necessary under the procedure for determination of allotments for the designated crop year, taking into account (1) any incorrect data or information used in establishing this allotment or (2) any change in the total land in the farm for such year from that shown on the reverse. If any change occurs for the crop year designated on the reverse in the ownership, operation, or control of the farm, or if there is any change for such year in the total land in the farm from that shown on the reverse as a

result of subdivision, sale or renting of part of the land, or purchase or renting of additional land, it is the responsibility of the farm operator to report any such change to the ASCS County Office promptly and in any event before planting the crop. If a change is made in the farm for the crop year designated on the reverse which affects the allotment, this notice shall not be effective and a revised notice of the corrected allotment will be furnished."

The present regulations have for many years been uniformly interpreted by the Department to authorize revisions of farm allotment and marketing quota where the farm is reconstituted, allotments are released and reapportioned or where errors are discovered. Such authority has been exercised even though the prior quota was not appealed to the review committee by the farmer under section 363 of the act. The only exception to the exercise of such authority is that a county committee cannot revise a quota during the pendency of an appeal before the review committee or the courts.

Another purpose of this amendment is to require the county committee to issue a notice of "None" as the farm allotment and marketing quota for the year in which an old cotton farm loses eligibility to receive an allotment as an old cotton farm. This amendment also contains clarifications as to the procedures to be followed by the county committee in issuing notices of farm allotment and marketing quota.

Since notices are now being issued with respect to the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 722.516 of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton. (31 F.R. 6247) is amended to read as follows:

§ 722.516 Notices of farm allotment and marketing quota.

(a) *Initial notice of farm allotment and marketing quota.* The county committee shall mail a written notice of farm allotment and marketing quota to the operator of each old ELS cotton farm and each new ELS cotton farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established. Insofar as practicable, the notice for each old ELS cotton farm shall be mailed so as to be received prior to the referendum under section 343 of the act to determine whether ELS cotton farmers favor or oppose marketing quotas for the current year. If application for a new ELS cotton farm allotment is made but the county committee determines that no new farm allotment

shall be established, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm. If an old ELS cotton farm loses eligibility for a farm allotment as an old ELS cotton farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment and marketing quota.* The county committee shall mail a written notice of revised farm allotment and marketing quota to the operator of the farm as soon as possible after the county committee determines that a revision is required under §§ 722.501 to 722.550 or the regulations for Reconstitution of Farms, Allotments, and Bases in Part 719 of this chapter; or to correct errors committed by the county committee, or to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm. Such revised notice shall be issued prior to the date when planting of ELS cotton normally becomes general on farms in the county, if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of ELS cotton allotment provisions of § 722.525 are applicable.

(c) *Notice to operator constitutes notice to other persons.* Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the ELS cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee and upon request, a certified copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the ELS cotton produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved in accordance with § 722.523 and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any changes in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of the procedure for application to ob-

tain a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided*, That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota in accordance with section 363 of the act and the regulations in Part 711 of this chapter.

(Secs. 362, 363, 375, 52 Stat. 62, as amended, 63, as amended, 66, as amended; 7 U.S.C. 1362, 1363, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
*Administrator, Agricultural Sta-
bilization and Conservation
Service.*

[F.R. Doc. 66-11436; Filed, Oct. 19, 1966;
8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amtd. 5]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1963 Cropland Conversion Program

USE OF DESIGNATED ACREAGE AND ADJUSTMENT PAYMENT

The regulations governing the 1963 Cropland Conversion Program, 28 F.R. 1206, as amended, are hereby further amended as follows:

§ 751.19 [Amended]

1. Section 751.19 is amended by adding at the end thereof a sentence as follows: "Destruction of the vegetative cover is authorized (a) during the last 6 months of the agreement period for the purpose of planting a crop which matures for harvest in a later year, and (b) during the last year of the agreement period for carrying out summer fallow operations or planting of small fruit, bush fruit, orchard, and vineyard crops."

2. Section 751.21 is amended by adding at the end thereof a new paragraph (g) to read as follows:

§ 751.21 Adjustment payment.

(g) On farms from which all or part of the cotton allotment is transferred under the Acreage Allotment Regulations for the 1966 and Succeeding Crops of Upland Cotton, §§ 722.435 through

722.439 of this chapter, the adjustment payment made under the cropland conversion program agreement shall be handled as follows: (1) If the transferred cotton allotment acreage is greater than the acreage which could be devoted to nonconserving crops under the agreement, reduce the adjustment payment by an amount equal to the highest annual adjustment payment rate times the transferred allotment acreage in excess of the acreage which could be devoted to nonconserving crops under the agreement, or (2) if the transferred cotton allotment acreage is equal to or less than the acreage which could be devoted to nonconserving crops under the agreement, the adjustment payment shall remain unchanged.

(Sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Date of signature.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
*Administrator, Agricultural Sta-
bilization and Conservation
Service.*

[F.R. Doc. 66-11437; Filed, Oct. 19, 1966;
8:49 a.m.]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1964-65 Cropland Conversion Program

DESIGNATION AND USE OF ACREAGE AND ADJUSTMENT PAYMENT

The regulations governing the 1964-65 Cropland Conversion Program, 29 F.R. 13559, are hereby amended as follows:

§ 751.61 [Amended]

1. Section 751.61 is amended by adding at the end thereof a sentence as follows: "Destruction of the vegetative cover is authorized (a) during the last 6 months of the agreement period for the purpose of planting a crop which matures for harvest in a later year, and (b) during the last year of the agreement period for carrying out summer fallow operations or planting of small fruit, bush fruit, orchard, and vineyard crops."

2. Section 751.63 is amended by adding at the end thereof a new paragraph (f) to read as follows:

§ 751.63. Adjustment payment.

(f) On farms from which all or part of the cotton allotment is transferred under the Acreage Allotment Regulations for the 1966 and Succeeding Crops of Upland Cotton, §§ 722.435 through 722.439 of this chapter, the adjustment payment made under the cropland conversion program agreement shall be handled as follows: (1) If the transferred cotton allotment acreage is greater than the row and small grain crop permitted acreage, reduce the adjustment payment by an amount equal to the highest annual adjustment payment rate times the transferred allotment acreage in excess of the permitted acreage, or (2) if the

transferred cotton allotment acreage is equal to or less than the row and small grain permitted acreage, the adjustment payment shall remain unchanged.

(Sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Date of signature.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 66-11438; Filed, Oct. 19, 1966;
8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Rev. 3, Amdt. 3]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 13475, 30 F.R. 2854, and 30 F.R. 6909 which contain specific requirements for the continuing Livestock Feed Program are amended as follows:

1. Section 1475.201 is revised to read:

§ 1475.201 General statement.

The regulations in this subpart contain the terms and conditions of a Livestock Feed Program formulated under Public Law 86-299, and sections 407 and 421 of the Agricultural Act of 1949 as amended. The objective of the program is to give assistance to eligible livestock owners in designated emergency areas through sales of feed grain at 90 percent of the county base price (as defined in § 1475.208) to provide feed for foundation herds and at 115 percent of such county base price to provide feed for other eligible livestock. The program shall be in effect in those designated emergency areas where the Secretary determines there is a shortage of feed because of flood, drought, fire, hurricane, storm, tornado, earthquake, disease, insect infestation, or other catastrophe.

2. In § 1475.205, subparagraph (2) of paragraph (d) is amended to read:

§ 1475.205 Application and approval.

(d) * * *

(2) The feed grain gross allowance for the authorized period shall not exceed 5 pounds per day per animal unit (or whatever lesser quantity is established by the State committee or county committee), times the number of days in the authorized period.

3. Section 1475.208 is revised to read:

§ 1475.208 Pricing of grains.

(a) *Price for primary livestock.* The sale price of feed grain approved for primary livestock shall be 90 percent of the applicable county base price. Such price for grain other than farm stored grain shall be f.o.b. purchaser's conveyance at point of delivery.

(b) *Price for secondary livestock.* The sale price of feed grain approved for secondary livestock shall be 115 percent of the applicable county base price. Such price for grain other than farm stored grain shall be f.o.b. purchaser's conveyance at point of delivery.

(c) *Base price.* (1) The county base price shall be the total of the basic support rate for loans on and purchases of the feed grain by CCC for the county in which the grain is delivered as set forth in the applicable CCC Price Support Bulletin plus: 13 cents per bushel for barley; 19 cents per bushel for corn; and 34 cents per hundredweight for grain sorghums.

(2) If no such county basic support rate for loans on and purchases of the feed grain is set forth in the Bulletin, it shall be a comparable rate as determined by DASCO. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and it is determined to be necessary to effectuate the purposes of the program, DASCO may authorize delivery of grain in a county other than the county in which the application is filed using the base price for the county in which the application is filed.

(d) *Inadvertent overdeliveries.* Inadvertent overdelivery of the properly determined total approved quantity stated in the application which is delivered to an owner from a binsite under § 1475.210(b), carrier's conveyance under § 1475.210(d), or because of an error on the part of CCC, shall be settled between the owner and CCC at the larger of the county base price, or the price charged the buyer on the delivery order or other document on which the overdelivery occurred. Overdeliveries in excess of such total approved quantity by warehouses, handlers or dealers not due to error by CCC shall be settled between them and the owner.

(Secs. 1-4, 73 Stat. 574 as amended; secs. 407, 421, 63 Stat. 1055 as amended; secs. 4, 5, 62 Stat. 1070 as amended; 7 U.S.C. 1427; 15 U.S.C. 714 b and c)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 12, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-11388; Filed, Oct. 19, 1966;
8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 22 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Collection or Compromise of Licensee's Indebtedness

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14851, and 31 F.R. 2815, 4954-4955, 9720, and 10114, by adding a new § 107.404.

Information and effective date. The present amendment adds a new § 107.404 to the SBIC Regulation, declaring that the Administrator may collect or compromise (1) all obligations assigned to or held by him pursuant to sections 302 and 303 of the Act and (2) all legal or equitable rights accruing to him in connection with such obligations.

Section 5(b) (2) of the Small Business Act authorizes the Administrator to "collect or compromise" all obligations and legal or equitable rights arising in connection with loans made by SBA under the provisions of that Act. Section 201 of the Small Business Investment Act incorporates by reference and extends to the SBIC program all of the Administrator's powers, duties, and functions under the Small Business Act. Accordingly, the Administrator may provide, by regulation, for the collection or compromise of all obligations and attendant legal or equitable rights acquired as a result of loans made by SBA pursuant to sections 302 and 303 of the Small Business Investment Act.

Notice and public rule-making procedure are unnecessary since the present amendment merely constitutes an interpretative rule which is declaratory of the Administrator's statutory authority relating to public property and loans. Furthermore, in view of the determination made by the Administration that it is in public interest that the amendment be promptly applied to the SBIC program, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended by adding a new § 107.404, which shall read as follows:

§ 107.404 Collection or compromise of licensee's indebtedness.

SBA may, in its discretion, and upon such terms and conditions and for such consideration as it shall deem reasonable,

collect or compromise all obligations assigned to or held by it under section 302 and section 303 of the Act and all legal and equitable rights accruing to it in connection with such obligations.

Dated: October 10, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11409; Filed, Oct. 19, 1966;
8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CON- DUCT AND ETHICS; AND INFORMA- TION AND REQUESTS

Subpart C—Canons of Ethics

PREAMBLE

Commission action. In order to conform its existing Canons of Ethics for Members of the Securities and Exchange Commission to the recent revision of its Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission which were adopted as Subpart M of this part, the Commission has amended its Canons of Ethics set forth in Subpart C of this part in the following respects:

I. Paragraph (b) of § 200.53 is amended by deleting all of the language following the second sentence thereof, and by making certain minor editorial changes therein.

II. Paragraph (c) of § 200.53 is amended by making certain minor editorial changes therein.

As so amended, the affected portions of § 200.53 read as follows:

§ 200.53 Preamble.

(b) It is imperative that the members of this Commission continue to conduct themselves in their official and personal relationships in a manner which commands the respect and confidence of their fellow citizens. Members of this Commission shall continue to be mindful of, and strictly abide by, the standards of personal conduct set forth in its Regulation regarding Conduct of Members and Employees and Former Members and Employees of the Commission, which is set forth in Subpart M of this Part 200, most of which has been in effect for many years, and which was originally codified in 1953.

(c) However, in addition to the continued observance of those principles of personal conduct, it is fitting and proper for the members of the Commission to restate and resubscribe to the standards of conduct applicable to its executive, legislative and judicial responsibilities.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C.

77sss; secs. 38, 211, 54 Stat. 841, 855, 15 U.S.C. 80a-37, 80b-11)

Since the foregoing amendments affecting members of the Commission relate solely to the Commission's internal management and personnel, the Commission finds that the procedures specified in section 4 of the Administrative Procedure Act are unnecessary.

Effective date. The foregoing amendments shall become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

OCTOBER 14, 1966.

[F.R. Doc. 66-11428; Filed, Oct. 19, 1966;
8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Admin- istration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SUR- VIVORS, AND DISABILITY INSUR- ANCE (1950—)

Subpart D—Special Payments at Age 72 to Certain Uninsured Individuals

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. New §§ 404.374, 404.375, 404.376, 404.377, 404.378, 404.379, and 404.380 are added to read as follows:

§ 404.374 Special payments at age 72 to certain uninsured individuals.

(a) *Requirements for entitlement.* An individual is entitled under section 228 of the Act to special payments at age 72 if such individual:

- (1) (i) Attained age 72 before 1968 (no quarters of coverage required), or
- (ii) Attained age 72 after 1967, and has not less than 3 quarters of coverage (see § 404.103), including compensation quarters of coverage as defined in § 404.1412, whenever acquired, for each calendar year elapsing after 1966 and before the year in which he attained age 72;
- (2) Has filed application for special payments under section 228, as provided in paragraphs (b) and (c) of this section; and
- (3) Is a resident of one of the 50 States or the District of Columbia and is:

- (i) A citizen of the United States; or
- (ii) An alien lawfully admitted for permanent residence who has resided in the United States (as defined in sec. 210(i) of the Act, i.e., the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa) continuously during the 5 years immediately preceding the month in which he files

application for special payments under section 228.

(b) *Applications; general.* Except as provided in paragraph (c) of this section, an application which is filed by an individual more than 3 months before the first month in which he meets the requirements of paragraph (a) of this section is not regarded as an application for purposes of entitlement to special payments under section 228. No special payments under section 228 may be made to an individual for any month before the month in which he filed application therefor.

(c) *Application for hospital insurance entitlement by uninsured individuals.* An application for hospital insurance entitlement filed by an uninsured individual before July 1966 in accordance with the provisions of § 404.371 is regarded as an application for special payments under section 228 and is deemed to have been filed in July 1966, unless the person by whom or on whose behalf such application was filed notifies the Secretary that he does not want such application so regarded.

§ 404.375 Duration of entitlement to payments under section 228.

An individual is entitled to special payments under section 228 for each month beginning with the first month after September 1966 in which he meets the requirements of § 404.374(a) and ending with the month preceding the month in which he dies.

§ 404.376 Amount of special payments under section 228.

(a) *General.* Except as provided in paragraph (b) of this section, the special payment under section 228 to which an individual is entitled for any month is \$35.

(b) *Husband and wife both entitled.* If both husband and wife are entitled (or upon application would be entitled) to special payments under section 228 for any month, the amount of the special payment to the husband for such month is \$35 and the amount of the special payment to the wife for such month is \$17.50. For purposes of this paragraph, the determination of whether an individual has the relationship of husband or wife to another individual is made in accordance with the provisions of § 404.1101 without regard to the provisions of § 404.1103 or § 404.1106.

§ 404.377 Reduction of special pay- ments under section 228 for govern- mental pension system benefits.

(a) *General.* The special payment to which an individual is entitled for any month is reduced (but not below zero) by the amount of any periodic benefit under a governmental pension system (as defined in paragraph (i) of this section) for which he is eligible for such month. The term "periodic benefit" includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.

(b) *Husband or wife entitled.* In the case of a husband and wife, if one of such individuals, but not the other, is

entitled to a special payment under section 228 for any month, the special payment, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (1) the total amount of any periodic benefits under governmental pension systems for which the entitled individual's spouse is eligible for such month, over (2) \$17.50.

(c) *Husband and wife entitled.* In the case of a husband and wife both of whom are entitled to a special payment under section 228 for any month:

(1) The special payment of the wife, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the husband is eligible for such month, over (ii) \$35, and

(2) The special payment of the husband, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the wife is eligible for such month, over (ii) \$17.50.

(d) *Determining whether individual is eligible for periodic benefits.* For purposes of this section, in determining whether an individual is eligible for periodic benefits under a governmental pension system:

(1) Such individual is deemed to have filed application for such benefits,

(2) To the extent that entitlement depends on an application by such individual's spouse, such spouse is deemed to have filed application, and

(3) To the extent that entitlement depends on such individual or his spouse having retired, such individual and his spouse are deemed to have retired before the month for which the determination of eligibility is being made.

(e) *Periodic benefit payable on basis other than calendar month.* For purposes of this section, if any periodic benefit is payable on any basis other than a calendar month, the amount of such benefit is allocated to the appropriate calendar months.

(f) *Amount payable less than \$1.* If, under this section, the amount payable for any month is less than \$1, such amount is reduced to zero. In the case of a husband and wife both of whom are entitled to a special payment under section 228 for the month, the preceding sentence is applied with respect to the aggregate amount payable. Thus, if the aggregate amount payable is less than \$1, such amount is reduced to zero. However, if the aggregate amount payable to a husband and wife is \$1 or more it is not so reduced.

(g) *Special payment not a multiple of \$0.10.* If any special payment computed under the foregoing provisions of this section is not a multiple of \$0.10, it is raised to the next higher multiple of \$0.10.

(h) *Special payments of less than \$5.* If, under this section, special payments due an individual (or aggregate pay-

ments in the case of a husband and wife) amount to less than \$5, such special payments may be accumulated until they equal or exceed \$5.

(i) *"Governmental pension system" defined.* The term "governmental pension system" means the insurance system established by title II of the Social Security Act or any other system or fund established by the United States, a State, any political subdivision of a State, or any wholly owned instrumentality of any one or more of the foregoing which provides for payment of (1) pensions, (2) retirement or retired pay, or (3) annuities or similar amounts payable on account of personal services performed by any individual (not including any payment under any workmen's compensation law or any payment by the Veterans' Administration as compensation for service-connected disability or death).

§ 404.378 Nonpayment of special payments under section 228 for months in which cash payments are made under public assistance.

(a) *General.* Except as provided in paragraph (b) of this section, no special payment under section 228 may be paid to an individual for any month if:

(1) Such individual receives aid or assistance in the form of money payments in such month under a State plan approved under title I, IV, X, XIV, or XVI of the Social Security Act (which titles relate to (i) old-age assistance and medical assistance for the aged, (ii) aid to dependent children, (iii) aid to the blind, (iv) aid to the permanently and totally disabled, and (v) aid to the aged, blind, or disabled, or for such aid and medical assistance for the aged, respectively), or

(2) Such individual's husband or wife receives such aid or assistance in such month, and under the State plan the needs of such individual were taken into account in determining eligibility for (or amount of) such aid or assistance.

(b) *State agency notification of termination of aid or assistance.* No special payment with respect to which paragraph (a) of this section applies may be paid for a month in the absence of receipt by the Social Security Administration of a notice from the State agency administering or supervising the administration of the applicable State plan that the aid or assistance referred to in such paragraph (a) has been or will be terminated with the payment or payments made in such month. To be effective for this purpose the notice shall identify the name of the individual age 72 or over on whose behalf aid or assistance was paid, his social security account number, and the last month in which the aid or assistance was or will be paid to him or on his behalf. The notice also should show the individual's date of birth or age, his current address, that the notice is being filed in compliance with section 228(d) of the Act as amended, and, where the State agency has the information, whether the individual has filed an application for social security benefits. To permit prompt

payment of the special payments under section 228, such notice should be filed as soon as it is determined that the pertinent aid or assistance will be terminated. The notice should be sent to the social security district office servicing the area in which the individual age 72 or over resides. The special payment under section 228 may be paid for the last month in which the aid or assistance was paid.

§ 404.379 Suspension where individual is residing outside the United States.

No special payment under section 228 for any month may be paid if, during such month, the individual entitled to such special payment is not a resident of one of the 50 States or the District of Columbia.

§ 404.380 When special payment treated as monthly insurance benefits.

A special payment under section 228 is treated as a monthly insurance benefit payable under section 202 of the Act for purposes of section 202(t) of the Act, relating to suspension of benefits of aliens who are outside the United States, for purposes of section 202(u) of the Act, relating to conviction of subversive activities and other offenses, and for purposes of section 1840 of the Act, relating to payment of premiums of individuals enrolled under Part B of title XVIII of the Act. However, a special payment under section 228 is not treated as a monthly insurance benefit under section 202 of the Act for purposes of entitlement to hospital insurance benefits under Part A of title XVIII of the Act (see § 404.367), for purposes of section 202(m) of the Act, relating to minimum benefits, or for purposes of section 1843(b) or section 1843(d) (3) (B) of the Act pertaining to State agreements for coverage under Part B of title XVIII of the Act of certain public assistance recipients.

2. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 205, 228, and 1102, 53 Stat. 1368, as amended, 80 Stat. 67, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 428, and 1302)

Dated: October 4, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

WILBUR J. COHEN,
Acting Secretary of Health,
Education, and Welfare.

[F.R. Doc. 66-11424; Filed, Oct. 19, 1966;
8:48 a.m.]

[Reg. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965—)

Subpart C—Exclusions, Recovery of Overpayment, and Liability of a Certifying Officer

1. Chapter III, Title 20, is amended by adding thereto Subpart C of new Part 405 to read as follows:

- Sec. 405.301 Scope of subpart.
 405.310 Types of expenses not covered.
 405.311 Nonreimbursable expenses; individual has no legal obligation to pay for items or services.
 405.312 Nonreimbursable expenses; items or services paid for by governmental entity.
 405.313 Nonreimbursable expenses; items or services not provided in United States.
 405.314 Nonreimbursable expenses; items or services required as a result of war.
 405.315 Nonreimbursable expenses; charges imposed by immediate relatives or members of beneficiaries' household.
 405.316 Nonreimbursable expenses; payment for services made under workmen's compensation law.
 405.317 Effect of workmen's compensation payment.
 405.318 Responsibility of the individual concerning workmen's compensation payments.
 405.319 Responsibility of intermediary concerning workmen's compensation payments.
 405.320 Effect of lump-sum workmen's compensation settlement.
 405.350 Individual's liability for payments made to providers and other persons for items and services furnished the individual.
 405.351 Incorrect payments for which the individual is not liable.
 405.352 Adjustment of title XVIII overpayments.
 405.353 Certification of amount that will be adjusted against individual title II or railroad retirement benefits.
 405.355 Waiver of adjustment or recovery.
 405.359 Liability of certifying or disbursing officer.

AUTHORITY: The provisions of this Subpart C issued under secs. 1102, 1842, 1862, 1870, 1871, 49 Stat. 647, as amended, 79 Stat. 309, 79 Stat. 325, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.301 Scope of subpart.

Sections 405.310 to 405.320 describe certain exclusions from coverage applicable to hospital insurance benefits (Part A of title XVIII) and supplementary medical insurance benefits (Part B of title XVIII). The exclusions in this subpart are applicable in addition to any other conditions and limitations in this Part 405 and in title XVIII of the Act. Sections 405.350 to 405.359 relate to the adjustment or recovery of an incorrect payment, or a payment made under section 1814(e) of the Health Insurance for the Aged Act.

§ 405.310 Types of expenses not covered.

Notwithstanding any other provisions of this Part 405, no payment may be made for any expenses incurred for the following items or services:

- (a) Routine physical checkups—such as examinations performed not for the purpose of treatment or diagnosis of a specific illness, symptom, complaint, or injury, or examinations required by third parties, such as insurance companies;
- (b) Eyeglasses or contact lenses for refractive error only—however, payment may be made for postsurgical eyeglasses customarily used during convalescence

from eye surgery, or prosthetic lenses for aphakic patients;

(c) Eye examinations for the purpose of prescribing, fitting, or changing eyeglasses or contact lenses for refractive error only (however, examinations in conjunction with eye diseases, such as glaucoma or cataracts, are covered);

(d) Hearing aids or examinations for the purpose of prescribing, fitting, or changing hearing aids;

(e) Immunizations—no payment is made for vaccinations or inoculations unless directly related to the treatment of an injury or direct exposure such as antirabies treatment, tetanus antitoxin or booster vaccine, botulin antitoxin, antivenom sera, or immune globulin;

(f) Orthopedic shoes or other supportive devices for the feet—except when shoes are integral parts of leg braces;

(g) Custodial care;

(h) Cosmetic surgery, or in connection therewith, except as required for the prompt repair of accidental injury or for the improvement of the functioning of a malformed body member;

(i) Routine dental services in connection with the care, treatment, filling, removal, or replacement of teeth, or structures directly supporting the teeth;

(j) Personal comfort items and services (for example, a television set, or telephone service, etc.);

(k) Which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (thus, payment could not be made for the rental of a special hospital bed to be used by an individual in his home if it was not a reasonable and necessary part of the individual's treatment).

§ 405.311 Nonreimbursable expenses; individual has no legal obligation to pay for items or services.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services for which the individual who is furnished such items or services has no legal obligation to pay, and which no other person (by reason of the individual's membership in a prepayment plan or otherwise) has a legal obligation to provide or pay for. For example, no payment may be made for items or services, such as a chest X-ray, that are rendered free of charge by health organizations without regard for the individual's ability to pay. This exclusion does not prevent payment for items or services furnished by a group health prepayment plan to a member of the plan. Neither does it apply to items or services paid for by a governmental entity (with respect to such items or services, see § 405.312).

§ 405.312 Nonreimbursable expenses; items or services paid for by governmental entity.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services that are paid for directly or indirectly by a governmental entity, except:

(a) Payment may be made for items or services furnished under a health in-

surance plan established for employees of the governmental entity.

(b) Payment may be made for items or services furnished an individual under a program based on one of the titles of the Social Security Act.

(c) Payment may be made for items and services furnished an individual in or by a participating hospital operated by a State or local governmental entity, where such hospital is a general or special hospital serving the general community, including a mental or tuberculosis hospital or a hospital for treatment of infectious disease.

(d) Payment may be made for items and services paid for by a State or local governmental entity and furnished an individual as a means of controlling infectious diseases or because of the individual's medical indigency, whether or not such services are furnished in a hospital.

(e) Payment may be made to a participating Federal hospital for items and services which it furnishes to the general public as a community institution or agency, but not for any items or services which it is required to furnish at public expense under a law of, or contract with, the United States.

(f) Payment may be made in other cases as specified by the Secretary under authority of section 1862(a)(3) of the Act.

§ 405.313 Nonreimbursable expenses; items or services not provided in United States.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services which are not provided within the United States (that is, the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa), except for emergency inpatient hospital services furnished in accordance with the provisions of section 1814(f) of the Act.

§ 405.314 Nonreimbursable expenses; items or services required as a result of war.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services which are required as a result of war, or of an act of war, occurring after the effective date of such individual's current coverage for hospital insurance benefits or supplementary medical insurance benefits.

§ 405.315 Nonreimbursable expenses; charges imposed by immediate relatives or members of beneficiaries' household.

Payment may not be made under title XVIII of the Act for expenses which constitute charges imposed by immediate relatives of the individual or members of his household.

(a) The term "immediate relatives" means spouse, father, mother, son, daughter, brother, or sister—by blood, marriage or adoption.

(b) The term "members of his household" means those persons sharing a common abode as part of a single family unit, including those related by blood,

marriage, or adoption as well as domestic employees and others who live together as part of this family unit, but not including a mere roomer or boarder.

(c) The exclusion refers to the person imposing the charges, who might not be the person rendering the services. For example, where the charges are imposed by a:

(1) Physician or other practitioner in practice by himself, the exclusion would apply if the physician or other practitioner has the excluded relationship to the beneficiary.

(2) Partnership, the exclusion would apply only if all of the partners have the excluded relationship to the beneficiary.

(3) Corporation, the exclusion would not apply, regardless of the beneficiary's relationship to the directors, officers, stockholders of the corporation, or person rendering the services.

(4) Individual proprietorship, the exclusion applies if the individual who owns and operates the business has the excluded relationship to the beneficiary.

§ 405.316 Nonreimbursable expenses; payment for services made under workmen's compensation law.

(a) Payment may not be made under title XVIII of the Act with respect to any item or service to the extent that payment has been made, or can reasonably be expected to be made, under a workmen's compensation law or plan of the United States or a State.

(b) Any payment under title XVIII of the Act with respect to any item or service shall be made on the condition that repayment will be made to the appropriate fund if information is received that a workmen's compensation payment for the item or service has been made.

(c) For purposes of this exclusion, a workmen's compensation plan or system of the United States includes the workmen's compensation plans of the 50 States, the District of Columbia, and Puerto Rico, as well as the systems provided under the Federal Employees' Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act.

§ 405.317 Effect of workmen's compensation payment.

(a) *Spell of illness.* Even though inpatient hospital or extended care services received by an individual are (or are expected to be) completely paid for under a workmen's compensation plan, rather than under title XVIII because of the provisions described in § 405.316(a), the services will be considered in determining whether a spell of illness (see sec. 1861 (a) of the Act) has started.

(b) *Expenses paid in full by workmen's compensation.* Where an injury or illness is covered under a workmen's compensation plan that pays all hospital and medical expenses, the services so paid for in full are not counted towards:

(1) The 90-day limitation on inpatient hospital services in each spell of illness (see § 405.110(c)).

(2) The 100-day limitation on post-hospital extended care services in each spell of illness (see § 405.120(b)).

(3) The 190-day lifetime limitation for inpatient psychiatric hospital services (see § 405.110(d)).

(4) The 100 home health visits limitation under Part A or Part B of title XVIII (see § 405.130).

(5) Determining the first day for which payment for inpatient hospital or extended care services is reduced by the applicable coinsurance amount (see §§ 405.115 and 405.124).

(c) *Limited workmen's compensation payments.* Certain workmen's compensation plans specify limits on the number of days of hospitalization for which payment may be made or the total amount that can be paid under workmen's compensation. Services provided after these limits have been exhausted may be paid for under title XVIII, but the days of service or home health visits so paid for under title XVIII are included in applying the respective limitations under title XVIII.

(d) *Deductibles and coinsurance.* Payments made under workmen's compensation cannot be counted toward the deductibles or coinsurance provisions of title XVIII. Thus, if an individual is hospitalized twice in the same spell of illness and the first hospitalization is completely paid for under workmen's compensation, the inpatient hospital deductible would apply to the second hospitalization. In the same way, medical expenses otherwise reimbursable under Part B must first be reduced by any workmen's compensation payment before applying the deductible and coinsurance provisions.

§ 405.318 Responsibility of the individual concerning workmen's compensation payments.

The individual is responsible for taking whatever action is necessary to obtain payment under workmen's compensation where payment under that system can reasonably be expected. Failure to take proper and timely action under such circumstances will preclude payment under title XVIII to the extent that payment could have been made under workmen's compensation if such action had been taken. Thus, so long as the facts indicate a reasonable expectation that payment may be made under a workmen's compensation statute, the individual must exhaust his administrative remedies under that system before any payment may be made under title XVIII. Where the time limit for taking action under workmen's compensation has expired and the intermediary determines payment could reasonably have been expected if timely action had been taken, payment under title XVIII will be denied to the extent that payment could have been made under workmen's compensation.

§ 405.319 Responsibility of intermediary concerning workmen's compensation payments.

Since title XVIII payments are precluded not only where payments have

been made under workmen's compensation but also where they can reasonably be expected to be made, it is the responsibility of the intermediary to determine that neither of these conditions apply before making payment where there is possible workmen's compensation involvement. Where the intermediary has information that a claim may be work related (either directly or from the nature of the injury or illness), and where the injury is of a type compensable under pertinent State or Federal law, the intermediary will immediately ascertain whether a workmen's compensation claim has been filed. Where such a claim has been filed, the claimant will be notified that no payment can be made under title XVIII until a determination as to liability under workmen's compensation is made.

§ 405.320 Effect of lump-sum workmen's compensation settlement.

Where a lump sum is awarded as payment of a workmen's compensation claim, payment for hospital and medical expenses may or may not be included in such a settlement. It is not necessary, however, to examine the settlement to determine what items or services for which payment has been made. Since in these cases an award has in fact been made, no payment may be made under title XVIII for items and services for which payment could have reasonably been expected to be made. Thus, in those States where there is no limitation on payment for hospital and medical expenses, no payment may be made for such services.

§ 405.350 Individual's liability for payments made to providers and other persons for items and services furnished the individual.

Any payment made under title XVIII of the Act to any provider of services or other person with respect to any item or service furnished an individual shall be regarded as a payment to the individual, and adjustment shall be made pursuant to § 405.352, where:

(a) More than the correct amount is paid to a provider of services or other person and the Secretary determines, that within a reasonable period of time, the excess over the correct amount cannot be recouped from the provider of services or other person, or

(b) A payment has been made under the provisions described in section 1814 (e) of the Act, to a provider of services or other person for items and services furnished the individual.

§ 405.351 Incorrect payments for which the individual is not liable.

Where an incorrect payment has been made to a provider of services or other person, the individual is liable only to the extent that he has benefited from such payment.

§ 405.352 Adjustment of title XVIII overpayments.

Where an individual is liable for an overpayment (as described in § 405.350 (a)) or a payment (as described in § 405.-

350(b)) adjustment is made (to the extent of such liability) by:

(a) Decreasing any payment under title II of the Act, or under the Railroad Retirement Act of 1937, to which the individual is entitled; or

(b) In the event of the individual's death before adjustment is completed, by decreasing any payment under title II of the Act, or under the Railroad Retirement Act of 1937 payable to the estate of the individual or to any other person, that are based on the individual's earnings record (or compensation).

§ 405.353 Certification of amount that will be adjusted against individual title II or railroad retirement benefits.

As soon as practicable after any adjustment is determined to be necessary, the Secretary, for purposes of this subpart, shall certify the amount of the overpayment or payment (see § 405.350) with respect to which the adjustment is to be made. If the adjustment is to be made by decreasing subsequent payments under the Railroad Retirement Act of 1937, such certification shall be made to the Railroad Retirement Board.

§ 405.355 Waiver of adjustment or recovery.

The provisions of § 405.352, may not be applied and there may be no adjustment or recovery of an overpayment (§ 405.350 (a)) or payment (§ 405.350(b)) in any case where the overpayment has been made with respect to an individual who is without fault, and where such adjustment or recovery would defeat the purpose of title II of the Act, or of the Railroad Retirement Act of 1937, or would be against equity and good conscience.

§ 405.359 Liability of certifying or disbursing officer.

No certifying or disbursing officer shall be held liable for any amount certified or paid by him to any provider of services or other person:

(a) Where the adjustment or recovery of such amount is waived (see § 405.355); or

(b) Where adjustment (see § 405.352) or recovery is not completed prior to the death of all persons against whose benefits such adjustment is authorized.

2. Effective date. The addition of Subpart C to Part 405 of Chapter III, Title 20, shall become effective on the date of publication in the **FEDERAL REGISTER**.

Dated: October 4, 1966.

[SEAL] **ROBERT M. BALL,**
Commissioner of Social Security.

Approved: October 11, 1966.

WILBUR J. COHEN,
*Acting Secretary of Health,
Education, and Welfare.*

[F.R. Doc. 66-11423; Filed, Oct. 19, 1966;
8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Oral Prenatal Drugs Containing Fluorides for Human Use

A number of vitamin-mineral preparations containing fluorides for prenatal use and intended or represented to be beneficial to tooth development in the fetus or in the prevention of dental caries in the offspring have appeared on the market in the last few years. These preparations and any other fluoride-containing drugs offered for the same uses are not generally recognized as effective for these purposes by experts qualified by scientific training and experience to evaluate the effectiveness of drugs.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 505, 701(a), 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), Part 3 is amended by adding thereto a new statement of policy, as follows:

§ 3.53 Oral prenatal drugs containing fluorides intended for human use.

(a) The Food and Drug Administration finds that there is neither substantial evidence of effectiveness nor a general recognition by qualified experts that prenatal drug preparations containing fluorides are beneficial to tooth development in the fetus or in the prevention of dental caries in the offspring.

(b) Any such drug preparation that is so labeled, represented, or advertised will be regarded as misbranded and subject to regulatory proceedings unless such recommendations are covered by a new-drug application, including substantial evidence of effectiveness, approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug," Form FD-1571 set forth in § 130.3 of this chapter, must be submitted to cover clinical investigations to obtain evidence that such preparations are effective for such uses.

(d) Regulatory proceedings may be initiated with respect to drug preparations labeled contrary to the provisions of this statement and shipped within the jurisdiction of the act after 60 days from the date of publication of this statement in the **FEDERAL REGISTER**.

(Secs. 502 (a), (f), 505, 701(a); 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a))

Dated: October 12, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11422; Filed, Oct. 19, 1966;
8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Departmental Reg. 108.541]

REVISION OF SUBCHAPTER

By the authority of Executive Order 11295 and Presidential Proclamation 3004 I hereby revoke the present regulations appearing as Part 50, Nationality Procedures under the Immigration and Nationality Act; Part 51, Passports; Part 52, Births and Marriages; and Part 53, Travel Control of Citizens and Nationals in Time of War or National Emergency. I prescribe the following regulations on these subjects:

PART 50—NATIONALITY PROCEDURES

Sec.

50.1 Definitions.

Subpart A—Procedures for Determination of United States Nationality of a Person Abroad

50.2 Determination of U.S. nationality of persons abroad.

50.3 Application for registration.

50.4 Application for passport.

50.5 Application for registration of birth abroad.

50.6 Registration at the Department of birth abroad.

50.7 Report of birth.

50.8 Certification of birth.

50.9 Certificate of identity and registration.

50.10 Certificate of nationality.

50.11 Certificate of identity for travel to the United States to apply for admission.

Subpart B—Retention and Resumption of Nationality

50.20 Retention of nationality.

50.30 Resumption of nationality.

Subpart C—Loss of Nationality

50.40 Revocation of naturalization under section 340(d).

50.41 Certification of loss of United States nationality.

50.42 Determination of loss of nationality abroad in connection with application for passport in the United States.

50.50 Renunciation of nationality.

50.51 Certification of expatriation.

Subpart D—Board of Review on Loss of Nationality

50.60 Appeal by nationality claimant.

50.61 Organization of the Board of Review on Loss of Nationality.

50.62 Chairman.

50.63 Functions of the Board.

50.64 Scope of review on appeal.

Sec.	
50.65	Appearance before the Board.
50.66	Hearing before the Board.
50.67	Admissibility of evidence.
50.68	Privacy of hearings.
50.69	Transcript of hearing.
50.70	Record of the proceedings.
50.71	Decision of the Board.
50.72	Notification of appellant.

AUTHORITY: The provisions of this Part 50 issued under sec. 4, 63 Stat. 111 as amended, secs. 104, 360, 66 Stat. 174, 273; 5 U.S.C. 151c, 8 U.S.C. 1104, 1503.

§ 50.1 Definitions.

The following definitions shall be applicable to this part:

(a) "United States" means the continental United States, the State of Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Canal Zone, American Samoa, Guam and any other islands or territory over which the United States exercises jurisdiction.

(b) "Department" means the Department of State of the United States of America.

(c) "Secretary" means the Secretary of State.

(d) "National" means a citizen of the United States or a noncitizen owing permanent allegiance to the United States.

(e) "Passport" means a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.

(f) "Passport Agent" means a person designated by the Department to accept passport applications and to administer oaths in connection therewith.

Subpart A—Procedures for Determination of United States Nationality of a Person Abroad

§ 50.2 Determination of U.S. nationality of persons abroad.

The Department shall determine claims to United States nationality when made by persons abroad on the basis of an application for registration, for a passport, or for registration of birth.

§ 50.3 Application for registration.

(a) A person abroad who claims U.S. nationality, or a representative on his behalf, may apply at a consular post for registration to establish his claim to U.S. nationality or to make his residence in the particular consular area a matter of record.

(b) The applicant shall execute the registration form prescribed by the Department and shall submit the supporting evidence required by Subpart C of Part 51 of this chapter. The diplomatic or consular officer shall determine the period of time for which the registration will be valid.

§ 50.4 Application for passport.

A claim to U.S. nationality in connection with an application for passport shall be determined by posts abroad in accordance with the regulations contained in Part 51 of this chapter.

§ 50.5 Application for registration of birth abroad.

Upon application by the parents or their representative, a consular officer may record the birth of a U.S. citizen child in his consular district. The officer shall require the applicant to submit evidence meeting the requirements of Subpart C of Part 51 of this chapter and shall include:

(a) *Proof of child's birth.* Proof of child's birth usually consists of, but is not limited to, an authentic copy of the record of the birth filed with local authorities, a baptismal certificate, a military hospital certificate of birth, or an affidavit of the doctor or the person attending the birth. If no proof of birth is available, the person seeking to register the birth shall submit his affidavit explaining why such proof is not available and setting forth the facts relating to the birth.

(b) *Proof of child's citizenship.* Evidence of parent's citizenship and, if pertinent, evidence of parent's physical presence in the United States as required for transmittal of claim of citizenship by the Immigration and Nationality Act of 1952 shall be submitted.

§ 50.6 Registration at the Department of birth abroad.

In the time of war or national emergency, passport agents may be designated to complete consular reports of birth for children born at military facilities which are not under the jurisdiction of a consular office. An officer of the Armed Forces having authority to administer oaths may take applications for registration under this section.

§ 50.7 Report of birth.

(a) Upon submission of satisfactory proof of birth and nationality, and at the time of the recording of the birth, the consular officer shall issue to the parent or person in interest, when requested and upon payment of the prescribed fee, a consular report of birth. The Authentication Officer of the Department may issue additional copies of the report of birth.

(b) When it records a birth under § 50.6, the Department shall furnish a copy of the "Report of Birth" without fee to the parent or person in interest.

§ 50.8 Certification of birth.

(a) At the time of registration of birth, the consular officer shall furnish without fee to the parent or person in interest a certificate entitled "Certification of Birth."

(b) At any time subsequent to the registration of birth, when requested and upon payment of the required fee, the Authentication Officer of the Department of State shall issue to the parent or person in interest a "Certification of Birth."

§ 50.9 Certificate of identity and registration.

When authorized by the Department, a consular officer may issue a certificate of identity and registration for travel

to the United States to a national of the United States being deported from a foreign country, to nationals involved in a common disaster abroad, or to a returning national whose passport facilities have been denied or withdrawn under the provisions of this Part 50 or Part 51 or 53 of this chapter.

§ 50.10 Certificate of nationality.

(a) Any person who acquired the nationality of the United States at birth and who is involved in any judicial or administrative proceedings in a foreign state and needs to establish his U.S. nationality may apply for a certificate of nationality in the form prescribed by the Department.

(b) An applicant for a certificate of nationality must submit evidence of his nationality and documentary evidence establishing that he is involved in judicial or administrative proceedings in which proof of his U.S. nationality is required.

§ 50.11 Certificate of identity for travel to the United States to apply for admission.

(a) A person applying abroad for a certificate of identity under section 360 (b) of the Immigration and Nationality Act shall complete the application form prescribed by the Department and submit evidence to support his claim to U.S. nationality. The applicant shall sign the application and swear to or affirm the statements made therein before a diplomatic or consular officer.

(b) When a diplomatic or consular officer denies an application for a certificate of identity under this section, the applicant may submit a written appeal to the Secretary, stating the pertinent facts, the grounds upon which U.S. nationality is claimed and his reasons for considering that the denial was not justified. If the applicant includes in his appeal information not set forth in the original application, he shall swear to or affirm the appeal before a diplomatic or consular officer.

Subpart B—Retention and Resumption of Nationality

§ 50.20 Retention of nationality.

(a) *Section 350 of the Immigration and Nationality Act.* A person who desires to retain his U.S. nationality under the provisions of section 350 of the Immigration and Nationality Act may satisfy the requirement of section 350(1) by taking an oath of allegiance, within the time period specified in the statute, in connection with an application for a passport or for registration as a United States national.

(b) *Section 351(b) of the Immigration and Nationality Act.* (1) A person who desires to claim U.S. nationality under the provisions of section 351(b) of the Immigration and Nationality Act must, within the time period specified in the statute, assert his claim to U.S. nationality and subscribe to an oath of allegiance before a diplomatic or consular officer.

(2) In addition, the person shall submit to the Department a statement reciting his identity and acquisition or derivation of U.S. nationality, the facts pertaining to the performance of any act which would otherwise have been expatriative, and his desire to retain his U.S. nationality.

§ 50.30 Resumption of nationality.

(a) *Section 324(c) of the Immigration and Nationality Act.* (1) A woman formerly a citizen of the United States at birth who wishes to regain her citizenship under section 324(c) of the Immigration and Nationality Act may apply abroad to a diplomatic or consular officer on the form prescribed by the Department to take the oath of allegiance prescribed by section 337 of that Act.

(2) The applicant shall submit documentary evidence to establish her eligibility to take the oath of allegiance. If the diplomatic or consular officer or the Department determines, when the application is submitted to the Department for decision, that the applicant is ineligible for resumption of citizenship because of section 313 of the Immigration and Nationality Act, the oath shall not be administered.

(b) *The Act of June 25, 1936.* (1) A woman who has been restored to citizenship by the Act of June 25, 1936, as amended by the Act of July 2, 1940, but who failed to take the oath of allegiance prior to December 24, 1952, as prescribed by the nationality laws, may apply abroad to any diplomatic or consular officer to take the oath of allegiance as prescribed by section 337 of the Immigration and Nationality Act.

(2) The applicant shall submit documentary evidence to establish her eligibility to take the oath of allegiance. If the diplomatic or consular officer or the Department determines, when the application is submitted to the Department, that the applicant is ineligible for resumption of citizenship under section 313 of the Immigration and Nationality Act, the oath shall not be administered.

(c) *Certification of repatriation.* Upon request and payment of the prescribed fee, a diplomatic or consular officer or the Department shall issue a certified copy of the application and oath administered to a woman repatriated under this section.

Subpart C—Loss of Nationality

§ 50.40 Revocation of naturalization under section 340(d).

(a) Whenever a diplomatic or consular officer determines that an individual, within 5 years of the date upon which he was naturalized, has established permanent residence abroad, and has failed to overcome the presumption set forth in section 340(d) of the Immigration and Nationality Act, the officer shall prepare and forward to the Department an affidavit setting forth his findings. Before forwarding the affidavit to the Department, the diplomatic or consular officer shall give written notice to the person affected of his contemplated action and afford the person a reasonable

opportunity to present countervailing evidence.

(b) If the Department agrees that the provisions of section 340(d) of the Immigration and Nationality Act are applicable, it shall forward an authenticated copy of the consular officer's affidavit, and other relevant evidence to the Department of Justice for appropriate action.

§ 50.41 Certification of loss of U.S. nationality.

(a) Whenever a diplomatic or consular officer has reason to believe that a person, while in a foreign country, has lost his U.S. nationality under any provision of Chapter 3 of Title III of the Immigration and Nationality Act of 1952, or under any provision of Chapter IV of the Nationality Act of 1940, as amended, he shall prepare a certificate of loss of nationality containing the facts upon which such belief is based and shall forward the certificate to the Department.

(b) If the diplomatic or consular officer determines that any document containing information relevant to the statements in the certificate of loss of nationality should not be attached to the certificate, he may summarize the pertinent information in the appropriate section of the certificate and send the documents together with the certificate to the Department.

(c) Whenever a person admits that he has expatriated himself by the voluntary performance of one of the acts or fulfillment of one of the conditions specified in Chapter 3, Title III of the Immigration and Nationality Act of 1952 or section 401 of the Nationality Act of 1940, and consents to the execution of an affidavit to that effect, the diplomatic or consular officer shall recite in or attach to the certificate the person's affidavit.

(d) If the certificate of loss of nationality is approved by the Department, a copy shall be forwarded to the Immigration and Naturalization Service, Department of Justice. The diplomatic or consular office in which the certificate was prepared shall then forward a copy of the certificate to the person to whom it relates or his representative.

§ 50.42 Determination of loss of nationality abroad in connection with application for passport in the United States.

The Department shall determine that a person in the United States has lost his U.S. citizenship while abroad only in connection with an application for a passport.

§ 50.50 Renunciation of nationality.

(a) A person desiring to renounce his U.S. nationality under section 349(a) (6) of the Immigration and Nationality Act shall appear before a diplomatic or consular officer of the United States and take an oath of renunciation of nationality of the United States in the manner and form prescribed by the Department. The renunciant must include on the form he signs a statement that he absolutely and entirely renounces his U.S. nationality together with all rights and privi-

leges and all duties of allegiance and fidelity thereunto pertaining.

(b) The diplomatic or consular officer shall forward to the Department for approval the oath of renunciation together with a certificate of loss of nationality as provided by section 358 of the Immigration and Nationality Act. If the officer's report is approved by the Department, copies of the certificate shall be forwarded to the Immigration and Naturalization Service, Department of Justice, and to the person to whom it relates or his representative.

§ 50.51 Certification of expatriation.

The procedures under this part shall also apply to the preparation, approval or disapproval of certificates of expatriation. Where loss of nationality occurs under provisions of law other than those specified in section 358 of the Immigration and Nationality Act of 1952, the diplomatic or consular officer shall prepare a certificate of expatriation instead of a certificate of loss of nationality.

Subpart D—Board of Review on Loss of Nationality

§ 50.60 Appeal by nationality claimant.

A person who contends that the Department's administrative holding of loss of nationality or expatriation in his case is contrary to law or fact shall be entitled, upon written request made within a reasonable time after receipt of notice of such holding, to appeal to the Board of Review on Loss of Nationality.

§ 50.61 Organization of the Board of Review on Loss of Nationality.

The Board of Review on Loss of Nationality shall consist of three officers of the Department designated as members by the Secretary of State. The Secretary may also designate alternate members and a legal assistant to the Board. Each member or alternate shall be an attorney experienced in the law of nationality and citizenship of the United States.

§ 50.62 Chairman.

One of the members of the Board shall be designated by the Secretary as Chairman. The Chairman or his designee shall preside at all hearings of the Board and shall be empowered in all respects to regulate the conduct of the hearing and to pass on all issues relating thereto. The Chairman or his designee shall be empowered to administer oaths and affirmations.

§ 50.63 Functions of the Board.

The Board shall consider all appeals under § 50.60 and shall take any action it considers necessary and proper to the disposition of the cases appealed to it. The Board may adopt and make public rules of procedure approved by the Secretary.

§ 50.64 Scope of review on appeal.

The Board shall receive evidence and, if there is a hearing, hear argument on the facts and the law applicable to the case under consideration. The Board

shall not consider argument challenging the constitutionality of any law.

§ 50.65 Appearance before the Board.

Any party to any proceeding before the Board may appear in person or by or with his attorney or any other representative who has his written authority to represent him.

§ 50.66 Hearing before the Board.

The appellant shall be entitled, at his or his representative's request, to a hearing before the Board. The appellant may appear and testify in his own behalf and may present witnesses and offer evidence. The Passport Office may also present witnesses and offer other evidence and make argument. The appellant and witnesses may be examined by any member of the Board and by the representative of the Passport Office. If any witness whom the appellant or the Passport Office wishes to call is unable to appear personally, the Board may, in its discretion, accept an affidavit by the witness or order evidence to be taken by deposition. The appellant shall be entitled to be informed of all evidence before the Board and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness. The Board may request a stipulation of facts prior to or at the beginning of the hearing and may request supplemental statements on issues presented to it or confirmation, verification, or authentication of any evidence submitted by or on behalf of the appellant.

§ 50.67 Admissibility of evidence.

The appellant and the Passport Office may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy, competency and materiality of evidence presented.

§ 50.68 Privacy of hearings.

Hearings shall be private. There shall be present at the hearing only the appellant, his counsel or representative, the members of the Board, official stenographers, Department employees, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the Board.

§ 50.69 Transcript of hearing.

A complete verbatim transcript shall be made of the hearing, if any, by a qualified reporter. Upon request, the appellant or his counsel shall have the right to inspect the complete transcript and to purchase a copy thereof.

§ 50.70 Record of the proceedings.

The record of the hearing shall consist of the stipulation of facts, if any, the evidence admitted, the transcript of hearing and the appellant's file. If a hearing is not held, the record shall consist of the appellant's written petition, supporting evidence, and the appellant's file. All decisions of the Board shall be made on the basis of the record.

§ 50.71 Decision of the Board.

The decision shall be by majority vote, in writing, and shall set out with particularity the finding of fact and conclusions of law on which it is based.

§ 50.72 Notification of appellant.

The Board's decision shall be promptly communicated in writing to the appellant.

PART 51—PASSPORTS

Sec.

51.1 Definitions.

Subpart A—General

- 51.2 Passports issued to nationals only.
- 51.3 Types of passports.
- 51.4 Validity of passports.
- 51.5 Persons who may be included in one passport.
- 51.6 Mutilation and alteration of passports.
- 51.7 Verification of passports.
- 51.8 Cancellation of previously issued passport.
- 51.9 Passport property of the U.S. Government.

Subpart B—Application

- 51.20 General.
- 51.21 Execution of passport application.
- 51.22 Execution of passport form by person over 18 years of age to be included in passport.
- 51.23 Names of applicant and persons to be included.
- 51.24 Change of name.
- 51.25 Photographs.
- 51.26 Incompetents.
- 51.27 Minors.
- 51.28 Identity of applicant.
- 51.30 Persons unacceptable as witnesses.
- 51.31 Affidavit of identifying witness.
- 51.32 Amendment of passports.
- 51.33 Release of passport information.

Subpart C—Evidence of United States Citizenship or Nationality

- 51.40 Burden of proof.
- 51.41 Documentary evidence.
- 51.42 Previously issued passport.
- 51.43 Persons born in the United States.
- 51.44 Persons born abroad.

MARRIED WOMEN

- 51.45 Marriage to an alien prior to March 2, 1907.
- 51.46 Marriage to an alien between March 2, 1907, and September 22, 1922.
- 51.47 Marriage prior to September 22, 1922 to an alien who acquired U.S. citizenship by naturalization prior to September 22, 1922.
- 51.48 Marriage between September 22, 1922 and March 3, 1931 to an alien ineligible to citizenship.
- 51.49 Marriage on or after September 22, 1922 to an alien eligible to naturalization.
- 51.50 Alien born woman—marriage to citizen prior to September 22, 1922.

CITIZENSHIP BY ACT OF CONGRESS OR TREATY

- 51.51 Former nationals of Spain or Denmark.
- 51.52 Citizenship by birth in territory under sovereignty of the United States.
- 51.53 Proof of resumption of U.S. citizenship.
- 51.54 Requirement of additional evidence of U.S. citizenship.
- 51.55 Return or retention of evidence of citizenship.

Subpart D—Fees

- Sec.
- 51.60 Form of remittance.
- 51.61 Statutory fees.
- 51.62 Regulatory fees.
- 51.63 Exemption from payment of passport or renewal fee.
- 51.64 Refunds.
- 51.65 Replacement passports.
- 51.66 Execution fee not refundable.

Subpart E—Limitation on Issuance, Renewal or Extension of Passports

- 51.70 Denial of passports.
- 51.71 Revocation or restriction of passports.
- 51.72 Passports invalid for travel to restricted areas.
- 51.73 Special validation of passport for travel to restricted areas.
- 51.74 Violation of geographical limitations.
- 51.75 Notification of denial or withdrawal of passport.
- 51.76 Surrender of passport.

Subpart F—Procedures for Review of Adverse Action

- 51.80 Applicability of §§ 51.81–51.105.
- 51.81 Time limits on hearing to review adverse action.
- 51.82 Notice of hearing.
- 51.83 Functions of the hearing officer.
- 51.84 Appearance at hearing.
- 51.85 Proceedings before the hearing officer.
- 51.86 Admissibility of evidence.
- 51.87 Privacy of hearing.
- 51.88 Transcript of hearing.
- 51.89 Decision of Administrator of the Bureau of Security and Consular Affairs.
- 51.90 Time limit on appeal to Board of Passport Appeals.
- 51.91 Organization of Board of Passport Appeals.
- 51.92 Chairman.
- 51.93 Legal Assistant to the Board.
- 51.94 Functions of the Board.
- 51.95 Scope of review on appeal.
- 51.96 Notice of hearing on appeal.
- 51.97 Appearance at hearing on appeal.
- 51.98 Appellant's attorney.
- 51.99 Proceedings before the Board.
- 51.100 Admissibility of evidence on appeal.
- 51.101 Privacy of hearing.
- 51.102 Transcript of hearing.
- 51.103 Decision of the Board.
- 51.104 Finality of decision.
- 51.105 Notification of appellant.

AUTHORITY: The provisions of this Part 51 issued under sec 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 5 U.S.C. 151c. E.O. 11295, 31 F.R. 10603.

§ 51.1 Definitions.

The following definitions shall be applicable to this part:

(a) "United States" means the continental United States, the State of Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Canal Zone, American Samoa, Guam and any other islands or territory over which the United States exercises jurisdiction.

(b) "Department" means the Department of State of the United States of America.

(c) "Secretary" means the Secretary of State.

(d) "National" means a citizen of the United States or a noncitizen owing permanent allegiance to the United States.

(e) "Passport" means a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.

(f) "Passport Agent" means a person designated by the Department to accept passport applications and to administer oaths in connection therewith.

(g) "Passport Issuing Office" means the Passport Office, a Passport Agency, a Passport Agent of the Department, or a Foreign Service Post authorized to issue passports.

Subpart A—General

§ 51.2 Passports issued to nationals only.

(a) A United States passport shall be issued only to a national of the United States and can include therein only nationals of the United States (22 U.S.C. 212).

(b) Unless authorized by the Department, no person shall bear or be included in more than one valid or potentially valid U.S. passport at any one time.

§ 51.3 Types of passports.

(a) *Regular passport.* A regular passport is issued to a national of the United States proceeding abroad for personal or business reasons.

(b) *Official passport.* An official passport is issued to an official or employee of the U.S. Government proceeding abroad in the discharge of official duties. Where appropriate, dependents of such persons may be issued official passports.

(c) *Diplomatic passport.* A diplomatic passport is issued to a Foreign Service Officer, a person in the diplomatic service or to a person having diplomatic status either because of the nature of his foreign mission or by reason of the office he holds. Where appropriate, dependents of such persons may be issued diplomatic passports.

§ 51.4 Validity of passports.

(a) *Signature of bearer.* A passport is valid only when signed by the bearer in the space designated for his signature.

(b) *Period of validity of a regular passport.* A regular passport is normally valid for a period of 3 years and may be renewed for an additional period of 2 years. The validity of a regular passport cannot in any event extend more than 5 years from the original date of issue.

(c) *Period of validity of an official passport.* An official passport is normally valid for a period of 3 years and may be renewed for an additional period of 2 years so long as the bearer maintains his official status. In no event is it valid for more than 5 years. It must be returned to the Department upon termination of the bearer's official status.

(d) *Period of validity of a diplomatic passport.* A diplomatic passport is valid so long as the bearer maintains his diplomatic status and must be returned to the Department upon the termination of such status or at such other time as the Secretary shall determine.

(e) *Limitation and extension of validity.* The original or renewal period of a passport may be limited, when necessary, to less than the normal period of validity. A person requiring the extension of a passport so limited, shall apply in writing to a passport issuing office

which may extend the passport to the normal period of validity.

§ 51.5 Persons who may be included in one passport.

The following persons may be included in one passport:

(a) The spouse of the bearer.
(b) Unmarried minor children of the bearer including stepchildren and adopted children.

(c) Unmarried minor brothers or sisters of the bearer.

§ 51.6 Mutilation and alteration of passports.

Any passport which has been materially changed in physical appearance or composition, or which includes unauthorized changes, obliterations, entries or photographs may be invalidated.

§ 51.7 Verification of passports.

When required by the officials of a foreign government, an American Foreign Service office may verify a U.S. passport at the request of the bearer or of the foreign government.

§ 51.8 Cancellation of previously issued passport.

(a) Upon applying for a new passport, an applicant shall submit for cancellation any previous passport still valid or potentially valid.

(b) If an applicant is unable to produce such a passport for cancellation, he shall submit a statement under oath setting forth the circumstances surrounding the disposition of the passport and if it is claimed to have been lost, the efforts made to recover it. A determination will then be made whether to issue a new passport and whether such passport shall be limited as to place and periods of validity.

§ 51.9 Passport property of the U.S. Government.

A passport shall at all times remain the property of the United States and shall be returned to the Government upon demand.

Subpart B—Application

§ 51.20 General.

An application for a passport or for the renewal or amendment of a passport shall be made on forms prescribed by the Department. The applicant shall truthfully answer every question and recite each and every matter of fact called for by the application. All information and evidence submitted in connection with an application shall be considered a part thereof. For the purposes of this section a written request for renewal, amendment or extension is considered an application.

§ 51.21 Execution of passport application.

Upon execution of a passport application, the applicant shall take an oath of allegiance and shall swear to or affirm the truthfulness of the statements in the application before one of the following persons:

(a) A duly authorized passport agent of the Department.

(b) A clerk of a Federal Court or of a State Court authorized to naturalize aliens.

(c) A diplomatic or consular officer stationed abroad.

(d) Any other person designated by the Secretary.

§ 51.22 Execution of passport form by person over 18 years of age to be included in passport.

A person over 18 years of age to be included in a passport shall take the oath of allegiance, and shall swear to or affirm the facts pertaining to his identity and citizenship.

§ 51.23 Names of applicant and persons to be included.

The passport application shall contain the full name of the applicant and of any person to be included in the passport. The applicant shall explain any material discrepancies between the names to be placed in the passport and the names recited in the evidence of citizenship and identity submitted. The passport issuing office may require documentary evidence or affidavits of persons having knowledge of the facts to support the explanation of the discrepancies.

§ 51.24 Change of name.

An applicant whose name has been changed by court order or decree shall submit with his application a certified copy of the order or decree. An applicant who has changed his name by the adoption of a new name without formal court proceedings shall submit with his application evidence that he has publicly and exclusively used the adopted name over a long period of time.

§ 51.25 Photographs.

(a) *General.* The applicant shall submit with his application duplicate photographs of the size specified in the application which are a good likeness of and satisfactorily identify the applicant. The photographs shall be signed by the applicant in the same manner and form as the application.

(b) *Group photographs.* An applicant who wishes to include members of his family shall submit a group photograph consistent with the photograph requirements in paragraph (a) of this section. If group photographs are not feasible, duplicate photographs of each member accompanying the applicant shall be submitted.

(c) *Photographs of uniformed personnel.* Only applicants who are in the active service of the Armed Forces and proceeding abroad in the discharge of their duties may submit photographs in the uniform of the Armed Forces of the United States.

(d) *Unacceptable photographs.* A photograph with a waxed back or other coating which lessens adhesiveness is not acceptable. Newspaper or magazine pictures, snapshots, or full length photographs are not acceptable. Photographs of persons in the uniform of a civilian

organization, except religious dress, will not generally be accepted.

§ 51.26 Incompetents.

A parent, a legal guardian, or a person in loco parentis shall execute a passport application on behalf of a person declared incompetent.

§ 51.27 Minors.

(a) *Definition.* A minor is an unmarried person under the age of 18 years.

(b) *Execution of application by minors.* A minor may execute an application in his own behalf if he can understand the statements contained in the application. The passport issuing office may require a minor to obtain and submit the written consent of a parent, a legal guardian, or a person in loco parentis to the issuance of the passport.

(c) *Execution of applications for minors by parent or guardian.* A parent, a legal guardian, or a person in loco parentis may execute a passport application on behalf of a minor under 18 years of age if in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his own application. In such instances the oath of allegiance may be omitted.

(d) *Objection by parent or guardian in cases not involving the custody of the minor.* At any time prior to the issuance of a passport to a minor and upon receipt of a written objection from a person having legal control of the minor, the passport issuing office may disapprove the minor's application.

(e) *Objection by parent or guardian in cases involving the custody of the minor.* When there is controversy concerning the custody of a minor, the passport issuing office will issue a passport to the minor unless it receives a court order giving custody of the minor to the objecting parent, legal guardian, or person in loco parentis.

§ 51.28 Identity of applicant.

If the applicant is not personally known by the official receiving the application he shall establish his identity by submission of a previous passport, or other identifying documents or by an identifying witness. The official receiving the application or the Department may require such evidence of identity as deemed necessary.

§ 51.30 Persons unacceptable as witnesses.

The passport issuing office will not accept as witness to a passport application a person who has received or expects to receive a fee for his services in connection with executing the application or obtaining the passport.

§ 51.31 Affidavit of identifying witness.

(a) An identifying witness shall execute an affidavit stating: That he resides at a specific address; that he knows or has reason to believe that the applicant is a citizen of the United States; the basis of his knowledge concerning the applicant; and that the information set out in his affidavit is true to the best of his knowledge and belief.

(b) If the witness has a U.S. passport, he shall state the place of issue and, if possible, the number and approximate date of issue.

(c) The identifying witness shall subscribe and swear or affirm to his statement before the same person who took the passport application.

§ 51.32 Amendment of passports.

(a) *Request for amendment.* Applications for amendment of a passport shall be made on forms prescribed by the Department.

(b) *Inclusion by amendment.* An amended passport may include any of the persons entitled to inclusion under § 51.5. However, a passport may not be amended to include:

(1) A person who bears or is already included in a valid passport, unless that passport is submitted for cancellation or amendment to exclude such person, or satisfactory explanation is made why the passport cannot be submitted.

(2) A person previously excluded from that same passport.

(c) *Exclusion of the bearer by amendment.* A passport cannot be amended to exclude the person to whom the passport was issued.

§ 51.33 Release of passport information.

Information in passport files is privileged and shall not be released except:

(a) At the request of an applicant or a person acting in his behalf for copies of documents executed or submitted by the applicant.

(b) Pursuant to a subpoena or court order directing the production of passport records.

(c) At the request of another Government agency.

(d) When expressly authorized by the Secretary.

Subpart C—Evidence of U.S. Citizenship or Nationality

§ 51.40 Burden of proof.

The applicant has the burden of proving that he and any persons to be included in the passport are nationals of the United States.

§ 51.41 Documentary evidence.

Every application shall be accompanied by evidence of the U.S. nationality of the applicant and of any other person to be extended passport services.

§ 51.42 Previously issued passport.

(a) When an applicant has available a previously issued passport, he may submit it with his application as evidence of his citizenship or nationality.

(b) If the applicant does not have available a previously issued passport he may identify the passport by stating the name in which it was issued, the number if known, and the date or approximate date of issue.

§ 51.43 Persons born in the United States.

(a) *Primary evidence of birth in the United States—(1) Birth certificate.* A person born in the United States in a place where official records were kept at

the time of his birth may submit a birth certificate under the seal of the official custodian of birth records. To be acceptable, a certificate must show that the birth was recorded at the time of birth or within a reasonable time thereafter.

(2) *Baptismal certificate.* If a birth certificate is not available, the applicant may submit a baptismal or other church record as evidence of birth. The certificate must recite the name of the child, the date and place of birth, the date of baptism or other ceremony which is the basis of the record, the name and location of the church, and the date the record was made. The certificate must bear the signature of the official custodian of the church, if it has one. The certificate must also show that the baptism or other ceremony took place within a reasonable time after birth and was recorded shortly after the ceremony.

(b) *Secondary evidence of birth in the United States.* If the applicant cannot submit primary evidence of birth, he shall submit the best obtainable secondary evidence. As secondary evidence of birth an applicant may submit for consideration documentary evidence such as census records, newspaper files, family Bibles, ships' logs and affidavits of persons with personal knowledge of the facts of the birth. The passport issuing office will consider secondary evidence if the applicant submits a certificate of "no record of birth" by the official custodian of the birth records of the place at which the birth occurred.

§ 51.44 Persons born abroad.

(a) *Naturalization in own right.* A person naturalized in his own right as a U.S. citizen shall submit with his application his certificate of naturalization.

(b) *Derivative citizenship at birth.* (1) An applicant who claims to have derived citizenship by virtue of his birth abroad to a U.S. citizen parent or parents may submit his own certificate of citizenship (Section 1993, Revised Statutes, as amended by Act of May 24, 1934; section 201 of the Nationality Act of 1940; section 301 of the Immigration and Nationality Act of 1952).

(2) In lieu of a certificate of citizenship, the applicant may submit evidence of his parent(s)' citizenship at the time of his birth, and evidence of his and his parent(s)' residence and physical presence in the United States. The passport issuing office may require the applicant to establish the marriage of his parents and/or grandparents and his relationship to them.

(c) *Derivative citizenship subsequent to birth.* (1) An applicant who claims U.S. citizenship by virtue of the naturalization of his parent or parents subsequent to his birth may submit his own certificate of citizenship.

(2) In lieu of a certificate of citizenship the applicant may submit the naturalization certificate of the parent or parents through whom he claims U.S. citizenship. In this case, he must also show that he resided in the United States during minority as required by the law under which he claims citizenship.

(3) If an applicant claims citizenship through a mother who resumed citizenship or a parent who was repatriated, he must submit evidence thereof. The applicant must establish also that he resided in the United States for the period prescribed by law.

MARRIED WOMEN

§ 51.45 Marriage to an alien prior to March 2, 1907.

A woman citizen of the United States who married an alien prior to March 2, 1907, did not lose her U.S. citizenship unless she acquired as a result of the marriage the nationality of her husband and thereafter took up a permanent residence abroad prior to September 22, 1922.

§ 51.46 Marriage to an alien between March 2, 1907 and September 22, 1922.

(a) A woman citizen of the United States who married an alien between March 2, 1907, and September 22, 1922, lost her U.S. citizenship, except as provided in paragraph (b) of this section. At the termination of the marital relation she could resume her U.S. citizenship, if abroad, by registering as a U.S. citizen within 1 year with a Consul of the United States, or by returning to reside in the United States, or, if resident in the United States, by continuing to reside therein. (Section 3 of the Act of March 2, 1907.)

(b) A woman citizen of the United States who married an alien between April 6, 1917, and July 2, 1921, did not lose her citizenship, if the marriage terminated by death or divorce prior to July 2, 1921, or if her husband became a U.S. citizen prior to that date. She may establish her citizenship by proving her U.S. citizenship prior to marriage and the termination of the marriage or acquisition of U.S. citizenship by her husband prior to July 2, 1921.

§ 51.47 Marriage prior to September 22, 1922, to an alien who acquired U.S. citizenship by naturalization prior to September 22, 1922.

A woman citizen of the United States who lost her citizenship by virtue of her marriage to an alien between March 2, 1907, and September 22, 1922, and who reacquired U.S. citizenship through the naturalization of her husband prior to September 22, 1922, may establish her U.S. citizenship by submitting her husband's certificate of naturalization.

§ 51.48 Marriage between September 22, 1922, and March 3, 1931, to an alien ineligible to citizenship.

A woman citizen of the United States who lost her U.S. citizenship by virtue of her marriage to an alien ineligible to citizenship between September 22, 1922, and March 3, 1931, but who reacquired her citizenship by naturalization in accordance with applicable law shall submit with her application her certificate of naturalization (sec. 3 of the Act of Mar. 3, 1931).

§ 51.49 Marriage on or after September 22, 1922, to an alien eligible to naturalization.

A woman citizen of the United States who on or after September 22, 1922, married an alien eligible for naturalization did not thereby lose her U.S. citizenship and need only submit evidence of her own citizenship before a passport issuing office.

§ 51.50 Alien born woman—marriage to citizen prior to September 22, 1922.

An alien woman who acquired U.S. citizenship by virtue of her marriage to a citizen of the United States prior to September 22, 1922, shall submit with her application evidence of her husband's citizenship and of the marriage. (Section 1994 of the Revised Statutes.)

CITIZENSHIP BY ACT OF CONGRESS OR TREATY

§ 51.51 Former nationals of Spain or Denmark.

Former nationals of Spain or Denmark who acquired nationality or citizenship of the United States under an act of Congress or treaty by virtue of residence in territory under the sovereignty of the United States shall submit evidence of their former nationality and of their residence in such territory.

§ 51.52 Citizenship by birth in territory under sovereignty of the United States.

A person claiming nationality or citizenship of the United States under an act of Congress or treaty by virtue of his birth in territory under the sovereignty of the United States shall submit evidence of his birth in such territory.

§ 51.53 Proof of resumption of U.S. citizenship.

An applicant who claims that he resumed U.S. citizenship or was repatriated under any of the nationality laws of the United States shall submit with the application a certificate of naturalization, a certificate of repatriation or evidence of the fact that he took an oath of allegiance in accordance with the applicable provisions of the law. (Act of June 29, 1906, as amended by Act of May 9, 1918; Act of June 25, 1936, as amended by Act of July 2, 1940, sections 317(b) and 323 of the Nationality Act of 1940 as amended by Acts of April 2, 1942, and August 7, 1946; Act of August 16, 1951, as amended by section 402(j) of the Immigration and Nationality Act of 1952; sections 324 and 327 of the Immigration and Nationality Act of 1952; Act of July 20, 1954.)

§ 51.54 Requirement of additional evidence of U.S. citizenship.

Nothing contained in §§ 51.43 through 51.53 shall prohibit the Department from requiring an applicant to submit other evidence deemed necessary to establish his U.S. citizenship or nationality.

§ 51.55 Return or retention of evidence of citizenship.

The passport issuing office will generally return to the applicant evidence

submitted in connection with an application for passport facilities. However, the passport issuing office may retain evidence when it deems necessary.

Subpart D—Fees

§ 51.60 Form of remittance.

Passport fees in the United States shall be paid in U.S. currency or by draft, check, or money order payable to the Department of State or the Passport Office. Passport fees abroad shall be paid in U.S. currency, travelers checks, money order, or the equivalent value of the fees in foreign exchange.

§ 51.61 Statutory fees.

(a) The fee for a U.S. passport is \$9 except as provided in § 51.63.

(b) The fee for renewal of a U.S. passport is \$5.

(c) If an applicant executes his passport application before a Federal official authorized to take passport applications, the applicant shall pay an execution fee of \$1. If an applicant executes his passport application before the clerk of a State court or other State official authorized to take applications, the applicant shall pay the execution fee of \$2 to the clerk or other State official for this service.

§ 51.62 Regulatory fees.

The Secretary may authorize the collection of additional fees in connection with passport services. Upon publication of the fees in the *FEDERAL REGISTER*, the passport issuing office may collect them in the same manner as statutory fees.

§ 51.63 Exemption from payment of passport or renewal fee.

The following persons are exempt from the payment of passport or renewal fees:

(a) An officer or employee of the United States proceeding abroad on official business, or the members of his immediate family authorized to accompany or reside with him abroad. The applicant shall submit evidence of the official purpose of his travel and if applicable his authorization to have dependents accompany or reside with him abroad.

(b) An American seaman who requires a passport in connection with his duties aboard an American flag vessel.

(c) A widow, child, parent, brother, or sister of a deceased American serviceman proceeding abroad to visit the grave of such serviceman.

§ 51.64 Refunds.

A collected passport or renewal fee shall be refunded:

(a) To any person exempt from the payment of passport or renewal fees under § 51.63 from whom fees were erroneously collected.

(b) To any person refused a visa within the United States by the appropriate officer of a foreign government, provided that the unused passport is returned and a written request for a refund is made within 6 months of the date of issue of the passport.

(c) To any applicant whose passport is not issued or renewed.

(d) To the executor or administrator of the estate of the deceased bearer of an unused passport.

§ 51.65 Replacement passports.

A passport issuing office shall issue a replacement passport without payment of a fee:

(a) To correct an error or rectify a mistake of the Department.

(b) When exceptional circumstances exist as determined by the Secretary.

§ 51.66 Execution fee not refundable.

The fee for the execution of a passport application cannot be refunded.

Subpart E—Limitation on Issuance, Renewal or Extension of Passports

§ 51.70 Denial of passports.

(a) A passport, except for direct return to the United States, shall not be issued or renewed in any case in which:

(1) The applicant is the subject of an outstanding Federal warrant of arrest for a felony, including a warrant issued under the Federal Fugitive Felon Act (18 U.S.C. 1073); or

(2) The applicant is subject to a court order, or conditions of parole, or conditions of probation forbidding his departure from the United States; or

(3) The applicant is subject to a court order committing him to a mental institution.

(b) A passport or renewal of a passport may be refused in any case in which:

(1) The applicant has not repaid a loan received from the United States to effectuate his return from a foreign country in the course of travel abroad; or

(2) The applicant has been legally declared incompetent unless accompanied on his travel abroad by the guardian or other person responsible for the national's custody and well being; or

(3) The applicant is under the age of 18, unmarried, and not in the military service of the United States unless a person having legal custody of such national authorizes issuance or renewal of the passport and agrees to reimburse the United States for any moneys advanced by the United States to enable the minor to return to the United States; or

(4) The national has violated the provisions of § 51.74; or

(5) The Secretary determines that the national's activities abroad are causing or are likely to cause serious damage to the national security or the foreign policy of the United States; or

(6) The applicant has been the subject of a prior adverse action under this section, § 51.71, or § 51.75 and has not shown that a change in circumstances since that adverse action warrants issuance or renewal of a passport.

§ 51.71 Revocation or restriction of passports.

A passport may be revoked, restricted or limited where:

(a) The national would not be entitled to issuance of a new passport under § 51.70; or

(b) The passport has been obtained by fraud, or has been fraudulently altered, or has been fraudulently misused; or

(c) The national's activities abroad are in violation of the laws of the United States.

§ 51.72 Passports invalid for travel to restricted areas.

Upon publication by public notice in the FEDERAL REGISTER of a determination by the Secretary that a country or area is:

(a) A country with which the United States is at war or

(b) A country or area where armed hostilities are in progress or

(c) A country or area to which the Secretary has determined that travel must be restricted in the national interest because such travel would seriously impair the conduct of United States foreign affairs,

U.S. passports shall cease to be valid for travel to, in or through such country or area unless specifically validated therefor: *Provided, however,* That restrictions existing as of the effective date of these regulations in this part on the validity of passports for travel to certain countries or areas shall remain in effect for a period of 60 days from the effective date of the regulations in this part. Any restriction imposed under this section shall expire at the end of 1 year from the date of publication of such public notice in the FEDERAL REGISTER, unless extended by the Secretary by public notice.

§ 51.73 Special validation of passport for travel to restricted areas.

(a) An application of a U.S. national for validation of his passport for travel to, in or through a restricted country or area will be considered only when such action is determined to be in the national interest of the United States.

(b) An application will be considered to be in the national interest of the United States if:

(1) The applicant is a professional reporter, the purpose of whose trip is to obtain, and make available to the public, information about the restricted area; or

(2) The applicant is a doctor or scientist in the field of medicine or public health, the purpose of whose trip is directly related to his professional responsibilities; or

(3) The applicant is a scholar with a postgraduate degree, or its equivalent, the purpose of whose trip is to obtain for public dissemination, further information in his field of research; or

(4) The applicant is a representative of the American Red Cross.

(c) In the discretion of the Secretary, an application may be considered to be in the national interest of the United States, depending upon the restricted area to be visited, the benefit to the United States of such a visit, and the applicant's need to visit the restricted area, if:

(1) The applicant, although not a reporter by profession, establishes that one of the news media has indicated an interest in publishing a report of the applicant's trip; or

(2) The applicant's activities in cultural, athletic, commercial, educational, professional, or other fields or in public affairs demonstrate that his visit to the restricted area would be of benefit to the United States; or

(3) The applicant establishes that his trip is justified by compelling humanitarian considerations.

(d) An application for validation of a passport for travel to a restricted area must be accompanied by evidence that the application falls within paragraph (b) or (c) of this section or would otherwise serve the national interest of the United States.

§ 51.74 Violation of geographical limitations.

Travel to, in or through a restricted country or area without a passport or without a passport specifically validated for such travel is ground for revocation or cancellation of a passport and for denial of an application for a passport or renewal of a passport until such time as the Secretary receives formal assurance and is satisfied that the person will not again travel in violation of the travel restrictions. Unauthorized travel to a restricted country or area may also be a violation of 8 U.S.C. 1185 and/or 18 U.S.C. 1544 and subject to the penalties provided therein.

§ 51.75 Notification of denial or withdrawal of passport.

Any person whose application for the issuance or renewal of a passport has been denied, or who has otherwise been the subject of an adverse action taken on an individual basis with respect to his right to receive or use a passport shall be entitled to notification in writing of the adverse action. The notification shall set forth the specific reasons for the adverse action and the procedures for review available under §§ 51.81-51.105.

§ 51.76 Surrender of passport.

The bearer of a passport which is revoked shall surrender it to the Department or its authorized representative upon demand and upon his refusal to do so such passport may be invalidated by notifying the bearer in writing of the invalidation.

Subpart F—Procedures for Review of Adverse Action

§ 51.80 Applicability of §§ 51.81-51.105.

The provisions of §§ 51.81-51.105 apply to any action of the Secretary taken on an individual basis in denying, restricting, revoking, or invalidating a passport or in any other way adversely affecting the ability of a person to receive or use a passport except action taken by reason of noncitizenship or refusal to grant a discretionary exception from geographical limitations of general ap-

plicability. The provisions of this subpart shall constitute the administrative remedies provided by the Department to persons who are the subject of adverse action under § 51.70, § 51.71 or § 51.74.

§ 51.81 Time limits on hearing to review adverse action.

A person who has been the subject of an adverse action with respect to his right to receive or use a passport shall be entitled, upon request made within 60 days after receipt of notice of such adverse action, to require the Department or the appropriate Foreign Service post, as the case may be, to establish the basis for its action in a proceeding before a hearing officer. If no such request is made within 60 days, the adverse action will be considered final and not subject to further administrative review. If such request is made within 60 days, the adverse action shall be automatically vacated unless such proceeding is initiated by the Department or the appropriate Foreign Service post, as the case may be, within 60 days after request, or such longer period as is requested by the person adversely affected and agreed to by the hearing officer.

§ 51.82 Notice of hearing.

The person adversely affected shall receive not less than 5 business days' notice in writing of the scheduled date and place of the hearing.

§ 51.83 Functions of the hearing officer.

The hearing officer shall act on all requests for review under § 51.81. He shall make findings of fact and submit recommendations to the Administrator of the Bureau of Security and Consular Affairs. In making his findings and recommendations, the hearing officer shall not consider confidential security information unless that information is made available to the person adversely affected and is made part of the record of the hearing.

§ 51.84 Appearance at hearing.

The person adversely affected may appear at the hearing in person or by his attorney who must possess the qualifications prescribed for practice before the Board of Passport Appeals.

§ 51.85 Proceedings before the hearing officer.

The person adversely affected may appear and testify in his own behalf and may himself, or by his attorney, present witnesses and offer other evidence and make argument. If any witness whom the person adversely affected wishes to call is unable to appear in person, the hearing officer may, in his discretion, accept an affidavit by the witness or order evidence to be taken by deposition. The person adversely affected shall be entitled to be informed of all the evidence before the hearing officer and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness. The person shall, upon request by the hearing officer, confirm his oral statements in an affidavit for the record.

§ 51.86 Admissibility of evidence.

The person adversely affected and the Department may introduce such evidence as the hearing officer deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to relevancy, competency and materiality of evidence presented.

§ 51.87 Privacy of hearing.

The hearing shall be private. There shall be present at the hearing only the person adversely affected, his attorney, the hearing officer, official stenographers, employees of the Department directly concerned with the presentation of the case, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the hearing officer.

§ 51.88 Transcript of hearing.

A complete verbatim stenographic transcript shall be made of the hearing by a qualified reporter, and the transcript shall constitute a permanent part of the record. Upon request, the appellant or his counsel shall be entitled to inspect the complete transcript and to purchase a copy thereof.

§ 51.89 Decision of Administrator of the Bureau of Security and Consular Affairs.

The person adversely affected shall be promptly notified in writing of the decision of the Administrator of the Bureau of Security and Consular Affairs and, if the decision is adverse to him, the notification shall state the reasons for the decision and inform him of his right to appeal to the Board of Passport Appeals under § 51.90.

§ 51.90 Time limit on appeal to Board of Passport Appeals.

A person who has been subject of an adverse decision under § 51.89 shall be entitled, upon request made within 30 days after receipt of notice of such decision, to appeal the decision to the Board of Passport Appeals. If no appeal is made within 30 days, the decision will be considered final and not subject to further administrative review.

§ 51.91 Organization of Board of Passport Appeals.

The Board of Passport Appeals shall consist of not less than three officers of the Department designated as members by the Secretary of State. Three members of the Board shall constitute a quorum to hear an appeal.

§ 51.92 Chairman.

One of the members of the Board shall be designated by the Secretary as Chairman. The Chairman shall insure that there is a quorum, including himself or his designee, to hear an appeal. The Chairman or his designee shall preside at all hearings of the Board and shall be empowered in all respects to regulate the conduct of the hearing and to pass on all issues relating thereto. The Chairman or his designee shall be em-

powered to administer oaths and affirmations.

§ 51.93 Legal Assistant to the Board.

A Legal Assistant, to be designated by the Secretary, shall be responsible to the Board for the scheduling and presentation of cases; for assistance in legal and procedural matters; for providing information to the appellant as to his procedural rights before the Board; for maintenance of records; and for such other duties as the Board, or the Chairman on its behalf, may determine.

§ 51.94 Functions of the Board.

The Board shall act on all appeals under § 51.90 and shall recommend to the Secretary the action it considers necessary and proper to the disposition of the cases appealed to it. The Board may adopt and make public rules of procedure approved by the Secretary.

§ 51.95 Scope of review on appeal.

In hearing an appeal, the Board shall review the record of the hearing held under §§ 51.81-51.89. The Board shall not receive or consider evidence or testimony not presented at that hearing unless it shall determine that such evidence or testimony could not, by reasonable diligence, have been presented at the hearing. In reaching its decision, the Board shall not take into consideration any confidential security information which is not part of the record.

§ 51.96 Notice of hearing on appeal.

An appellant shall receive not less than 5 business days' notice in writing of the scheduled date and place of any hearing on his appeal, which shall be set for a time as soon as possible after receipt by the Board of the appeal. Hearings will be held at the Department of State in Washington, D.C., unless the Board determines otherwise.

§ 51.97 Appearance at hearing on appeal.

Any party to any proceeding before the Board may appear in person, or by or with his attorney, who must possess the requisite qualifications, as hereinafter set forth, to practice before the Board.

§ 51.98 Appellant's attorney.

(a) Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Board.

(b) No officer or employee of the Department of State whose official duties have, in fact, included participation in the investigation, preparation, presentation, decision or review of the appellant's case shall, within two (2) years after the termination of such duties, appear as attorney in behalf of the appellant in any case of such nature, nor shall any one appear as such attorney in the case if in the course of prior government service he has dealt with any aspects of the appellant's activities relevant to a determination of the case.

§ 51.99 Proceedings before the Board.

The record of the hearing held under §§ 51.81-51.89 shall be made available to the appellant in connection with his appeal to the Board. Subject to the provisions of § 51.95, the appellant and the Passport Office may present witnesses and offer other evidence and make argument. The appellant and any witnesses appearing before the Board may be examined by any member of the Board or by counsel. The appellant shall be entitled to be informed of all the evidence before the Board and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness appearing before the Board.

§ 51.100 Admissibility of evidence on appeal.

Subject to the provisions of § 51.95, the Passport Office and the appellant may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy, competency and materiality of evidence presented.

§ 51.101 Privacy of hearing.

Unless otherwise requested by the person adversely affected, the hearing shall be private. There shall be present at the hearing only the appellant, his counsel, the members of the Board, the Legal Assistant to the Board, official stenographers, Departmental employees directly concerned with the presentation of the case, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the Board.

§ 51.102 Transcript of hearing.

A complete verbatim stenographic transcript shall be made of the hearing by a qualified reporter, and the transcript shall constitute a permanent part of the record. Upon request, the appellant or his counsel shall be entitled to inspect the complete transcript and to purchase a copy thereof.

§ 51.103 Decision of the Board.

The decision shall be by majority vote, in writing, and shall set out with particularity the findings of fact and conclusions of law on which it is based.

§ 51.104 Finality of decision.

The decision of the Board shall be final unless:

- (a) The Secretary directs the Board to refer the case to him for decision; or
- (b) The Board by majority vote decides to refer its findings and conclusions to the Secretary for decision.

§ 51.105 Notification of appellant.

The Department's decision shall be promptly communicated in writing to the appellant.

PART 52—MARRIAGES

- Sec.
52.1 Celebration of marriage.
52.2 Official witness at marriage ceremony.
52.3 Certificate of witness to marriage.

- Sec.
52.4 Authentication of marriage and divorce documents.
52.5 Certification as to marriage laws.

AUTHORITY: The provisions of this Part 52 issued under sec. 4, 63 Stat. 111, as amended; 5 U.S.C. 151c.

§ 52.1 Celebration of marriage.

Foreign Service officers are forbidden to celebrate marriages.

§ 52.2 Official witness at marriage ceremony.

(a) *Diplomatic representative.* A diplomatic representative shall not act as an official witness at a marriage ceremony.

(b) *Consular officer.* A consular officer, when requested, may act as an official witness at a marriage ceremony, in accordance with Title 22 U.S.C. 1172, provided that one of the contracting parties is a national of the United States and provided the consular officer has assured himself, as far as practicable, that the parties have complied with requirements of the applicable law of the place of celebration.

§ 52.3 Certificate of witness to marriage.

Whenever a consular officer witnesses a ceremony of marriage he shall complete a Certificate of Witness to Marriage form, affix thereto the seal of the consulate, certify that the marriage took place in his presence, and sign such certificate.

§ 52.4 Authentication of marriage and divorce documents.

(a) Whenever a consular officer is requested to authenticate the signature of local authorities on a document of marriage when he was not a witness to the marriage, he shall include in the body of his certificate of authentication the qualifying statement, "For the contents of the annexed document, the Consulate (General) assumes no responsibility."

(b) A consular officer shall include the same statement in certificates of authentication accompanying decrees of divorce.

§ 52.5 Certification as to marriage laws.

Although a consular officer may have knowledge respecting the laws of marriage, he shall not issue any official certificate with respect to such laws.

PART 53—TRAVEL CONTROL OF CITIZENS OF UNITED STATES IN TIME OF WAR OR NATIONAL EMERGENCY

- Sec.
53.1 Passport requirement.
53.2 Exceptions.
53.3 Attempt of a citizen to enter without a valid passport.
53.4 Optional use of a valid passport.

AUTHORITY: The provisions of this Part 53 issued under sec. 215, 66 Stat. 190; 8 U.S.C. 1185. Proc. 3004, 18 F.R. 489; 3 CFR 1949-1953 Comp.

§ 53.1 Passport requirement.

Under section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185 (b)), it is unlawful except as otherwise provided for any citizen of the United

States to depart from or enter, or attempt to depart from or enter, the United States without a valid passport.

§ 53.2 Exceptions.

A U.S. citizen is not required to bear a valid passport to enter or depart the United States:

(a) When traveling directly between parts of the United States as defined in § 50.1 of this chapter;

(b) When traveling between the United States and any country, territory, or island adjacent thereto in North, South or Central America excluding Cuba; provided, that this exception is not applicable to any such person when proceeding to or arriving from a place outside the United States for which a valid passport is required under this part if such travel is accomplished within 60 days of departure from the United States via any country or territory in North, South or Central America or any island adjacent thereto;

(c) When traveling as a bona fide seaman or air crewman who is the holder of record of a valid merchant mariner identification document or air crewman identification card;

(d) When traveling as a member of the Armed Forces of the United States on active duty;

(e) When he is under 21 years of age and is a member of the household of an official or employee of a foreign government or of the United Nations and is in possession of or included in a foreign passport;

(f) When he is a child under 12 years of age and is included in the foreign passport of an alien parent; however, such child will be required to provide evidence of his U.S. citizenship when entering the United States;

(g) When the citizen entering the United States presents a certificate of identity and registration issued by a consular office abroad to facilitate travel to the United States; or

(h) When specifically authorized by the Secretary of State through appropriate official channels to depart from or enter the United States, as defined in § 50.1 of this chapter. The fee for a waiver of the passport requirement under this section is \$25.

§ 53.3 Attempt of a citizen to enter without a valid passport.

The appropriate officer at the port of entry shall report to the Secretary of State for the purpose of invoking the waiver provisions of § 53.2(h), any citizen of the United States who attempts to enter the United States contrary to the provisions of this part.

§ 53.4 Optional use of a valid passport.

Nothing in this part shall be construed to prevent a citizen from using a valid passport in a case in which that passport is not required by this Part 53, provided such travel is not otherwise prohibited.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Proce-

dure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rulemaking are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

For the Secretary of State.

WILLIAM J. CROCKETT,
Deputy Under Secretary
for Administration.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-11421; Filed, Oct. 19, 1966;
8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII is amended as follows:

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart G—Negotiated Overhead Rates

1. Sections 1003.704-1, 1003.704-2, 1003.705, and 1003.706 are revised to read as follows:

§ 1003.704-1 Contracts with concerns other than educational institutions.

It is AF policy not to incorporate provisional rates in contracts with commercial organizations. The contractor will be reimbursed on basis of billing overhead rates negotiated by the administrative contracting office as provided in the ASPR clause.

§ 1003.704-2 Contracts with educational institutions.

It is AF policy to incorporate provisional rates in contracts with colleges, universities, and research institutes. Provisional overhead rates for research institutes will be negotiated by AFSC (SCKPF). Provisional overhead rates for colleges and universities will be negotiated by OAR (RRMK). Such rates will be negotiated as part of the final overhead rate negotiations.

§ 1003.705 Procedure.

(a) AFSC (SCKPF) will conduct or monitor all negotiated final overhead rates when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations as described under § 3.706 of this title.

(1) With the exception of colleges, universities and research institutes, the contractor's proposal will be forwarded through the ACO for distribution to the cognizant auditor. The audit report will be forwarded by the cognizant auditor to AFSC (SCKPF) or OAR (RRMK) through the DCAA liaison office nearest the office responsible for the negotiation, with copies provided to the ACO. In

addition to the auditor's responsibility to obtain the contractor's reaction to the costs questioned, it will normally be standard procedure to furnish one copy of the audit report, exclusive of narrative comments, to the contractor.

(2) Under the monitorship of AFSC (SCKPF), authority to conduct such negotiations with colleges and universities has been delegated to OAR (RRMK) without redelegation authority.

(3) ACOs are authorized to negotiate final overhead rates to close out completed contracts provided the total of such actions does not become so significant as to have impact on final overhead rate negotiations. Generally, it may be considered that no substantial impact will occur when the total amount of indirect cost involved in closing the contracts does not exceed 10 to 15 percent of the total indirect cost allocable to cost type contracts for the contractor's fiscal year. Emphasis should be given to closing contracts with small dollar balances. However, in no event should such indirect costs applicable to any one contract in 1 fiscal year exceed \$100,000. ACO will coordinate with the cognizant contract auditor to assure application of jointly acceptable rates.

(b) Advisory audit reports will be used in all final overhead negotiations except where AFSC (SCKPF) or OAR (RRMK), as appropriate, decides that the amount of overhead involved is so small that the cost of auditing is not justified and the cognizant audit agency is so notified.

(c) and (d) No implementation.

(e) AFSC (SCKPF) or OAR (RRMK), as appropriate, will distribute the negotiation report to all Air Force and other military department buying activities holding affected contracts and audit activity.

§ 1003.706 Coordination.

Where one or more military departments, other than the Air Force, have cost-reimbursement type contracts with a contractor, AFSC (SCKPF) will coordinate with the other military departments in determining the cognizant negotiating activity. If the determination is made that the Air Force will be the cognizant negotiating activity, SCKPF will (a) for negotiations pursuant to § 3.704-1 of this title, schedule the negotiation, or (b) for negotiations pursuant to § 3.704-2 of this title, notify OAR (RRMK) who will be responsible for scheduling the negotiation meeting, notifying the other interested services, and conducting the negotiation.

PART 1007—CONTRACT CLAUSES

Subpart F—Clauses for Construction and Architect-Engineer Contracts

Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

2. A new Subpart F is added; and § 1007.2103-1 is deleted as follows:

§ 1007.602-36 Preparation of progress schedules and reports.

(a) The following clause will be included in all contracts for construction

where it is contemplated that Progress Schedules and Reports will be required.

Preparation of Progress Schedules and Reports (August 1966).

(b) The reports contemplated by the clause herein entitled "Progress Charts and Requirements for Overtime Work" shall be accomplished on and in accordance with instructions pertaining to AFPI Forms 78 and 78A.

§ 1007.2103-1 Changes. [Deleted]

3. In § 1007.4047, the clause is revised; in § 1007.4048, paragraph (d) of the clause in paragraph (a) is revised; and § 1007.4050 is revised as follows:

§ 1007.4047 Safety and accident prevention.

* * * * *
SAFETY AND ACCIDENT PREVENTION (MARCH 1966)

In performing any work under this contract on premises which are under the direct control of the Government, the Contractor shall (i) conform to all safety rules and requirements prescribed in Air Force Manual 127-101, as in effect on the date of this contract and (ii) take such additional precautions as the Contracting Officer may reasonably require for safety and accident prevention purposes. The Contractor agrees to take all reasonable steps and precautions to prevent accidents and preserve the life and health of Contractor and Government personnel performing or in any way coming in contact with the performance of this contract on such premises. Any violation of such rules and requirements, unless promptly corrected, as directed by the Contracting Officer, shall be grounds for termination of this contract in accordance with the default provisions hereof.

NOTE: In construction contracts the reference to AF Manual 127-101 appearing in the above clause will be deleted and the following substituted therefor: "Corps of Engineer Manual EM-385-1-1."

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

* * * * *

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL-STDs 129D, to the extent called out by MIL-L-9931, 130B to the extent called out by MIL-L-9931, 444 and 709; MIL-STD-1167, MIL-STD-1168 and MIL-L-9931; AF TO 11A-1-47; ICC Regulations T. C. George's Tariff No. 15; Freund's Tariff No. 11, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6C (including ATB No. 14 and CAB No. 18); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

* * * * *

§ 1007.4050 Government bill of lading and mailing indicia.

(a) All central procurement contracts (except purchase orders issued on DD Form 1155 and contracts issued under small purchase procedures, Subpart F, Part 1003 of this subchapter) which provide for delivery of supplies will contain the clause set forth below. Other contracts may contain this clause or a GBL clause adapted to the particular contract.

GOVERNMENT BILL OF LADING AND MAILING INDICIA (AUGUST 1966)

(a) When it is provided in this contract that the supplies shall be delivered other than f.o.b. specified destinations, or freight prepaid, shipment(s) shall be made on U.S. Government Bills of Lading or U.S. Government Mailing Indicia. The required number of Government Bills of Lading and Mailing Indicia shall be furnished to the Contractor by the cognizant transportation or other activity. The Contractor shall acknowledge receipt of Government Bills of Lading and Mailing Indicia in the manner prescribed by the issuing office. As shipments are made, the Contractor shall prepare, or complete, and distribute Government Bills in accordance with instructions of the issuing office.

(b) U.S. Government Mailing Indicia shall be used in lieu of U.S. Government Bills of Lading when weight, cube, and character of commodity permit movement within the U.S. Postal System.

(c) The Contractor agrees that Government Bills of Lading and Mailing Indicia in excess of the requirements of this contract shall be returned to the issuing office(s) not later than submission time of final invoice for payment. The Contractor also agrees that no mailing charge is, or will be, included in the cost/price for postage fees in those instances wherein Government Mailing Indicia is authorized and used.

(d) For the purpose of this clause, the term supplies shall include correspondence, publications, and other written material.

(b) Paragraph (d) of the above clause will be omitted if mailing indicia is not to be furnished the contractor for mailing written material. Based on the provisions of AFR 182-15 (Official Mail—Policies and Procedures) and the particular procurement involved, the contracting officer will determine the feasibility of including mailing indicia for written material. A major area of consideration should be that the anticipated savings exceed the cost of implementation.

PART 1012—LABOR

Subpart A—Basic Labor Policies

4. Section 1012.102-4 is revised to read as follows:

§ 1012.102-4 Approvals.

(a) No implementation.

(b) The following are designated to approve overtime according to § 12.102-4 of this title. The commander or vice commander of each major command; Deputy or Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC; the Director or Deputy Director of Procurement and Production, HQ AFLC; the director or deputy director of procurement of the other major commands; the Commander, Deputy Commander, and DCS/Materiel of the Office of Aerospace Research; the Director, Special Projects Office (OSAF), for those special projects under personal supervision of the Secretary of the Air Force (Program—Book—RED APPLE); the commander, deputy commander, chief of the procurement and production office, directors of buying offices, and systems program directors of AFSC divisions; the commander, deputy commander, and director of procurement of AFSC centers;

and the commander, deputy commander, and director of procurement of AFLC AMAs, Air Procurement Region European (APRE), and Air Procurement Region Far East (APRFE).

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 126-133; 10 U.S.C. 8012, 2301-2314) [AFPI Revision No. 69, 31 August 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief,
Special Activities Group, Office
of The Judge Advocate
General.

[F.R. Doc. 66-11386; Filed, Oct. 19, 1966; 8:45 a.m.]

**Title 38—PENSIONS, BONUSES,
AND VETERANS' RELIEF**

Chapter I—Veterans Administration

**PART 2—DELEGATIONS OF
AUTHORITY**

**General Counsel and Chief
Attorneys**

In § 2.6(e), subparagraph (5) is added to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

(e) *General Counsel and Chief Attorneys.* * * *

(5) Authority is hereby delegated to each of the personnel designated in this subparagraph, or those authorized to act for them, to consider, ascertain, adjust, determine and settle tort claims cognizable under 38 U.S.C. 236:

General Counsel.

Deputy General Counsel.

Assistant General Counsel (Professional Staff Group IV).

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective October 28, 1965.

Approved: October 13, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11411; Filed, Oct. 19, 1966; 8:47 a.m.]

**PART 14—LEGAL SERVICES,
GENERAL COUNSEL**

Tort Claims

In Part 14, immediately following § 14.610, a new center title and §§ 14.615, 14.616, and 14.617 are added to read as follows:

ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS ARISING IN FOREIGN COUNTRIES

§ 14.615 General.

(a) *Authority.* 38 U.S.C. 236, provides that the Administrator of Veterans' Affairs may pay tort claims, in the man-

ner authorized in the first paragraph of 28 U.S.C. 2672 (i.e., claims for money damages of \$2,500 or less), when such claims arise in foreign countries in connection with Veterans Administration operations abroad.

(b) *Action by claimant.* Claims for property loss or damage may be filed by the owner of the property or his duly authorized agent or legal representative. If the property was insured and the insurer is subrogated, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim. Claims for personal injury may be filed by the injured person or his agent or legal representative. Claims for death may be filed by the personal representative of the decedent or any other legally qualified person. When filed by an agent or legal representative, the claim must show the title or capacity of the person representing the claimant and be accompanied by evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

(c) *Time for filing.* A claim may not be allowed under 38 U.S.C. 236 unless it is presented to the Administrator or his designee within 2 years after the claim accrues.

§ 14.616 Form and place of filing claim.

(a) *Form of claim.* Claims arising under 38 U.S.C. 236, should be prepared in the form of a sworn statement and submitted in duplicate. The original copy of the claim should be sworn to or affirmed before an official with authority to administer oaths or affirmations and should contain the following information, at least:

(1) The name and address of claimant;

(2) The amount claimed for injury or death, and for property loss or damage;

(3) If property was lost or damaged, the amount paid or payable by the insurer together with the name of the insurer;

(4) A detailed statement of the facts and circumstances giving rise to the claim, including the time, place, and date of the accident or incident;

(5) If property was involved, a description of the property and the nature and extent of the damage and the cost of repair or replacement based upon at least two impartial estimates;

(6) If personal injury was involved, the nature of the injury, the cost of medical and/or hospital services and time and income lost due to the injury;

(7) If death is involved, the names and ages of claimants and their relationship to decedent;

(8) The name and official position of the employee of the United States allegedly responsible for the accident or injury, or loss or damage of property;

(9) The names and addresses of any witnesses to accident or incident; and

(10) If desired, the law applicable to the claim.

(b) *Place of filing claim.* Claims arising in the Philippines under 38 U.S.C. 236 will be filed with the Chief Attorney,

Veterans Administration Regional Office, Manila, Republic of the Philippines. Claims arising in other foreign countries will be filed with the American Embassy or Consulate nearest the place where the incident giving rise to the claim took place.

(c) *Evidence to be submitted by claimant*—(1) *General*. The amount claimed on account of damage to or loss of property or on account of personal injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. Original evidence or certified copies should be attached to the original copy of the claim, and simple copies should be attached to the other copy of the claim. All documents in other than the English language should be accompanied by English translations.

(2) *Personal injury or death*. In support of claims for personal injury or death, the claimant should submit, as may be appropriate, itemized bills for medical, hospital or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of the injury, the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization and the like.

(3) *Damage to personal property*. In support of claims for damage to personal property which has been repaired, the claimant should submit an itemized receipt, or, if not repaired, itemized estimates of the cost of repairs by two reliable parties who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to cost, age of the property and salvage value.

(4) *Damage to real property*. In support of claims for damage to land, trees, buildings, fences, or other improvements to real property, the claimant should submit an itemized receipt if repairs have been made, or, if repairs have not been made, itemized estimates of the cost of repairs by two reliable persons who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to the value of the improvements both before and after the accident or incident and the cost of replacements.

(5) *Damage to crops*. In support of claims for damage to crops, the claimant should submit an itemized signed statement showing the number of acres, or other unit measure of crop damaged, the probable yield per unit, the gross amount which would have been realized from such probable yield and an estimate of the costs of cultivating, harvesting and marketing the crop. If the crop is one which need not be planted each year, the diminution in value of the

land beyond the damage to the current year's crop should also be stated.

§ 14.617 Disposition of Claims.

(a) *Disposition of claims arising in Philippines*. All claims arising under 38 U.S.C. 236 in the Philippines, including a complete investigation report and a brief résumé of applicable law, will be forwarded directly by the Chief Attorney to the General Counsel, together with his recommendation as to disposition. Sections 14.601, 14.602, 14.604, and 14.605, insofar as feasible, will be for application in connection with investigation of claims arising in the Philippines.

(b) *Disposition of claims arising in foreign countries other than the Philippines*. When a claim is received in an American Embassy or Consulate, the Embassy or Consulate receiving such claim shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, including a résumé of applicable law and a recommendation regarding allowance or disallowance of the claim, through regular channels of the Department of State to the General Counsel, Veterans Administration Central Office, Washington, D.C.

(c) *Payment of claims*. Upon determining that there is liability on the part of the United States under 38 U.S.C. 236, the General Counsel, or such other personnel as may be designated by the Administrator, will take the necessary action to effect payment.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective October 28, 1966.

Approved: October 13, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11412; Filed, Oct. 19, 1966;
8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4105]

[New Mexico 259 (Okla.)]

OKLAHOMA

Restoration of Lands to Ownership of Kiowa, Comanche, and Apache Tribes

By virtue of the authority contained in section 3 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), and pursuant to recommendations of the Tribal Council and the Commissioner of Indian Affairs, and a finding by the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described lands, ceded by the Kiowa, Comanche, and Apache Tribes of Indians to the United States pursuant to agreement ratified by the act of June 6, 1900 (31 Stat. 672, 676), having been reserved for use of the Bureau of Indian Affairs for administrative purposes and being now surplus for such use, are hereby restored to tribal ownership for the use and benefit of the Kiowa, Comanche, and Apache Tribes of Indians and are added to and made a part of the existing reservation, subject to any valid existing rights:

INDIAN MERIDIAN

- T. 2 N., R. 11 W.,
Sec. 19, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$, and that part of the SW $\frac{1}{4}$
lying west of east line of the SL&SF
Railroad right-of-way;
- Sec. 29, lots 2, 4, 5, 6, 7, 13, 15, 16, 17,
that part of lot 1 lying west of east line
of CRI&P Railroad right-of-way, and
NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 4 N., R. 12 W.,
Sec. 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 5 N., R. 12 W.,
Sec. 23, S $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 1 N., R. 13 W.,
Sec. 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 4 N., R. 13 W.,
Sec. 36, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 2 N., R. 14 W.,
Sec. 27, NE $\frac{1}{4}$.
- T. 5 N., R. 14 W.,
Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 6 N., R. 15 W.,
Sec. 20, SE $\frac{1}{4}$.
- T. 6 N., R. 18 W.,
Sec. 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 1,166.31 acres in Kiowa, Comanche, and Caddo Counties.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 13, 1966.

[F.R. Doc. 66-11404; Filed, Oct. 19, 1966;
8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

F.R. Doc. 66-10064, appearing at page 12057 of the issue for September 15, 1966, is amended by adding the following sentence to subparagraph 14 of § 32.22: "Applications received after October 7, 1966, and postmarked no later than October 29, 1966, will be considered on a first-come, first-serve basis until a maximum of 4,000 permits have been issued for the hunt."

WALTER A. GRESH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 66-11402; Filed, Oct. 19, 1966;
8:46 a.m.]

PART 32—HUNTING**Arrowwood and Chase Lake National Wildlife Refuges, N. Dak.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**NORTH DAKOTA****ARROWWOOD NATIONAL WILDLIFE REFUGE**

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset on November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,600 acres, is delineated on a map available at the refuge headquarters—Edmunds, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is permitted from 12 noon to sunset on November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

ARNOLD D. KRUSE,
*Refuge Manager, Arrowwood
National Wildlife Refuge,
Edmunds, N. Dak.*

[F.R. Doc. 66-11403; Filed, Oct. 19, 1966;
8:46 a.m.]

PART 33—SPORT FISHING**Tishomingo National Wildlife Refuge, Okla.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**OKLAHOMA****TISHOMINGO NATIONAL WILDLIFE REFUGE**

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1967, inclusive, on the waters of Lake Texoma east of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; from April 1 through September 30, 1967, inclusive, for waters of Lake Texoma west of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E.; and from January 15 through September 30, 1967, inclusive, for all other refuge waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

EARL W. CRAVEN,
*Refuge Manager, Tishomingo
National Wildlife Refuge,
Tishomingo, Okla.*

OCTOBER 11, 1966.

[F.R. Doc. 66-11418; Filed, Oct. 19, 1966;
8:47 a.m.]

PART 33—SPORT FISHING**Hagerman National Wildlife Refuge, Tex.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**TEXAS****HAGERMAN NATIONAL WILDLIFE REFUGE**

Sport fishing including frog gigging on the Hagerman National Wildlife Refuge, Tex., is permitted from April 1 through September 30, 1967, inclusive, only on areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1967.

RONALD S. SULLIVAN,
*Refuge Manager, Hagerman
National Wildlife Refuge,
Sherman, Tex.*

OCTOBER 10, 1966.

[F.R. Doc. 66-11419; Filed, Oct. 19, 1966;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

DRIED FIGS

Standards for Grades¹

Notice is hereby given that the U.S. Department of Agriculture is considering certain amendments to the U.S. Standards for Grades of Dried Figs (7 CFR 52.1021-52.1033) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090; as amended; 7 U.S.C. 1624).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than 60 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendment. The current U.S. Standards for Grades of Dried Figs which have been in effect since December 27, 1955, include separate limits for moisture for two basic groups of packaging. The moisture limits of 23 percent to 24 percent cover figs in containers which do not completely enclose and seal the figs, such as wood or fiber boxes. A higher moisture limit of 30 percent applies to figs packaged in completely sealed containers such as transparent films, metal-foil wraps, or sealed metal cans.

The Dried Fruit Association of California has requested that the moisture limits be revised to 30 percent for bulk packages when a suitable and safe preservative is added. Current industry practices of treating figs with suitable food additives and improved packaging methods permit shipment of dried figs in wood or fiber boxes at higher moistures than in the past, without loss in quality characteristics.

To bring the 1955 grade standards in closer harmony with current industry practices, a specific amendment is proposed to permit dried figs in containers which do not completely seal the figs to have a moisture content of not more than 30 percent if suitable and safe preservatives are added.

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

1. In § 52.1026, delete paragraph (b) in its entirety.

2. In § 52.1026, Table I, include a footnote "1" after each percent figure in the column heading of "Group I" and a footnote at the end of the table, so Table I will be corrected to read:

***	Group I	***
	1 24	
	1 23	
	1 23	
	1 23	
	1 23	
	1 23	

¹ Except Dried Figs of this group may have a maximum moisture of 30 percent when a safe and suitable mold inhibitor is used.

Dated: October 17, 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-11439; Filed, Oct. 19, 1966;
8:49 a.m.]

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, as hereinafter set forth, which was recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 971.309 Limitation of shipments.

During the period November 21, 1966, through March 25, 1967, no person may handle any lot of lettuce grown in the production area unless the lettuce meets requirements of paragraphs (a) grade, (b) size and pack, and (c) containers, or unless the lettuce is handled in accordance with paragraphs (d) or (e), of this section. Further, no person may

package lettuce during the above period on any Sunday.

(a) *Grade.* Each lot of lettuce shall average no more than 5 percent decay (no more than three decayed heads permitted in any container) or other serious damage, except:

(1) Mildew may affect no more than three head leaves when associated with discoloration.

(2) Tipburn may not exceed an aggregate area 1¼ inches wide by 3 inches in length when affecting compact portion of head.

(3) No more than three head leaves with pink rib (having areas of deep pink color as viewed on the outer surface of the leaf) or other rib discoloration when either seriously detracts from appearance or edible quality.

(4) No more than six head leaves, in the compact portion of the head, affected by insects.

(5) (i) No more than four outer head leaves with blistering, peeling, or discoloration resulting from freezing that seriously detracts from appearance or edible quality.

(ii) All other defects, such as seed-stems, shall have same meaning as described under serious damage in U.S. Standards for grades of lettuce.

(iii) Tolerances: 10 percent by count of heads of lettuce in any lot may be below these requirements with no more than six heads below these requirements in any individual package.

(b) *Sizing and pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85-40 may be packed only 24 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21⅞ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of 21½ inches x 16⅞ inches x 10¾ inches (designated as carrier container No. 85-40—flat pack).

(d) *Minimum quantities.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but it must meet container requirements. This exception may not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size, or container requirements of paragraphs (a), (b), or

(c) of this section may be handled for any purpose listed, if handled as prescribed, in this paragraph. Inspection or assessments are not required on such shipments.

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120-971.125 obtains a Certificate of Privilege applicable thereto and reports thereon.

(2) For export to Mexico, if the handler of such lettuce loads or transports it only in a vehicle bearing Mexican registration (license).

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI-23) furnished by the inspection service verifying that such shipment meets the current grade, size, pack and/or container regulations promulgated under this part. A copy of the inspection certificate, or shipment release form applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (cf. AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" shall have the same meaning as in the U.S. Standards for Lettuce (§§ 51.2510-51.2531 of this title).

(3) All other terms used in this section shall have the same meaning as when used elsewhere in this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 17, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11390; Filed, Oct. 19, 1966; 8:45 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given of a proposal, based upon the unanimous recommendation of the Raisin Administrative Committee, to amend certain provisions of

the Subpart—Administrative Rules and Regulations, including those provisions with respect to definitions, and the inspection, identification, transfer, disposition, substitution, and reporting of raisins. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Experience in the operation of this marketing agreement and order program has indicated the desirability of making the proposed changes in the administrative rules and regulations, as hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 989.105 [Amended]

1. In the first sentence of § 989.105, delete "weighing of samples."

2. After § 989.107 add a new section, § 989.108, to read:

§ 989.108 Other failing raisins.

"Other failing raisins" means any raisins received or acquired by a handler either as standard raisins or off-grade raisins which are processed to a point where they qualify as packed raisins but fail to meet the applicable grade standards for packed raisins.

§ 989.158 [Amended]

3. In subparagraph (1) of § 989.158 (a), delete the first two sentences and substitute therefor: "Each handler shall, at his expense, provide at each of his inspection points reasonably safe and adequate facilities (not necessarily scales) for receiving raisins, drawing samples, and efficient inspection of natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the movement of individual containers. Each handler, other than a processor, shall maintain with the Committee a current written description, defining the boundaries and other pertinent details, of each of his inspection points. In the event the Committee determines that any inspection point, or any modification thereof, does not comply with the definition or the requirements of this part, it shall notify the handler of the changes necessary for compliance. The handler shall make such changes promptly. In the event any of his inspection points is the same as that of another handler or

person receiving raisins or grapes in any form, the handler shall maintain his raisins separate and apart from any other raisins."

4. In subparagraph (2) of § 989.158 (a), delete the second, third, and fourth sentences.

5. In subparagraph (1) of § 989.158 (c), beginning with the fourth sentence revise the remaining portion of the subparagraph to read: "Any such lot of off-grade raisins shall be identified immediately following inspection by fixing to a container on each pallet a prenumbered RAC control card (to be furnished by the Committee), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC control cards shall remain fixed to the containers until the raisins are (i) disposed of by the handler in eligible nonnormal outlets, (ii) returned unstemmed to the tenderer, or (iii) submitted for reconditioning. The cards shall be removed only by an inspector of the inspection service or authorized Committee personnel, except control cards designating lots held only for fumigation may be removed by the handler after the completion of fumigation to the satisfaction of the inspection service. Each lot of off-grade raisins not returned to the tenderer shall be stored by the handler separate and apart by varietal types from all other raisins and by disposition and conditioning categories which preserve the lot identity and, if for reconditioning, the defect identity. Off-grade raisins shall be stored in such a manner as to be accessible to the Committee."

6. Revise subparagraph (3) of § 989.158(c) to read:

(3) *Interplant and interpacker transfer of off-grade raisins.* Any packer may, pursuant to § 989.58(e)(2) and under the surveillance of the inspection service, transfer to or from another packer's plant in California, any off-grade raisins for reconditioning. Such transfer may be for the packer's convenience or that of a financially interested person. Where a tenderer or other person has a financial interest in the raisins, the handler shall first obtain the tenderer's or other interested person's written agreement to the transfer. The handler shall notify the inspection service in advance and in writing on a form to be provided by the Committee, of the time he plans to transfer each lot and shall send a copy of the notification to the Committee. The notification shall be at least 1 business day in advance of the transfer unless a shorter period is acceptable to the inspection service. In the same manner except for the tenderer's or other person's written agreement, any packer may transfer off-grade raisins from one of his plants or inspection points to another of his plants in California. In both cases such raisins may be removed directly to the premises of the receiving packer or another plant of the packer under the surveillance of the inspection service. Upon completion

of the transfer all applicable provisions of this part shall apply with respect to such raisins and the packer receiving them.

7. Revise subparagraph (6) of § 989.158(c) to read:

(6) *Off-grade raisins which are not reconditioned successfully.* Except as provided in subdivision (ii) of this subparagraph, no handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed and which then fail to meet the applicable minimum grade standards (and thus are "other failing raisins"). Any raisins which fail to meet the applicable minimum grade and condition standards or grade standards after reconditioning and all residual material from reconditioning, held by the handler, shall be identified promptly by affixing to one or more containers in each lot, or to a container in each pallet if pallets are used, a prenumbered RAC control card as prescribed in subparagraph (1) of this paragraph: *Provided*, That such failing raisins and residual material which are placed directly into trucks or trailers for immediate disposition need not be identified by affixing thereto an RAC control card. The handler shall hold the failing raisins and the residual material separate and apart from all other raisins. The control cards shall be removed from the containers only by an inspector of the inspection service or authorized Committee personnel. The handler shall physically dispose of the residual material, and any failing raisins which he does not return unstemmed to the tenderer, only in eligible nonnormal outlets as provided in § 989.159(g) (2).

(ii) Any packer may arrange for or permit the tenderer to remove the stemmed raisins (described in subdivision (i) of this subparagraph), but not the residual, directly to the premises, within California, of another packer for further reconditioning of the raisins at the latter's premises. Such removal and transfer shall be made under the surveillance of the inspection service. The packer shall notify the inspection service as required in § 989.158(c) (3) and shall obtain from the receiving packer a written statement that he will receive the raisins for reconditioning. The notification shall be on a form provided by the Committee, and a copy thereof and of the receiving packer's statement shall be forwarded by the transferring packer to the Committee. Such raisins may be received by the other packer without inspection. On and after such receipt of the raisins for further reconditioning, all applicable provisions of this part shall apply with respect to such raisins and the packer so receiving them.

§ 989.159 [Amended]

8. Revise paragraph (a) of § 989.159 to read:

(a) *Inspection facilities.* At each of the premises where packed raisins are to be inspected each handler shall, at his expense, provide reasonably safe and ad-

equate space and other facilities necessary for the proper and efficient inspection of such raisins.

9. In paragraph (g) of § 989.159, revise the caption to read: "*Off-grade raisins, other failing raisins, and raisin residual material.*"

10. In subparagraph (2) of § 989.159 (g), revise the caption and subdivision (i) to read:

(2) *Disposition.* (i) Except as authorized in this part, no handler shall ship or otherwise dispose of any off-grade raisins, other failing raisins, or raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue). Any handler may ship, transfer, or otherwise dispose of off-grade raisins, other failing raisins, and raisin residual material to or at points within the continental United States (other than Alaska) for use in eligible nonnormal outlets only after filing with the Committee a written application to make such shipment, transfer, or other disposition and receiving its written approval thereof. However, the requirements of prior filing and approval of any such application shall not apply to:

(a) The transfer of any such raisins or residual material by a handler from one of his plants to another of his plants in the State of California, except any transfer of raisins which are for reconditioning shall be in accordance with § 989.158(c) (3);

(b) Any interpacker transfer or removal of off-grade raisins made in accordance with § 989.158(c) (3) and of unsuccessfully reconditioned off-grade raisins (which have been stemmed) made in accordance with § 989.158(c) (6) (ii);

(c) Any return by a handler of unstemmed off-grade raisins to the tenderer in accordance with § 989.158(c) (7);

(d) Any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by any handler to a processor within the State of California for use, within the State, in eligible nonnormal outlets;

(e) Any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by a handler to any person with an effective agreement with the Committee, in which he agrees (1) To use such raisins and raisin residual material only in eligible non-normal outlets, (2) if not so used, to pay to the Committee liquidated damages in the amount and under the conditions specified in subdivision (iii) of this subparagraph, and (3) to maintain complete, accurate, and current records regarding his dealings in raisins and raisin residual material, retain the records for at least 2 years, and permit representatives of the Committee and Secretary of Agriculture to examine all of his books and records relating to raisins and residual material; and

(f) Any direct use by the handler of such raisins or material in eligible non-normal outlets within the State of California.

11. In subdivision (ii) of § 989.159 (g) (2), revise (f) (3) to read as follows: "(3) To maintain complete, accurate,

and current records regarding his dealings in raisins, retain the records for at least 2 years, and permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to raisins and residual material."

§ 989.166 [Amended]

12. Delete paragraph (b) of § 989.166.

13. In the third sentence of § 989.166 (d) (2), delete the following words which appear after the first "Provided": "That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such handler shall at his own expense, place such raisins in either sweat or picking boxes: *Provided further*,".

14. Revise subparagraph (3) of § 989.166(d) to read:

(3) *Substitution of free tonnage.* A handler may, pursuant to § 989.66(b) (3), after giving the Committee reasonable advance notice in writing and under its direction and supervision, substitute free tonnage raisins of like quality (i.e., any level of standard raisins) for reserve tonnage or surplus tonnage raisins.

§ 989.167 [Amended]

15. Delete the second sentence of § 989.167(b) and replace it with: "In the event reserve pool raisins are transferred by the Committee, the purchasing handler shall promptly empty the raisins from the containers used in the transfer so that the Committee may return the containers and pallets used in the transfer to the handler from whom the raisins were transferred within 10 business days from the date of transfer. Any handler who refuses to permit the containers, in which reserve pool raisins are stored, to leave his premises, shall, at his expense, place such raisins in containers supplied by the Committee."

§ 989.168 [Amended]

16. Designate the present provisions of § 989.168 as paragraph (a) and add a new paragraph, paragraph (b), to read:

(b) In the event the Committee transfers surplus pool raisins to a handler for purchase or for other reasons, the receiving handler shall promptly empty the containers used in the transfer so that the Committee may return the containers and pallets used in the transfer to the handler from whom the raisins were transferred within 10 business days from the date transfer. Any handler who refuses to permit the containers in which the pool raisins are stored to leave his premises shall, at his expense, place such raisins in containers supplied by the Committee.

§ 989.169 [Deleted]

17. Delete § 989.169.

§ 989.173 [Amended]

18. In subdivision (i) of § 989.173(b) (1), revise the second parenthetical expression to read: "(Sunday through Saturday or such other 7-day period for which the handler has submitted a pro-

posal to and received approval from the Committee)".

19. In the caption of subparagraph (4) of § 989.173(b), delete "(producers or dehydrators)".

20. In subdivision (ii) of § 989.173(b) (4), delete "as indicated on the inspection certificate".

21. In subdivision (iii) of § 989.173(b) (4), delete "and address".

22. In subdivision (i) of § 989.173(b) (5), delete "and address".

23. In § 989.173(b) (5), delete subdivision (v), and designate subdivision (vi) as (v), and (vii) as (vi), and add a sentence at the end of subparagraph (5) to read: "Each nonacquiring handler shall report also the weight of standard raisins recovered from reconditioning, their inspection certificate number(s) and the handler or other person to whom the standard raisins were delivered."

24. In subparagraph (6) of § 989.173(b), revise the second sentence to read: "Each report shall show for each varietal type:

"(i) The name and address of each handler, producer, or other persons from whom such raisins or raisin residual material was received or acquired; and

"(ii) The net weight of such raisins and raisin residual material."

25. Revise subparagraph (2) of § 989.173(d) to read:

(2) *Off-grade and other failing raisins.* Any handler who transfers off-grade raisins or other failing raisins (including off-grade raisins unsuccessfully reconditioned) to another handler, other than a processor within the State of California, shall submit to the Committee (on forms furnished by it) no later than Wednesday following the week of the transfer:

(i) The date of transfer;

(ii) The name and address of the receiving handler and the location of his plant;

(iii) The name and address of the tenderer of each lot included in the transfer and the inspection certificate numbers applicable to the lot; and

(iv) The varietal type, net weight, and condition of the raisins.

Dated: October 17, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11391; Filed, Oct. 19, 1966;
8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7678]

AIRWORTHINESS DIRECTIVES

Piper Model PA-32-260 Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Piper Model PA-32-260 airplanes. There have been failures of the fuel selector valve that have been attributed to improper

sealing of the valve spheres, which allows fuel to gravity feed from the outboard tip tanks into the inboard main tanks and then overboard through the main tank vent line on these airplanes. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed AD would require replacement of the fuel tank selector valve on Piper Model PA-32-260 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before November 21, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PIPER. Applies to Model PA-32-260 airplanes, serial numbers 32-151 through 32-535.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished.

To prevent inadvertent fuel transfer from the outboard tanks to the inboard main tanks through a malfunctioning fuel tank selector valve, replace Airborne Mechanism fuel selector valve, Model 1H26-1, with Airborne Mechanism fuel selector valve, Model 1H26-2 (Piper P/N 492 104).

(Piper Service Letter No. 476 pertains to this subject)

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11397; Filed, Oct. 19, 1966;
8:46 a.m.]

[14 CFR Part 39]

[Docket No. 1019]

AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series and FH-227 Airplanes

Amendment 383 (27 F.R. 204), AD 62-1-1, requires repetitive replacement of the Walter Kidde Chemical Drier Housings on Fairchild Model F-27 Series airplanes. Subsequent to the issuance of Amendment 383, the Model FH-227 airplane was certificated, which is a modification of the Model F-27 airplane. Therefore, it is proposed to amend AD 62-1-1 to apply to Fairchild Model F-27

Series and FH-227 airplanes equipped with certain Walter Kidde Chemical Drier Housings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before November 21, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 383 (27 F.R. 204), AD 62-1-1, by amending the applicability statement to read as follows:

Applies to Model F-27 Series and FH-227 airplanes equipped with Walter Kidde Company Chemical Drier Housings, P/N 890395 and P/N 890800-0001.

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11398; Filed, Oct. 19, 1966;
8:46 a.m.]

[14 CFR Part 61]

[Docket No. 7679; Notice No. 66-37]

PREREQUISITES FOR FLIGHT TESTS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 61 of the Federal Aviation Regulations by adding a new § 61.22 that would allow applicants for private or commercial pilot certificates or instrument ratings to credit certain flight instruction received from flight instructors who are not certificated by the Agency. These would be flight instructors authorized to give the required flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Aviation (ICAO). A related change in § 61.21(a) (4) would exempt an applicant for a flight test from needing a written flight instructor recommendation if he holds a foreign pilot license, issued by an ICAO member, authorizing at least the pilot privileges of the airman certificate he seeks, or if he is a member of an Armed Force of the United States applying for an airline transport pilot certificate and has passed an official military checkout as pilot in command of the type of aircraft to be

used in the flight test. Related changes would be made in § 61.27, concerned with flight tests upon retesting after failure. The change in § 61.21(a)(4) also would impose a 60-day limit on the flight instructor's statement where needed. The Agency also is considering amending § 61.115(a) to require an applicant for a commercial pilot certificate (airplane rating) to have, as a part of the required 200 hours of flight time, both the 10 hours of instrument instruction prescribed by subparagraph (4) and the 10 hours of other flight instruction prescribed by subparagraph (3) of that paragraph.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, and arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 19, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

(1) *Crediting flight instruction received from flight instructors not certificated by FAA.* Currently there is no provision in Part 61 for crediting flight instruction toward private or commercial pilot certificates or instrument ratings that is received from any person except a flight instructor certificated by the FAA (although in specified circumstances, not here involved, the credited instruction may be received from persons other than flight instructors). This circumstance precludes crediting flight instruction received from persons authorized by licensing authorities of foreign countries or their Armed Forces, or by the Armed Forces of the United States.

At one time, when applicants for private pilot certificates needed "dual instruction from a rated flight instructor," under § 20.25 of the Civil Air Regulations, this provision was interpreted to include instruction given by pilots authorized to instruct by foreign countries or the military services. When a flight instructor certificate was substituted for a rating on a pilot certificate, in the 1957 revision of Part 20, the interpretation previously relevant to a "rated flight instructor" lost significance. Attention has been directed to this situation especially during the last several years by the circumstance that a number of requests for exemption have been received from foreign military and civilian pilots for whom it would be unduly burdensome to comply with the requirement that their instruction must be received from FAA certificated flight instructors.

Under the proposed amendments, the regulations would allow crediting flight instruction received from flight instructors authorized by foreign ICAO countries or their Armed Forces, or from flight instructors authorized by the Armed Forces of the United States. In the former case flight instruction given inside the United States would be excluded, in order to avoid compromising the Agency's continuing efforts to increase responsibilities placed upon FAA certificated flight instructors. In the latter case, however, action recognizing flight instruction received from flight instructors authorized by the Armed Forces of the United States, wherever received, is consistent with § 61.31 (Military pilots or former military pilots: special rules) that already accomplishes the same objective in authorizing the issue of a private or commercial pilot certificate without an FAA flight test.

Adoption of the proposed amendment would save time and expense for the applicants affected, as well as for the Agency. It is considered that there would be no adverse effect upon safety, since this action would not reduce the amount of instruction required by the regulations for the several kinds of pilot certificates and ratings, and it would not eliminate the need to take the flight test, that would reveal any areas of pilot skill in which the flight instruction may have been inadequate. As an added safeguard, the proposed amendments also would add to the present requirements in §§ 61.85, 61.115, 61.119, and 61.123, as to additional flight instruction required for private and commercial pilot certificate applicants, respectively, a provision that the instruction must be in procedures and maneuvers required for the applicable flight test.

In several instances, flight instruction from an FAA certificated flight instructor is considered necessary, and crediting would not otherwise be permissible, such as where the holder of an airline transport pilot certificate, airplane or VFR rotorcraft rating, applies for the other of these two ratings. The proposed amendments therefore would change § 61.157 (a)(2) and (c)(2) to assure that the instructor is one with an FAA flight instructor certificate.

In connection with these changes, the proposed amendments would remove the requirement of §§ 61.85, 61.89, and 61.93 that an applicant for a private pilot certificate must hold a student pilot certificate endorsed for solo and cross-country flights, and with this the requirement of § 61.111(e) that an applicant for a commercial pilot certificate free balloon class rating must hold a student pilot certificate, the only case in which the requirement appears in connection with commercial pilot certificates. The endorsement provisions have significance only to authorize solo and cross-country flight by student pilots. The aeronautical experience needed for a private or commercial pilot certificate must be shown in any event, by logged entries, and no purpose is served by the solo and cross-country endorsements as prerequisites for these pilot certificates. Upon

allowing the crediting of flight instruction received in an Armed Force or from a foreign rated flight instructor (when the instruction is given outside the United States), the student pilot certificate requirement in §§ 61.85, 61.89, and 61.93 would become a burdensome stumbling block since it would require the applicant to obtain flight instruction from an FAA certificated flight instructor to obtain the needed endorsement.

Removing the requirement from the sections specified would not in any manner affect the other provisions of Part 61 that require the holder of a student pilot certificate to obtain the appropriate flight instructor endorsement before he may solo or make cross-country flights in civil aircraft of U.S. registry, or the requirement of § 61.3, that to act as pilot in command of a civil aircraft, even in a flight test, a person must hold a current pilot certificate.

(2) *Certain exceptions from requirement for flight instructor's statement before flight test.* Section 61.21(a)(4) requires the applicant for a flight test to have a statement from a flight instructor certifying he has given the applicant flight instruction in preparation for the flight test and considers him ready for the test. Already excepted from this requirement is an applicant for a type rating. The proposed amendments would change § 61.21(a) in three respects.

First, the section would designate the essential rating needed by the flight instructor (the category or instrument rating on his flight instructor certificate that is sought by the applicant).

Second, the section would require the flight instructor's statement to have been made within 60 days, since the validity of the statement with respect to readiness for a flight test would only be in terms of relative recency. The 60-day limit coincides with the duration of the validity period of a graduation certificate from a certificated flying school under § 61.29. As a correlative action, the 6-month recency requirement currently provided in § 61.115(a)(3) would be deleted since it would no longer be needed in view of the revised provisions of § 61.21(a)(4).

Third, the proposed amendments to § 61.21(a)(4) would except from the need for a flight instructor's statement two kinds of applicants: Those holding foreign pilot licenses issued by ICAO members that authorize at least the pilot privileges of the airman certificate sought by the applicant, and those who are members of Armed Forces of the United States applying for airline transport pilot certificates who have passed approved military checkouts as pilots in command of the type of aircraft to be used in the flight test. These exceptions would be made because these applicants can offer equivalents to the instructor's recommendation as a means of assuring that adequate and effective flight instruction has been received. They already have been tested by an ICAO State and hold foreign licenses of at least the grade applied for, or are air-

line transport pilot applicants who are members of Armed Forces of the United States and have passed the relevant military checkouts (including instrument check). It should be noted that the exception with respect to an airline transport pilot is not extended to an applicant for a private or commercial pilot certificate who is a rated pilot in the Armed Forces of the United States, since he may qualify under § 61.31 without an FAA flight test.

Correlative with these changes, § 61.27 (Retesting after failure) also would be changed to allow alternative preflight test instruction requirements for the two kinds of applicants originally qualifying for flight testing under the exceptions that would be added to § 61.21(a)(4) by the proposed amendments. The first situation involves an applicant for retesting after failure (other than an applicant for a type rating only, an airline transport pilot certificate or associated rating, or a pilot certificate with a lighter-than-air category or associated class rating) who would originally qualify for flight testing on the basis of holding a foreign pilot license under proposed § 61.21(a)(4)(i). This applicant would be allowed to show he has received 5 additional hours of flight instruction instead of presenting a statement from a certificated flight instructor. The additional instruction could be received from a flight instructor who is authorized to give that flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign ICAO member (and that flight instruction is given outside the United States). Allowing this alternative would relieve the foreign pilot license holder from obtaining additional instruction, for retesting purposes, from an FAA certificated flight instructor, in the same manner as this burden would be removed with respect to crediting flight instruction under proposed new § 61.22. However, some preparation for retesting would be required, consisting of the 5 hours of additional instruction. The second situation involves an applicant (for retesting after failure) seeking an airline transport pilot certificate or associated rating who would originally qualify for flight testing as a member of an Armed Force of the United States under the provisions of § 61.21(a)(4)(ii). This applicant would be allowed to apply for retesting either in the manner already provided by § 61.27(d) or upon presenting satisfactory evidence, without an instructor's statement, of the same additional experience and the same amount of flight instruction but received from a flight instructor authorized to give that flight instruction by an Armed Force of the United States (or additional practice or instruction that is necessary in the opinion of the Administrator). Here too, the burden of obtaining the additional instruction, for retesting purposes, from an FAA certificated flight instructor or an airline transport pilot would be removed.

(3) *Requirement of 20 hours of flight instruction for commercial pilot certificate (airplane).* Sections 61.115(a)(3)

and (4) provide that the 200 hours of flight time required of an applicant for a commercial pilot certificate (airplane) must include, first, 10 hours of flight instruction preparing for the commercial pilot flight test within the 6 months immediately before the flight test, in addition to any flight instruction received before obtaining the private pilot certificate and, second, 10 hours of instrument instruction. This has been interpreted to mean that flight time used to meet the latter requirement may also be used to satisfy the former if received within the 6 months. The proposed amendments would change the regulations to provide that these hours of instruction must be acquired separately, since the 10 hours of instrument instruction were intended to supplement, and not to satisfy, the other 10 hours of instruction. The intent of the regulations has been a problem in only a few instances, involving military pilots or foreign pilot license holders seeking to take the commercial flight test. Since the proposed amendments would permit crediting of flight instruction in those situations, precluding the need for additional flight instruction from FAA certificated flight instructors, the clarification of the original intent would not impose a substantive burden upon the persons regulated.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a)(4) of § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

(4) Have a written statement made not more than 60 days before applying for the flight test, from a flight instructor whose flight instructor certificate bears the category rating of the aircraft to be used in the flight test (or an instrument rating if that rating is sought), certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test. However, an applicant need not have this written statement if he—

(i) Holds a foreign pilot license issued by a contracting State to the Convention on International Civil Aviation (ICAO), that authorizes at least the pilot privileges of the airman certificate sought by him;

(ii) Is a member of an Armed Force of the United States applying for an airline transport pilot certificate, and has passed an official military checkout (including instrument check) as pilot in command of the type of aircraft to be used in the flight test; or

(iii) Is applying for a type rating only.

2. By inserting a new § 61.22 to read as follows:

§ 61.22 Flight instruction received from flight instructors not certificated by FAA.

Flight instruction received to satisfy the requirements for the certificate or rating sought by the applicant may be credited toward a pilot certificate or rat-

ing under §§ 61.17 (b) or (c), 61.35(c), 61.85(a), 61.89(a), 61.93 (a) or (b), 61.115(a), 61.119(a), or 61.123(b) if it is received from a flight instructor who is authorized to give that flight instruction—

(a) By an Armed Force of the United States; or

(b) By the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Civil Aviation (ICAO), and the flight instruction is given outside the United States.

3. By amending § 61.27 as follows:

a. By adding the following sentence at the end of paragraph (b):

§ 61.27 Retesting after failure.

(b) *Flight test.*

However, an applicant who qualified for flight testing under § 61.21(a)(4)(i) need not present this statement if he shows that he has received at least 5 additional hours of flight instruction in procedures and maneuvers required for the flight test from a flight instructor who is authorized to give that flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Civil Aviation (ICAO) and that flight instruction was given outside the United States.

b. By amending paragraph (d) to read as follows:

§ 61.27 Retesting after failure.

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this Part may apply for retesting under subparagraph (1) or (2) of this paragraph.

(1) If he qualified for flight testing other than under § 61.21(a)(4)(ii), he may apply upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers the applicant ready for retesting, and satisfactory evidence that he has—

(i) Logged at least 5 additional hours of flying solely by instrument and at least 5 additional hours of flight instruction from an appropriately rated flight instructor or an airline transport pilot; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized him to determine the additional instruction necessary) to prepare the applicant for retesting.

(2) If he qualified for flight testing under § 61.21(a)(4)(ii), he may apply either upon presenting the statement and evidence described in subparagraph (1) of this paragraph, or upon presenting satisfactory evidence that he has—

(i) Logged at least five additional hours of flying solely by instrument and at least 5 additional hours of flight instruction from a flight instructor authorized to give that flight instruction by an Armed Force of the United States; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator, to prepare the applicant for retesting.

However, in retesting, only the maneuvers failed need be repeated. An applicant who meets the requirement of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b) (2) (i).

4. By amending § 61.85 as follows:

a. By amending the introductory language of paragraph (a) to read as follows:

§ 61.85 Airplane rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must have had—

b. By striking out the words "in preparation for the private pilot flight test" from paragraph (a) (4), and substituting the words "in procedures and maneuvers required for the private pilot flight test" therefor.

5. By amending the introductory language of paragraph (a) of § 61.89 to read as follows:

§ 61.89 Rotorcraft rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (rotorcraft) must have had at least—

6. By amending the introductory language of § 61.93 to read as follows:

§ 61.93 Glider rating: Aeronautical experience.

An applicant for a private pilot certificate (glider) must have had at least—

7. By striking out the words "a student pilot certificate and" from paragraph (e) of § 61.111.

8. By amending § 61.115 as follows:

a. By striking out paragraph (a) (4), and amending paragraph (a) (3) to read as follows:

§ 61.115 Airplane rating: Aeronautical experience.

(3) 20 hours of flight instruction in airplanes, including—

(i) At least 10 hours of flight instruction in operating an airplane by referring solely to flight instruments, including at least 5 hours of flight instruction from a flight instructor with an instrument rating on his flight instructor certificate, and the remaining hours, if any, from a flight instructor with an airplane rating on his flight instructor certificate; and

(ii) At least 10 hours of flight instruction from a flight instructor with an airplane rating on his flight instructor cer-

tificate in operating an airplane in other procedures and maneuvers required for the commercial pilot flight test, in addition to any flight instruction received before his private pilot certificate was issued to him.

b. By striking out the figures "(4)" in the flush paragraph at the end of paragraph (a), and substituting the figures "(3) (i)" therefor.

9. By striking out the words "preparing for the commercial pilot flight test" from paragraph (a) (3) of § 61.119, and substituting the words "in procedures and maneuvers required for the commercial pilot flight test" therefor.

10. By striking out the words "preparing for the commercial pilot flight test" from paragraph (b) of § 61.123, and substituting the words "in procedures and maneuvers required for the commercial pilot flight test" therefor.

11. By amending § 61.157 as follows:

a. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (a) (2).

b. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (c) (2).

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,

Director, Flight Standards Service.

[F.R. Doc. 66-11399; Filed, Oct. 19, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-309]

ANNUAL REPORTS OF PUBLIC UTILITIES, LICENSEES AND NATURAL GAS COMPANIES

Independent Certification of Compliance With Accounting Requirements

OCTOBER 12, 1966.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to add a new General Instruction to the annual report forms (FPC Nos. 1 and 2) prescribed, respectively, by §§ 141.1 and 260.1 of its regulations under the Federal Power and Natural Gas Acts. The instruction would provide that every Class A and B public utility, licensee, and natural gas company subject to the jurisdiction of the Commission, required to file Form No. 1 or 2, submit, in addition, a report from independent certified public accountants attesting to the conformity, in all material respects, of certain schedules in the annual report with the relevant accounting requirements of the Commission.

2. The proposed instruction offers several advantages: (1) It would provide more current evidence of compliance with

the Commission's accounting requirements than is presently available to the staff and to State Commissions; (2) it would provide jurisdictional companies with immediate notice of noncompliance and would thereby eliminate the uncertainties attendant to accumulated adjustments experienced under the present program; (3) it would make possible more effective utilization of manpower; and (4) it would be accomplished largely within the framework of present annual examination by independent accountants.

3. This amendment is proposed to be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly sections 301, 304, and 309 (49 Stat. 854, 855, and 858 (1935), 16 U.S.C. 825, 825c, and 825h (1964)), and by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, and 830 (1938), 15 U.S.C. 717g, 717i, and 717o (1964)).

4. Accordingly, it is proposed to amend the General Instructions to Annual Report FPC Form Nos. 1 and 2 prescribed, respectively, by § 141.1, Subchapter D, and § 260.1, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, by adding the following instruction:

The respondent, if it is under the jurisdiction of the Commission,¹ shall file, together with this form, a letter or report signed by independent certified public accountants, attesting to the conformity, in all material respects, of the following schedules in this report with the Commission's applicable Uniform System of Accounts:

Description	Schedule pages	
	Form No. 1	Form No. 2
Statement A—Comparative Balance Sheet.....	110-111	110-111
Notes to Balance Sheet.....	112	112
Statement B—Summary Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion.....	113	113
Statement C—Statement of Income.....	114-115	114-115
Notes to Statement of Income.....	116	116
Statement D—Statement of Earned Surplus.....	117	117
Materials and Supplies.....	207	207
Prepayments.....	210	210
Plant Materials and Operating Supplies.....	208	208
Long-Term Debt.....	219	219
Reconciliation of Recorded Net Income With Taxable Income for Federal Income Taxes.....	223	223
Accumulated Deferred Income Taxes.....	227	227
Common Utility Plant and Expenses.....	351	351
Distribution of Salaries and Wages.....	355-356	355-356
Electric or Gas Plant in Service.....	401-403	501-504
Plant Held for Future Use.....	405	506
Construction Work in Progress and Completed Construction Not Classified.....	406	507
Accumulated Provision for Depreciation of Electric or Gas Plant.....	408	508
Electric or Gas Operating Revenues.....	409	514
Electric or Gas Operation and Maintenance Expenses.....	417-420	527-532
Depreciation, Depletion and Amortization of Electric Plant.....	429	545

¹ The qualifying phrase "if it is under the jurisdiction of the Commission" would be included only in the Form No. 1 instruction.

The letter or report shall be in the following form:

In connection with our regular examination of the financial statements of [respondent] for the year ended -----, -----, on which we have reported separately under date of -----, -----, we have also reviewed schedules ----- of Form 1 [Form 2] for the year filed with the Federal Power Commission, for conformity in all material respects with the requirements of the Federal Power Commission as set forth in its applicable Uniform System of Accounts and published accounting releases. Our review for this purpose included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Based on our review, in our opinion the accompanying schedules identified in the pre-

ceding paragraph (except as noted below)² conform in all material respects with the accounting requirements of the Federal Power Commission as set forth in its applicable Uniform System of Accounts and published accounting releases.

The letter shall state, additionally, which, if any, of the schedules set forth above do not conform to the Commission's requirements, and shall describe the discrepancies that exist.

5. Any person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 1,

² Parenthetical phrase inserted only when exceptions are to be reported.

1966, data, views, comments, and suggestions in writing concerning the proposed amendment to the General Instructions accompanying Annual Report Forms 1 and 2, as prescribed by the Commission's regulations under the Federal Power Act and Natural Gas Act. An original and 14 conformed copies of each submittal should be filed. The Commission will consider any such written submittals before acting on the proposed regulations.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11401; Filed, Oct. 19, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-b]

TUBELESS TIRE VALVES FROM ITALY

Withholding of Appraisal Notice

OCTOBER 14, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of valves, tubeless tire, finished, imported from Italy as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisalment of valves, tubeless tire, finished, imported from Italy. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on April 26, 1966. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 9751 of the FEDERAL REGISTER of July 19, 1966, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-11433; Filed, Oct. 19, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Modification of Grazing Districts

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended.

The north boundary of Grazing District No. 4, Bureau of Land Management, is adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivisions from Grazing District No. 4 to Grazing District No. 7 which headquarters in Grand Junction, Colo.

All vacant, unappropriated public land in:

6TH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 103 W.,
Secs. 1 to 36, inclusive.

T. 15 S., R. 104 W.,
Secs. 1 to 36, inclusive.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 51 N., R. 20 W.,
Secs. 1 to 36, inclusive (unsurveyed).

T. 51 N., R. 19 W.,
Secs. 1 to 36, inclusive (unsurveyed).

T. 51 N., R. 18 W.,
Secs. 7 and 8 (unsurveyed);
Sec. 9, $W\frac{1}{2}$ (unsurveyed);
Sec. 16, $W\frac{1}{2}$ (unsurveyed);
Secs. 17 and 18 (unsurveyed);
Secs. 19 to 22, inclusive;
Secs. 27 to 34, inclusive.

T. 50 N., R. 20 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

T. 50 N., R. 19 W.,
Secs. 1 to 36, inclusive (unsurveyed).

T. 50 N., R. 18 W.,
Secs. 1 to 36, inclusive (partially unsurveyed).

T. 50 N., R. 17 W.,
Sec. 7;
Secs. 17 to 21, inclusive;
Secs. 27 to 32, inclusive;
Sec. 33, $W\frac{1}{2}$, $NE\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 34, $N\frac{1}{2}N\frac{1}{2}$.

T. 49 N., R. 20 W.,
Sec. 1 (unsurveyed).

T. 49 N., R. 19 W.,
Secs. 1 to 17, inclusive (unsurveyed);
Sec. 18, $N\frac{1}{2}$, and $SE\frac{1}{4}$;
Secs. 20 to 28, inclusive (unsurveyed);
Sec. 29, $N\frac{1}{2}$ and $SE\frac{1}{4}$;
Sec. 36.

T. 49 N., R. 18 W.,
Secs. 1 to 35, inclusive (partially unsurveyed);
Sec. 36, $W\frac{1}{2}$.

T. 49 N., R. 17 W.,
Sec. 4, $N\frac{1}{2}NW\frac{1}{4}$;
Sec. 5, $N\frac{1}{2}$, $SW\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}$;
Secs. 6 and 7;

Sec. 8, $NW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 17, $W\frac{1}{2}W\frac{1}{2}$;

Sec. 18;

Sec. 19, $W\frac{1}{2}$;

Sec. 30, $W\frac{1}{2}W\frac{1}{2}$.

T. 48 N., R. 18 W.,
Sec. 2, lots 3 and 4;
Sec. 3, lots 1 to 5, inclusive;
Sec. 4, lots 1 and 8;
Sec. 5, lots 1 to 4, inclusive, and 6;
Sec. 6, lots 1 to 6, inclusive.

T. 48 N., R. 19 W.,
Sec. 1, lots 1 to 8, inclusive (unsurveyed).

The transfer of jurisdiction of Grazing District No. 4 (Durango District) to Grazing District No. 7 (Grand Junction District) will not affect the status or use of the public lands in any way. Effective with the publication of this notice, the Grand Junction District will assume all responsibility for the administration of the area herein described.

J. A. BEIRNE,
Acting Associate Director.

OCTOBER 13, 1966.

[F.R. Doc. 66-11405; Filed, Oct. 19, 1966; 8:46 a.m.]

[New Mexico 0559419]

NEW MEXICO

Notice of Proposed Classification of Lands

OCTOBER 14, 1966.

Notice is hereby given of a proposal to classify the lands described below for disposal through Exchange under Section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands within and adjacent to the Cibola National Forest. This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

These lands are in areas where private ownership is extensive and their disposal will facilitate the land adjustment program of the Bureau of Land Management. In exchange the United States will acquire privately owned lands in a predominantly public land area which acquisition will facilitate the land adjustment program of the U.S. Forest Service. Information concerning the lands, including the record of public discussion, is available for inspection and study in the Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87103, and Roswell District Office, Post Office Box 1397, 1902 South Main, Roswell, N. Mex. 88201. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager, Roswell or Albuquerque Districts.

The lands affected by this proposal are located in Santa Fe, Sandoval, San Miguel, Guadalupe, Lincoln, Quay, and Eddy Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 12 N., R. 6 E.,
Sec. 1, $SW\frac{1}{4}$ and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 3, $E\frac{1}{2}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 4, $SW\frac{1}{4}SE\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 9, lots 1, 2, 4, 6, 7 and $E\frac{1}{2}NE\frac{1}{4}$;
Sec. 11, $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$.

T. 12 N., R. 7 E.,
Sec. 6, lots 1, 2, 3 and 4.

T. 16 N., R. 8 E.,
Sec. 35, $NE\frac{1}{4}$.

T. 15 N., R. 9 E.,
Sec. 8, $S\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$;

Sec. 9, $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 17, $NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 18, $SW\frac{1}{4}NE\frac{1}{4}$;
Sec. 19, $E\frac{1}{2}SE\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 26, lot 3;

Sec. 27, $SW\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 29;

Sec. 30, lots 2, 3, 4, $NE\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}NW\frac{1}{4}$;
Sec. 35, lots 1, 2, $SW\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}NW\frac{1}{4}$.

T. 15 N., R. 13 E.,
Sec. 8, lot 14;
Sec. 17, lots 1, 3 and 4;
Sec. 20, $SE\frac{1}{4}NE\frac{1}{4}$.

T. 7 N., R. 26 E.,
Sec. 2, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 4, lot 3.

- T. 8 N., R. 26 E.,
 Sec. 3, lots 1 and 2;
 Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 8 N., R. 27 E.,
 Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
 and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 11, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
 and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and
 SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 21, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
 and SE $\frac{1}{4}$.
- T. 9 N., R. 27 E.,
 Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 2 S., R. 12 E.,
 Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 10 S., R. 18 E.,
 Sec. 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 11, S $\frac{1}{2}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$;
 Sec. 12, E $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 10 S., R. 19 E.,
 Sec. 6, lot 7;
 Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
 and S $\frac{1}{2}$;
 Sec. 18, E $\frac{1}{2}$ E $\frac{1}{2}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, lot 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$
 SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20;
 Sec. 26, W $\frac{1}{2}$;
 Secs. 27 and 28;
 Sec. 29, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and
 W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 30, lots 1, 2, 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, lots 1, 2, 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 34, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and
 SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$.
- T. 11 S., R. 19 E.,
 Sec. 1, lots 5, 6 and 7;
 Sec. 3, lots 5, 6, 7 and 8;
 Sec. 5, lot 5;
 Sec. 6, lots 8 to 15, inclusive;
 Sec. 7, lots 5 to 12, inclusive;
 Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and
 NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 11, lots 1 to 8, inclusive;
 Sec. 12, lots 1 to 10, inclusive;
 Sec. 13, lots 1 to 8, inclusive;
 Sec. 14, lots 1, 2, 7 and 8;
 Sec. 15, W $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 10 S., R. 20 E.,
 Sec. 31, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 11 S., R. 20 E.,
 Sec. 6, lots 15 to 30, inclusive;
 Sec. 7, lots 13 to 30, inclusive;
 Sec. 18, lots 13 to 25, inclusive;
 Sec. 19, lots 13, 14, 21, 22 and 23;
 Sec. 20, lots 1, 2 and 7 to 12, inclusive;
 Sec. 21, lot 1.
- T. 18 S., R. 23 E.,
 Sec. 3, S $\frac{1}{2}$;
 Sec. 9, NW $\frac{1}{4}$.

The areas described aggregate 18,187.10 acres.

W. J. ANDERSON,
 State Director.

[F.R. Doc. 66-11406; Filed, Oct. 19, 1966;
 8:46 a.m.]

Bureau of Reclamation
 WENATCHEE NATIONAL FOREST,
 WASHINGTON
 Order of Transfer of Administrative
 Jurisdiction of Land; Correction

In F.R. Doc. 66-10232, appearing on page 12455 of the issue for Tuesday, September 20, 1966, those parts of lines 7 and 8 in the first paragraph reading " * * * over the following described lands, which * * * " should be changed to " * * * over those portions of the following described lands which * * * ."

Dated: October 14, 1966.

G. G. STAMM,
 Acting Commissioner of Reclamation.

[F.R. Doc. 66-11407; Filed, Oct. 19, 1966;
 8:46 a.m.]

Office of the Secretary

[Order 2860, Amdt. 2]

BONNEVILLE POWER
 ADMINISTRATION

Disposition of Power From Certain
 Projects

Order No. 2860 (27 F.R. 591 as amended, 28 F.R. 5273) is hereby amended by revising section 1 to read as follows:

SECTION 1 *Designation as marketing agent.* The Bonneville Power Administrator (hereinafter called the "Administrator") is designated as the agent to market surplus electric power and energy generated at the following Federal projects in the Pacific Northwest: Bonneville Project; Columbia Basin Project, including the reserved power and energy made available pursuant to section 7(c) of the Coulee Dam Community Act of 1957 (71 Stat. 524); Hungry Horse Project; Chandler Power Plant, Kennewick Division, Yakima Project; Roza Power Plant, Roza Division, Yakima Project; and all projects now or hereafter constructed in the drainage basin of the Columbia River and its tributaries and in all other river basins which drain into the Pacific Ocean in the States of Washington and Oregon, for which the Secretary of the Interior is authorized to market power pursuant to section 5 of the act of December 22, 1944 (58 Stat. 887), or section 2 of the act of March 2, 1945 (59 Stat. 10). In addition, the Administrator is designated as the marketing agent for power purchased by him pursuant to the act of July 27, 1954 (68 Stat. 573), or any other authority. The Administrator may exercise such of the authority vested in the Secretary of the Interior by any act or executive order applicable to the marketing of the surplus electric energy referred to in this order as may be necessary or appropriate for carrying out the program functions assigned to the Administrator.

STEWART L. UDALL,
 Secretary of the Interior.

OCTOBER 13, 1966.

[F.R. Doc. 66-11408; Filed, Oct. 19, 1966;
 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CARL W. HASEK, JR.

Statement of Changes in Financial
 Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

- A. Deletions: No change.
 B. Additions: No change.

This statement is made as of October 9, 1966.

CARL W. HASEK, JR.

OCTOBER 9, 1966.

[F.R. Doc. 66-11420; Filed, Oct. 19, 1966;
 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION,
 AND WELFARE

Social Security Administration
 CANADA

Notice of Finding Regarding Foreign
 Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that, beginning January 1966, Canada has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Canada, who leave Canada, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Canada has in effect, beginning with January 1966, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding published in the FEDERAL REGISTER of June 21, 1961 (26 F.R. 5536).

Dated: October 14, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

WILBUR J. COHEN,
Acting Secretary of Health,
Education, and Welfare.

[F.R. Doc. 66-11425; Filed, Oct. 19, 1966;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-186]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Issuance of Facility License

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-103 to the Curators of the University of Missouri authorizing operation at 5,000 kilowatts (thermal) of the 10,000 kilowatts (thermal) heterogeneous, light water-cooled and moderated pressurized tank research reactor located on the University's campus at Columbia, Mo.

The license was issued as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER August 5, 1966, 31 F.R. 10550.

Dated at Bethesda, Md., this 11th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11384; Filed, Oct. 19, 1966;
8:45 a.m.]

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Issuance of Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 6 to License No. 31-8360-1 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Long Island Nuclear Service Corp. of its intent to amend License No. 31-8360-1 to assure that the license pro-

visions referring to transportation of radioactive materials were in conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. Long Island Nuclear Service Corp. consented to the proposed modification of its license in a telegram received October 6, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., October 14, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 31-8360-1; Amdt. 6]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the

$$\frac{\text{grams contained U235}}{350} + \frac{\text{grams contained U233}}{200} + \frac{\text{grams contained Pu}}{200} \leq 1$$

2. Except as specifically provided otherwise by this license, the licensee shall receive and possess byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated August 21, 1961, and amendments thereto dated October 4, 1961, May 31, 1963, July 29, 1963, July 21, 1965, September 28, 1965, and February 25, 1966.

3. Byproduct, source, and special nuclear material shall be received and handled by, or in the physical presence of, John D. LaGrue, Jr.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth

purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated September 28, 1965, and application for license amendment dated February 25, 1966, comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 31-8360-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to Long Island Nuclear Service Corp., Station Road, Bellport, N.Y., to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3.
B. 50,000 curies of other byproduct material.

C. 50,000 pounds of source material.

D. 350 grams of Uranium 235 or 200 grams of Uranium 233 or 200 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified above does not exceed unity. Unity shall be determined by the following formula:

in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers", and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments made by Way Of Common, Contract, Or Private Carriers By Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall not store byproduct, source, and special nuclear material in any of the states in which the licensee is authorized to receive and possess such material under the terms of this license.

This amendment shall be effective on the date issued. This license shall expire November 30, 1967.

Date of issuance: October 14, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-11385; Filed, Oct. 19, 1966;
8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on October 26, 1966. The hearing will take place in Room 1306 of the State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Port Jervis Bridge—Interstate Highway #84.* A new bridge at the confluence of the Delaware and Neversink Rivers connecting Port Jervis, N.Y., with Matamoras, Pa. The proposed bridge will cross the upper end of the scheduled Tocks Island reservoir.

2. *Pottsville Sewer Authority.* Primary sewage treatment facilities and interceptor system designed to serve portions of the city of Pottsville and the Boroughs of Port Carbon, Mount Carbon, Palo Alto, and Mechanicsville in Schuylkill County, Pa. An average daily flow of 4.5 million gallons daily will be treated prior to discharge to the Schuylkill River.

3. *Fox Valley Community Service, Inc.* A sanitary sewage collection system and secondary treatment plant to serve the community of Fox Valley, Delaware County, Pa. Average daily flow of approximately 84,000 gallons will receive treatment prior to discharge to the West Branch of Chester Creek.

4. *Lower Merion Township water supply and waste treatment.* A maximum withdrawal of 1.5 million gallons daily by Lower Merion Township, Montgomery County, Pa., for use in controlling stack dust and other wastes generated by a new incinerator. Water would be returned to the Schuylkill River after primary treatment.

5. *Douglassville Water Co.* A new well (No. 4) to provide supplemental water for the Amity Gardens real estate development in Amity Township, Berks County, Pa. The new facility is expected to yield 100 gallons per minute.

6. *Warminster Township Municipal Authority.* A new well (No. 13) to provide supplemental water for Warminster Township, Bucks County, Pa. The new facility is expected to yield a maximum of 100 gallons per minute.

7. *Northampton Municipal Authority.* Two new wells to provide supplemental water for the College Park (Well No. 4) and Wind Mill Village (Well No. 4) in Northampton Township, Northampton County, Pa. The new facilities are expected to yield a maximum of 300 and 220 gallons per minute respectively.

8. *Morrisville Municipal Authority.* A new water supply facility for the Borough of Morrisville, Bucks County, Pa. The existing Delaware River filter plant will be abandoned. A new plant having a capacity of 3 million gallons per day (expandable to 6 million gallons per

day) will be constructed adjoining the Delaware River.

Documents relating to the above projects may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone: 609-883-9500.

W. BRINTON WHITALL,
Secretary.

OCTOBER 14, 1966.

[F.R. Doc. 66-11417; Filed, Oct. 19, 1966;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Project 2427]

FRANK E. PEACOCK AND WOODS FALLS B HYDRO, INC.

Notice of Application for Transfer of License for Unconstructed Project

OCTOBER 12, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Frank E. Peacock, licensee for unconstructed Project No. 2427, and Woods Falls B Hydro, Inc. (correspondence to: Frank E. Peacock, 204 Lawndale Avenue, Wilmette, Ill. 60091) for transfer of the license for the project from the former to the latter. The project, known as the Woods Falls Project, is proposed to be located on Black River, in the village of Glen Park, in Jefferson County, N.Y. The license was issued on November 19, 1965, for a period of 30 years, effective as of October 1, 1965, and terminating September 30, 1995.

The proposed project would consist of: (1) A 13-foot high diversion dam; (2) a 15-foot in diameter penstock about 125 feet long; (3) a powerhouse containing a 13,000 horsepower turbine driving a 10,000 kva generator; (4) substation; (5) a 23 kv transmission line about 4,500 feet long; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 2, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11400; Filed, Oct. 19, 1966;
8:46 a.m.]

FEDERAL MARITIME COMMISSION

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to

section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. I. Knowles, Chairman and Secretary,
Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, N.Y. 10004.

Agreement 120-85, between the member lines of the Trans-Atlantic Passenger Steamship Conference, modifies the basic agreement to permit (1) the Conference to appoint subagencies located in Hawaii to represent the member lines, and (2) the sale of passenger transportation in Hawaii.

Dated: October 17, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11416; Filed, Oct. 19, 1966;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 14, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, \$10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily

suspended, this order to be effective for the period October 16, 1966, through October 23, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11429; Filed, Oct. 19, 1966;
8:48 a.m.]

[812-2008]

NATIONAL AVIATION CORP.

Notice of Filing of Application to Permit Purchase of Securities During an Underwriting

OCTOBER 14, 1966.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant of up to \$1,500,000 principal amount convertible subordinated debentures due 1991 ("the debentures") which American Airlines, Inc. ("the Issuer"), proposes to issue. The Applicant proposes to acquire the debentures either by the purchase, at the market price, of rights to purchase the debentures or by the purchase of the debentures, at the public offering price, upon the public offering thereof. The proposed purchase is a portion of an offering of \$81,704,900 principal amount of the debentures expected to be offered to the public as soon as the registration statement on Form S-1 of the Issuer, filed September 23, 1966, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of the Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed pur-

chase of the debentures is consistent with the Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 1.80 percent of the Applicant's assets as of September 29, 1966, and that the investment of the Applicant in all securities of the Issuer will represent approximately 5.20 percent of the Applicant's assets as of September 29, 1966.

Notice is further given that any interested person may, not later than October 26, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11430; Filed, Oct. 19, 1966;
8:48 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

OCTOBER 14, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5 $\frac{7}{8}$ percent Industrial Development Revenue Bonds of Pinal County Development Association, due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period October 16, 1966,

through October 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11431; Filed, Oct. 19, 1966;
8:49 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

OCTOBER 14, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 16, 1966, through October 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11432; Filed, Oct. 19, 1966;
8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 50 (Rev. 3)
Amdt. 3]

DEPUTY ADMINISTRATOR FOR INVESTMENT DIVISION

Delegation of Authority

Delegation of Authority No. 50 (Revision 3) (25 F.R. 7418) as amended (26 F.R. 4440; 27 F.R. 1303) is hereby amended by adding the following subsection I.D.:

I. * * *

D. Activities under Sections 302 and 303 of the Small Business Investment Act of 1958, as amended: To take all necessary action in connection with the servicing, administration, collection, sale and liquidation of partially or fully disbursed loans, obligations and property (real, personal, or mixed, tangible or intangible) held by or assigned to SBA and arising out of activities under section 302 and section 303 of the Small Business Investment Act of 1958, as amended, and, in connection therewith, to accept or reject offers of settlement or of compromise for cash, credit, or property (real, personal, or mixed, tangible or intangible).

* * * * *

Effective date. October 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11410; Filed, Oct. 19, 1966;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 979]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

OCTOBER 14, 1966.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR Part 1, as amended), published in the *FEDERAL REGISTER* issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the *FEDERAL REGIS-*

TER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 29) (Amendment), filed May 19, 1966, published *FEDERAL REGISTER* issue of June 23, 1966, amended October 3, 1966, and republished, as amended, this issue. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All commercial chemicals and fertilizers normally transported in bulk tanks* (special equipment), from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Wyoming, Montana, and Colorado. NOTE: The purpose of this republication is to add points in Dakota County, Nebr., as origin territory. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 504 (Sub-No. 89), filed October 6, 1966. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slabs, concrete, building and roofing*, from points in Elbert County, Ga., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 531 (Sub-No. 219), filed September 16, 1966. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from Luling, La., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it intends to tack with its authority in Sub 41, wherein it is authorized to operate from points in part of Texas to points in Louisiana. If a hearing is deemed necessary, applicant

requests it be held at New Orleans, La., or Washington, D.C.

No. MC 757 (Sub-No. 4), filed October 3, 1966. Applicant: JACKIE E. DAUTEL, doing business as DAUTEL TRUCK LINE, 303 Northeast 13th Street, Abilene, Kans. 67410. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* from Kansas City, and St. Joseph, Mo., to points in Cloud, Ottawa, Salina, Clay, Dickinson, Geary, Morris, and Riley Counties, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 3009 (Sub-No. 70), filed September 26, 1966. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites of MacMillan Bloedel United, Inc., and Harmac-Alabama, Inc., at or near Pine Hill, Ala., as off-route points in connection with applicant's authorized operations in MC 3009 and subs thereunder. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Montgomery, or Birmingham, Ala.

No. MC 7640 (Sub-No. 24), filed September 30, 1966. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tools, utensils, containers, implements, articles, machinery and/or parts thereof used or useful in farming and/or forestry industries*, (a) from Tarboro, N.C., and Davenport, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, the District of Columbia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, and (b) from Davenport, Iowa, to points in North Carolina, South Carolina, and Virginia, and (2) *materials and supplies used or useful in the manufacture of tools, utensils, containers, implements, articles, machinery and/or parts thereof used or useful in farming and/or forestry industries*, from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West

¹ Copies of Special Rule 1.247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Virginia, the District of Columbia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, to Tarboro, N.C. Note: Applicant states the proposed authority herein sought could be tacked with its presently authorized authority at Tarboro, N.C., to serve points in North Carolina, South Carolina, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 8535 (Sub-No. 27), filed October 7, 1966. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening Highway, Baltimore, Md. 21222. Applicant's representative: J. C. Schriner, 11615 Detroit Avenue, Cleveland, Ohio 44102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. Note: Applicant states it would tack the proposed authority with its present authority certificate in Kentucky, Ohio, and Pennsylvania, and the territory to be served could be Maryland, Delaware, New Jersey, New York, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 8948 (Sub-No. 72), filed October 3, 1966. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Lloyd R. Guerra (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, including blends with other sweeteners, in tank or hopper vehicles; *molasses in bulk in tank vehicles; and dried beet pulp with or without molasses* in bulk, in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. Note: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 10761 (Sub-No. 200), filed September 29, 1966. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. G. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packers*—as described in appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 (272-273),

from the plantsite of Farm Best, Inc., located at or near Denison, and Iowa Falls, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 19227 (Sub-No. 111) (Correction), filed September 19, 1966, published FEDERAL REGISTER issue of October 6, 1966, corrected and republished, this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representatives: W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Armlon Leonard (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and composition lumber*, boards or sheets made from wood chips, ground wood, or sawdust, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Washington, Wisconsin, and the District of Columbia, (2) *gypsum wallboard, gypsum lath and gypsum wallboard products*, from the plantsite of Dierks Forest, Inc., located in Howard County, Ark., to points in Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3) *Lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in Howard and Garland Counties, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, (4) *lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, and (5) *post, poles, piling, and lumber*, treated and untreated, from the plantsites of Dierks Forest, Inc., located in Sevier County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Jersey,

New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. Note: The purpose of this republication is to add the destination State of Indiana in (1) above, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 64994 (Sub-No. 83), filed October 3, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston Salem, N.C. 27102. Applicant's representatives: Frank C. Philips (same address as applicant), and James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from Danville, Ky., to points in Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Florida, and the District of Columbia, and *materials and supplies used in the manufacture of furniture*, on return. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 419), filed September 30, 1966. Applicant: ROGERS CARTAGE COMPANY, a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from points in St. Charles County, Mo., to points in the United States, except Alaska and Hawaii. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 102), filed October 3, 1966. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis and Huntington, Ind., over Indiana Highway 37, serving the intermediate point of Marion, Ind. Note: Applicant states it does not seek to serve any points which it is not now authorized to serve. Applicant is presently authorized to conduct operations, under its Sub 33, between Indianapolis, Ind., and Huntington, Ind., serving all intermediate points and the off-route point of Marion, Ind., as follows: From Indianapolis over Indiana Highway 29 to Logansport, thence over U.S. Highway 24 to Huntington, and return over the same route. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69901 (Sub-No. 13), filed October 3, 1966. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, Columbus, Ind. Applicant's representative: Edw. G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cleaning, scouring and washing compounds, bleach, bath salts, soda ash compounds, and sodium phosphate*, except in bulk, serving the site of the plant of the Calgon Corp. located at or near Rockwood, Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Chicago, Ill.

No. MC 89693 (Sub-No. 41), filed October 3, 1966. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430-130th NE, Bellevue, Wash. 98004. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer compounds*, from points in Washington in and east of U.S. Highway 97 to points in Washington in and east of U.S. Highway 97, and those in Montana, Idaho, and Oregon. NOTE: Applicant states the proposed authority herein can or will be joined with its presently authorized operating authority at Pasco, Dayton, and Walla Walla, Wash. If a hearing is deemed necessary, applicant requests it be held at Seattle, Spokane, or Pasco, Wash.

No. MC 89723 (Sub-No. 44), filed October 3, 1966. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Applicant is authorized in certificate No. MC 89723 (Sub-No. 4) to transport, over regular routes, between named points therein, in Texas, general commodities, subject to the following restrictions: No shipments shall be transported (a) between any of the following points, or through, or to, or from, more than one said points: Palestine, Austin, San Antonio, Laredo, Fort Worth, Waco, Houston Hearne-Valley Junction (to be considered as a single key point), or Odem, Tex. (applicable only to southbound traffic moving to, from, or through Odem other than traffic from or through Corpus Christi, Tex.) or (b) from Corpus Christi, from Raymondville, or from points south or west of Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from San Antonio to Laredo, including Laredo. The purpose of the subject application is to seek authority to operate over the routes contained in MC 89723 (Sub-No. 4) by removal of Austin, Tex., as a key point in said certificate. The proposed authority is to be subject to the remaining key point restrictions

and other restrictions contained in said certificate. NOTE: Applicant is a wholly-owned subsidiary of Missouri Pacific Railroad Co., therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Austin or Houston, Tex.

No. MC 99427 (Sub-No. 4), filed October 7, 1966. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and dry sugar in bulk, including blends with other sweeteners*, in tank or hopper vehicles, (2) *molasses in bulk in tank vehicles*, and (3) *dried beet pulp with or without molasses in bulk in hopper vehicles*, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 102616 (Sub-No. 810), filed October 6, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized anthracite coal*, in bulk, in vehicles equipped with pneumatic unloading devices, from Shamokin, Pa., to Trenton, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26739 (Sub-No. 57), filed October 7, 1966. Applicant: CROUCH BROS., INC., Elwood, Doniphan County, Kans., Mailing Address, Post Office Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Chicago, Ill., and Omaha, Nebr.; from Chicago, Ill., and points in its commercial zone, over Interstate Highway 55 to junction Interstate Highway 80 (approximately 5 miles west of Joliet, Ill.), thence over Interstate Highway 80 to Omaha, and return over the same route, serving no intermediate points, as an alternate route to applicant's presently authorized service route between Chicago, Ill., and Maryville, Mo., and between Maryville, Mo., and Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 30837 (Sub-No. 342), filed October 3, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Truck bodies*, from Athens, N.Y., to the port of entry on the international boundary line between the United States and Canada, located at or near Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 343), filed October 3, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in initial movements in truckaway service, from Milwaukee, Wis., to points in California, New York, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35469 (Sub-No. 38), filed September 30, 1966. Applicant: MODERN TRANSFER COMPANY, INC., 1300 Hanover Avenue, Allentown, Pa. 18001. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, and Chicago, Ill., and points in their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51322 (Sub-No. 4), filed October 3, 1966. Applicant: JACK DANE CAGNO, doing business as CAGNO HORSE TRANSPORTATION, 1343 Caryl Drive, Bedford, Ohio 44014. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle *such equipment and supplies*, incidental to the care, transportation, racing and exhibition of such horses, between points in Ohio, on the one hand, and, on the other, points in Michigan. NOTE: Applicant states it intends to tack at common points in Ohio with its present authority in Sub 1, wherein it conducts operations between points in Ohio, Illinois, Kentucky, and West Virginia, to provide service between points in Michigan and the States named in its Sub 1 authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52657 (Sub-No. 649), filed October 3, 1966. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's

representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial vaults*, from Wapakoneta, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and return from the above destination area to Wapakoneta, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 53965 (Sub-No. 53), filed October 3, 1966. Applicant: GRAVES TRUCK LINES, INC., 739 North 10th Street, Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Downs, Kans., to points in Arkansas, Louisiana, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas, points in Laramie County, Wyo., and points in Sedgwick, Logan, Weld, Larimer, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapahoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Huerfano, Las Animas, Baca, Prowers, Bent, and Otero Counties, Colo. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107107 (Sub-No. 378), filed October 3, 1966. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from the plantsite and warehouse facilities of the Pillsbury Co., at New Albany, Ind., and Louisville, Ky., to points in Alabama, Florida, Georgia, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 107496 (Sub-No. 501) (correction), filed September 23, 1966, published in FEDERAL REGISTER issue of October 13, 1966, and republished, as corrected, this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at

Third, Post Office Box 855, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hexane-edible oil*, in bulk, in tank vehicles; from Sidney, Nebr., to Groton, Conn. NOTE: Common control may be involved. The purpose of this republication is to show irregular route authority sought in lieu of regular routes. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or Columbus, Ohio.

No. MC 107496 (Sub-No. 504), filed September 28, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar, coal tar pitch, and coal tar products*, in bulk, from South Chicago, Ill., to Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 107496 (Sub-No. 505), filed September 28, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Marinette, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Michigan, Indiana, Kentucky, Alabama, Ohio, Georgia, Florida, New York, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Maine, New Jersey, Delaware, and Maryland, restricted against the transportation of sulphur dioxide, and further restricted against the transportation of methyl chloride, in multiunit tank vehicles. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 107496 (Sub-No. 506), filed October 3, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt base and liquid asphaltic flux material*, in bulk, in tank vehicles, between Toledo, Ohio, on the one hand, and, on the other, Lemont, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 107515 (Sub-No. 558), filed September 29, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC.,

Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as defined by the Commission (except in bulk in tank vehicles), from Aurora, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 559), filed September 30, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from the plantsite and warehouse facilities of the Pillsbury Co., at New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, Michigan, Minnesota, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Louisville, Ky.

No. MC 107818 (Sub-No. 41), filed September 28, 1966. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouses of Aurora Packing Co., located at or near Aurora, Ill., and Chicago, Ill., to points in Alabama, Georgia, Florida, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 210), filed September 29, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese spreads and dips*, from Fort Worth, Tex., to Louisville, Ky., and to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108428 (Sub-No. 21), filed October 7, 1966. Applicant: DINO D'AGATA, 3240 South 61st Street, Philadelphia, Pa. Applicant's representative: G. Donald Bullock, Box 103, Wyn-

cote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Philadelphia and Norristown, Pa., to Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 108449 (Sub-No. 242), filed September 28, 1966. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from the Williams Brothers Pipe Line Co. terminal located at or near Rochester, Minn., to points in Iowa, Minnesota, and Wisconsin, (2) from the Williams Bros. Pipe Line Co. terminal located at or near Dubuque, Iowa, to points in Illinois, Iowa, Minnesota, and Wisconsin, (3) from the Williams Bros. Pipe Line Co. terminal located at or near St. Charles, Mo., to points in Illinois and Missouri, and (4) from the Williams Bros. Pipe Line Co. terminal located at or near Topeka, Kans., to points in Kansas and Nebraska. NOTE: Applicant states that the authority sought herein can be tackled with authority now held to serve the additional States of North Dakota, South Dakota, Montana, and upper Michigan. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108449 (Sub-No. 243), filed September 28, 1966. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, from points in Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109014 (Sub-No. 5), filed October 10, 1966. Applicant: GREAT SOUTHERN COACHES, INC., 900 Burke Avenue, Jonesboro, Ark. 72401. Applicant's representative: John T. Williams, 1100 Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (A) Over regular routes: (1) between Little Rock and Newport, Ark., over U.S. Highway 67, serving all intermediate points, (2) between junction U.S. Highways 67 and 64C west of Beebe, Ark., and junction U.S. Highway 67 and Arkansas Highway 31 north of Beebe; from junction U.S. Highways 67 and 64C over U.S. Highway 64C to Beebe, and thence over Arkansas Highway 31 to junction U.S. Highway 67 and

return over the same route, serving the intermediate point of Beebe, (3) between junction U.S. Highway 67 and Arkansas Highway 16 south of Searcy, Ark., and junction U.S. Highway 67 and Arkansas Highway 36 east of Searcy; from junction U.S. Highway 67 and Arkansas Highway 16 over Arkansas Highway 16 to Searcy, and thence over U.S. Highway 36 to junction U.S. Highway 67 east of Searcy, and return over the same route, serving the intermediate point of Searcy, and (4) between junction U.S. Highways 67 and 67C southwest of Judsonia, Ark., and junction U.S. Highway 67 and unnumbered Arkansas Highway north of Judsonia; from junction U.S. Highways 67 and 67C over U.S. Highway 67C to Judsonia, and thence over unnumbered highway to junction U.S. Highway 67, and return over the same route, serving the intermediate point of Judsonia, Ark., and (B) Over irregular routes, *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, in charter operations, between Little Rock and Newport, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 109435 (Sub-No. 41), filed October 4, 1966. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: K. C. Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Arkansas to points in Kansas, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 109478 (Sub-No. 102), filed September 30, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate* in bulk, in tank vehicles, between Westfield, N.Y., and North East, Pa., on the one hand, and, on the other, points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 111625 (Sub-No. 14), filed October 7, 1966. Applicant: BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1209, Binghamton, N.Y. 13902. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, and *steel and iron products*, from points in Broome County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 111812 (Sub-No. 357), filed September 30, 1966. Applicant: MIDWEST COAST TRANSPORT, INC.,

405½ East 8th Street, Post Office Box 747, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen prepared foods*, and (2) *commodities (namely frozen fish)*, the transportation of which is partially exempt under the provisions of section 20 (b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen prepared foods, from points in Essex and Middlesex Counties, Mass., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., New York, N.Y., or Washington, D.C.

No. MC 112750 (Sub-No. 228), filed September 30, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips and debit and credit records* (except coin, currency, bullion, and negotiable securities), between Oakland, Md., and Pittsburgh, Pa., under continuing contracts with banks and banking institutions, including the First National Bank of Oakland, Oakland, Md. NOTE: Applicant holds common carrier authority in MC 111729 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 113908 (Sub-No. 193), filed October 7, 1966. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. 65804. Applicant's representative: Robert K. Allen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Colorado, Michigan, Minnesota, Missouri, Oklahoma, Tennessee, and Texas to points in California and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113908 (Sub-No. 194), filed October 7, 1966. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tam-

Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax* in bulk, in tank vehicles, from Oil City, Pa., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Nebraska, South Dakota, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114854 (Sub-No. 2), filed September 30, 1966. Applicant: LARSON AND SON, INC., Alzada Star Route, Colony, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in South Dakota and Montana, to points in Crook County, Wyo., under contract with International Minerals & Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 115524 (Sub-No. 11), filed October 4, 1966. Applicant: WILLIAM P. BURSCH, doing business as BURSCH TRUCKING, 4130 Edith NE., Albuquerque, N. Mex. Applicant's representative: J. E. Gallegos, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and such commodities as are dealt in or sold by Road Runner Lumber Sales Co.*, (1) from points in New Mexico to points in Texas, Oklahoma, Kansas, and Colorado; (2) from points in Las Animas, Rio Grande, Archuleta, and Conejos Counties, Colo., to points in New Mexico, Texas, Oklahoma, and Kansas; and, (3) from points in Jasper and Harbison Counties, Tex., to points in New Mexico, all under contract with Road Runner Lumber Sales Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Santa Fe or Albuquerque, N. Mex.

No. MC 115841 (Sub-No. 298), filed October 6, 1966. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 Bankhead Highway West, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk in tank vehicle), in vehicle equipped with mechanical refrigeration, restricted to traffic originating at the plantsite and warehouse facilities of the Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Wisconsin, Iowa, Michigan, Nebraska, Missouri, Illinois, Kentucky, Ohio, Indiana, Minnesota, West Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, New York, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Minneapolis, Minn.

No. MC 116063 (Sub-No. 95), filed September 30, 1966. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., Post Office Box 270, 2400 Cold Springs Road, Fort Worth, Tex. 76101. Applicant's representative: Jerry E. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, including blends with other sweeteners, in tank or hopper vehicles; *molasses*, in bulk; and *dried beet pulp*, with or without molasses, in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116273 (Sub-No. 79), filed October 3, 1966. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch, Traffic Manager (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antispalling compounds* (vegetable oils and petroleum naphtha or mineral spirits combined), in bulk, in tank vehicles, from Chicago, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that it intends to tack with its present authority in Subs 20, 25, and 48 in which it is authorized to operate in Kansas, Minnesota, Mississippi, Nebraska, South Dakota, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116779 (Sub-No. 3), filed October 7, 1966. Applicant: PHILIP C. SCHUSTER, doing business as P. C. SCHUSTER CONTRACT HAULING, Valley View Lane, Boston, N.Y. Applicant's representative: Robert V. Gianiny, 900 Midtown Tower, Rochester, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from East Aurora, N.Y., to points in Erie, Crawford, Mercer, Vanango, Lawrence, Butler, Beaver, Allegheny, Warren, Forest, Clarion, Armstrong, Westmoreland, Indiana, Jefferson, Elk, McKean, Cameron, Potter, Clinton, Tioga, Lycoming, Bradford, Sullivan, Susquehanna, Wyoming, Wayne, Lackawanna, Clearfield, Center, Blair, Cambria, Somerset, and Bedford Counties, Pa., under contract with Empire Clay Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 117344 (Sub-No. 176), filed September 30, 1966. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients, and fertilizer materials*, dry, from Cincinnati, Ohio, to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117344 (Sub-No. 177), filed September 29, 1966. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Mount Vernon, Ind., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119489 (Sub-No. 11) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended October 4, 1966, and republished, as amended, this issue. Applicant: PAUL ABLE, doing business as CENTRAL TRANSPORT COMPANY, Norfolk, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All commercial chemicals and fertilizers normally transported in bulk tanks* (special equipment), from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Nebraska, North Dakota, Colorado, Minnesota, Montana, South Dakota, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to add points in Dakota County, Nebr., as origin territory. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119547 (Sub-No. 15), filed September 14, 1966. Applicant: EDGAR W. LONG, Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and refractories products*, from points in Perry County, Ohio, to points in New York, West Virginia, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Virginia, Maryland, Delaware, New Jersey, Missouri, Iowa, Pennsylvania, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Minnesota, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119934 (Sub-No. 132), filed October 3, 1966. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Buffalo, N.Y., Jacksonville and Orlando, Fla., Atlanta and Huber, Ga., and New Orleans, La., to points in Sylacauga, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 121495 (Sub-No. 2) (Amendment), filed May 19, 1966, published *FEDERAL REGISTER* issue of June 9, 1966, amended August 15, 1966, and republished as amended, this issue. Applicant: ENGLEWOOD TRANSIT COMPANY, a corporation, 1125 West 46th Avenue, Denver, Colo. Applicant's representative: Edward C. Hastings, 330 Petroleum Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Colorado, on the one hand, and, on the other, Elkhart and Richfield, Kans. NOTE: The purpose of this republication is to redescribe the territory to be served. If a hearing is deemed necessary, applicant requests it be held at Elkhart, Kans.

No. MC 123502 (Sub-No. 18), filed September 30, 1966. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: Donald E. Freeman, Post Office Box 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal alloys and scrap metal*, in dump vehicles, and *fluorspar, ores, gravel, granular refractories and soda ash*, in bulk, in dump vehicles, from East Liverpool, Ohio, to Baltimore, Md.; (2) *metal alloys and ores*, in bulk, in dump vehicles, from Brilliant, Philo, and Powhatan, Ohio, to Baltimore, Md., and points in Connecticut, Massachusetts, New Hampshire, and Rhode Island; and, (3) *metal alloys and ores*, from Baltimore, Md., to points in Massachusetts, New Hampshire, Rhode Island, Indiana, Illinois, and Michigan. NOTE: Applicant states that it intends to tack at Baltimore, Md., with its present authority in Sub 15, wherein it is authorized to operate in Maryland, West Virginia, Virginia, Pennsylvania, Delaware, New York, Connecticut, Ohio, and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124183 (Sub-No. 10), filed October 6, 1966. Applicant: GARRISON TRANSPORT, INC., 409 East 9th Street, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, tops, and paper cartons*, knocked down, from Burlington, Wis., to points in Indiana, the Lower Peninsula of Michigan, Ohio, Kentucky, Illinois south of U.S. Highway 36, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124649 (Sub-No. 1), filed September 28, 1966. Applicant: JOSEPH BONANNO, 1 Cranford Avenue, Linden, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, (1) from Stamford, Conn.,

to Mahwah, Newark, Paterson, Flagtown, Florence, Burlington, Phillipsburg, Camden, Sewaren, High Bridge, South Amboy, Harrison, Bartley, East Orange, Irvington, and Jersey City, N.J., and Allentown, Easton, and Macungie, Pa.; (2) from New York, N.Y., to Bridgeport, Conn., Mahwah, Newark, Paterson, Flagtown, High Bridge, South Amboy, Harrison, Irvington, East Orange, and Bartley, N.J., and Allentown, Easton, and Macungie, Pa.; (3) from Easton, Allentown, and Wilkes-Barre, Pa., and Camden and Phillipsburg, N.J., to Newark and Jersey City, N.J.; (4) from Newark, N.J., to Bridgeport, Conn., and Watervliet and Albany, N.Y.; and (5) from Albany, N.Y., to Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 125120 (Sub-No. 2), filed October 3, 1966. Applicant: TWIN STATE SAND & GRAVEL CO., INC., Elm Street, West Lebanon, N.H. 03784. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road surfacing salt*, (1) from Littleton, N.H., to points in Vermont, and (2) from Montpelier, Vt., to points in New Hampshire, under contract with International Salt Co., Summit, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 125550 (Sub-No. 2), filed October 7, 1966. Applicant: THE HELLER COMPANY, a corporation, 200 Chestnut Avenue, Altoona, Pa. 15219. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical fixtures and component parts thereof, metal housewares and houseware products, and metal utility buildings*, from Altoona, Pa., to Minneapolis and St. Paul, Minn., Milwaukee, Wis., St. Louis, Mo., Omaha, Nebr., Phoenix, Ariz., Des Moines, Iowa, Oklahoma City, Okla., and points in Florida and Texas; and, *materials used in the manufacture of the above specified commodities on return*; under continuing contract with Stanley Electric Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 125708 (Sub-No. 63), filed September 29, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Chicago, Joliet, Waukegan, and Chicago Heights, Ill., and points within their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska,

North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125941 (Sub-No. 4), filed October 3, 1966. Applicant: J & S TRUCK LINE, INC., 817 Southwest 37th Street, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials, and empty containers*, between Garland, Tex. on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Ohio, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 126276 (Sub-No. 5), filed October 3, 1966. Applicant: FAST MOTOR SERVICE, INC., 7521 West 62d Street, Summit, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies used in the manufacture of metal containers*, between the plantsite of Crown Cork & Seal Co., Inc., at Chicago, Ill., and the plantsite of Crown Cork & Seal Co. at Cleveland, Ohio, and (2) *metal containers* from the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio, to South Bend, Ind., and Chicago, Ill.; under continuing contract with Crown Cork & Seal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127028 (Sub-No. 2), filed October 3, 1966. Applicant: BREDE HOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food stuffs and dog food*, in cans, in carton not requiring refrigeration, and not in bulk or in tank vehicles, from Gentra and Siloam Springs, Ark., the plantsite of Allen Canning Co., approximately 1 mile east of Siloam Springs, Ark., Kansas, Okla., to Douglas, Flagstaff, Kingman, Phoenix, and Tucson, Ariz.; Great Bend, Liberal, Salina, Topeka, and Wichita, Kans.; Bowling Green, Louisville, Paducah, and Pikeville, Ky.; Alexandria, Baton Rouge, Lake Charles, New Orleans, and Shreveport, La.; Baltimore, Md., Albuquerque, Gallup, and Santa Fe, N. Mex.; Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Harrisburg, Philadelphia, and Pittsburgh, Pa.; Abilene, Amarillo, Austin, Big Spring, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tule Waco, and Wichita Falls, Tex.; Danville, Norfolk, Richmond, and Roanoke, Va.; and Charleston, W. Va., (2) *empty cans and closures therefor*, from Arlington and Houston, Tex., New Orleans,

and Harvey, La., St. Louis and Kansas City, Mo., and Chicago, Ill., and points in its commercial zone, to Siloam Springs, Ark., (3) *fiberboard cartons*, from Kansas City, Kans., to Siloam Springs, Ark., and (4) *raw sugar*, in bags, from New Orleans, La., to Siloam Springs, Ark. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 127539 (Sub-No. 2) (Amendment), filed May 18, 1966, published **FEDERAL REGISTER** issue of June 16, 1966, amended October 10, 1966, and republished, as amended, this issue. Applicant: **PARKER REFRIGERATED SERVICE, INC.**, 1225 Puyallup Avenue, Tacoma, Wash. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and dry potato products*, between points in Washington, Oregon, and California. **NOTE:** The purpose of this republication is to add dry potato products to the commodity description and also to change the scope of the application to a non-radial movement. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127623 (Sub-No. 2), filed October 3, 1966. Applicant: **R & R FREIGHT TRUCKING, INC.**, 812 Greene Street, Cumberland, Md. 21502. Applicant's representative: Earl Edmund Manges, 20 South Liberty Street, Post Office Box 33, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, sand, gravel, earth*, in bulk, and *scrap metal*, from Frostburg and Cumberland, Md., to points in Washington, Allegany, and Garrett Counties, Md., Mineral, Hampshire, Jefferson, Grant, Tucker, Randolph, and Berkeley Counties, W. Va., Frederick County, Va., and Bedford, Blair, Somerset, Cambria, Westmoreland, Fayette, and Allegheny Counties, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127730 (Sub-No. 1), filed October 6, 1966. Applicant: **A. A. A. CARTAGE, INC.**, 8636 West Harrison Avenue, Milwaukee, Wis. Applicant's representative: William C. Dineen, 710 North Lankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, classes A and B explosives, and those injurious or contaminating to other lading), restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between O'Hare Air Field, Cook County, Ill., on the one hand, and, on the other, points at Milwaukee, Racine, and Kenosha Counties, Wis., under a continuing contract with Airborne Freight Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127979 (Sub-No. 1), filed September 28, 1966. Applicant: **RAYMOND F. BROWNING**, 3510 Elizabeth, Pueblo, Colo. 81003. Applicant's representative: Dewey W. Beach, Manager, Motor Tariff Service, Post Office Box 26073, Denver, Colo. 80226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles*, in driveway or towaway service, from points in the United States (excluding Alaska and Hawaii), to Alamosa, Colorado Springs, Durango, Grand Junction, Gunnison, La Jara, La Junta, Lamar, Leadville, Monte Vista, Montrose, Pagosa Springs, Pueblo, Salida, Springfield, and Trinidad, Colo., and Aztec, Clayton, Espanola, Farmington, Las Vegas, Springer, and Taos, N. Mex., under contract with General Motors Acceptance Corp., Pueblo, Colo.; Western Acceptance Corp., Pueblo, Colo.; and, Commercial Credit, Corp., Pueblo, Colo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colorado Springs, or Pueblo, Colo.

No. MC 128372 (Sub-No. 1), filed October 3, 1966. Applicant: **PHILPOT CONTRACTING COMPANY, INC.**, 880 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: William Adams, 1776 Peachtree Street NW., Room 406, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone electronic equipment*, between points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under contract with Southern Bell Telephone & Telegraph Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128412 (Amendment), filed July 15, 1966, published **FEDERAL REGISTER** issue of August 4, 1966, amended October 4, 1966, and republished, as amended, this issue. Applicant: **LO-TEMP EXPRESS, INC.**, 1810 10th Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Disken, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, paper articles, seafood, fish* (dried, fresh, frozen, and pickled), *food products, baking mixes, frozen foods, frozen fruits and vegetables, frozen dinners, cakes and pies, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in refrigerated (mechanically or otherwise) vehicles, except commodities in bulk, between Altoona, Pa., Lemoyne, Pa., and State College, Pa., on the one hand, and, on the other, points in Iowa, Illinois, Missouri, Florida, New Jersey, New York, Massachusetts, Michigan, Virginia, Maryland, West Virginia, and Wisconsin, under continuing contracts with Sky Bros., Inc., Altoona, Pa., Sky Bros. of Lemoyne, Inc., Lemoyne, Pa., Cold, Inc., State College, Pa., and Frozen Farm Products, Inc., Altoona, Pa. **NOTE:**

The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128598 (Sub-No. 1), filed October 4, 1966. Applicant: **BEVARD BROTHERS, INC.**, 4600 St. Barnabas Road SE., Washington, D.C. 20031. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Suite 770, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Prince Georges County, Md., to points in Arlington, Fairfax (except Herndon), Loudoun, and Prince William Counties, Va., Alexandria, Fairfax, and Falls Church, Va., and Washington, D.C., restricted to the accounts of Silver Hill Sand & Gravel Co., Silver Hill, Md., and Inland Materials, Inc., Clinton, Md. **NOTE:** Applicant has pending in MC 126864, Sub 1, application for common carrier authority, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128609 (Correction), filed September 23, 1966, published **FEDERAL REGISTER**, issue of October 13, 1966, republished as corrected this issue. Applicant: **LEGION WAREHOUSE CORP.**, doing business as **LEGION TRUCKING COMPANY**, 153 Fort Lee Road, Teaneck, N.J. 07666. Applicant's representative: Daniel N. Camoia, 27 William Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet glass*, from Steamship Piers in the New York, N.Y., commercial zone, and Teaneck, N.J., to points in New Jersey, Connecticut, New York on, south and east of New York Highway 7 extending from the New York-Vermont line to the New York-Pennsylvania line, and Philadelphia, Pa., for the account of Flat Glass, Ltd. **NOTE:** The purpose of this republication is to show applicant's address, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128610 (Sub-No. 1), filed September 28, 1966. Applicant: **ALCO SHIPPING AGENCIES BAHAMAS, LTD.**, Port Laudania, Dania, Fla. Applicant's representative: Bernard C. Pestcoe, 412 City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Port Everglades, Fort Lauderdale, Fla., and points in Dade, Broward, and Palm Beach Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement by water and further restricted to traffic moving aboard vessels owned or operated by applicant. **NOTE:** Common control may be involved. The application

is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Fort Lauderdale or Miami, Fla.

No. MC 128616, filed September 28, 1966. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Melvin E. Baillet or Warren W. Walin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the conduct and operation of banks and banking institutions (1) between Chicago, Ill., on the one hand, and, on the other, points in Lake Porter, La Porte, Saint Joseph, and Elkhart Counties, Ind.; (2) between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40, and points in Waukesha, Racine, Milwaukee, Manitowoc, Brown, Winnebago, Fond du Lac, Washington, Outagamie, Ozaukee, Kewaunee, Calumet, Rock, Dane, and Sheboygan Counties, Wis.; (3) between Chicago, Ill., on the one hand, and, on the other, points in Berrien, Cass, Saint Joseph, Branch, Hillsdale, Monroe, Lenawee, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Allegan, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, Ottawa, Kent, Ionia, Clinton, Shiawasee, Genesee, Lapeer, Saint Clair, Muskegon, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, and Huron Counties, Mich.; (4) between Detroit, Mich., and Toledo, Ohio; (5) between Kansas City, and St. Joseph, Mo., on the one hand, and, on the other, points in Otoe, Cass, Sarpy, Douglas, Lancaster, Johnson, and Nemaha Counties, Nebr., and points in Kansas; (6) between Omaha, Nebr., on the one hand, and, on the other, points in Woodbury and Monona Counties, Iowa;

(7) Between Detroit, Mich., on the one hand, and, on the other, points in St. Joseph and Elkhart Counties, Ind.; (8) between Toledo, Ohio, on the one hand, and, on the other, points in Monroe and Lenawee Counties, Mich.; (9) between points in Utah, on the one hand, and, on the other, points in Idaho; (10) between Cleveland, Ohio, and Detroit, Mich.; (11) between Chicago, Ill., on the one hand, and, on the other, points in Walworth, Jefferson, Dodge, Columbia, and Kenosha Counties, Wis.; (12) between Joplin, Mo., on the one hand, and, on the other, Baxter Springs, and Galena, Kans.; (13) between Oakbrook, Ill., on the one hand, and, on the other, Milwaukee, Wis., and Muskegon and Detroit, Mich.; (14) between Indianapolis, Ind., and Danville, Ill.; (15) between South Bend, Ind., on the one hand, and, on the other, Baroda, Benton Harbor, Buchanan, and Galien, Mich.; (16) between Michigan City, Ind., on the one hand, and, on the other, Battle Creek, Benton Harbor, Buchanan, Cassopolis, Jackson, and Niles, Mich.; (17) between points in Illinois, on the one hand, and, on the other, points in Missouri and between

Memphis, Tenn., on the one hand, and, on the other, points in Missouri; (18) between St. Louis, Mo., on the one hand, and, on the other, Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Ill.; (19) between Omaha and Lincoln, Nebr., on the one hand, and, on the other, points in Wyoming; (20) between Omaha and Lincoln, Nebr., on the one hand, and, on the other, Denver, Colo.; (21) between Denver, Colo., on the one hand, and, on the other, points in Wyoming; (22) between Salt Lake City, Utah, on the one hand, and, on the other, Boise and Idaho Falls, Idaho; and (23) between Milwaukee, Wis., on the one hand, and, on the other, Detroit, Mich., under contract with unspecified banks and banking institutions. NOTE: Applicant holds common carrier authority in MC 114533 and Subs thereunder, therefore dual operations may be involved. Applicant states that to the extent this application is granted it will surrender its common carrier certificates or those portions of any certificate which include the type of commodities for which contract authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128618, filed September 30, 1966. Applicant: JOHN L. MARTINO, doing business as MARTINO TRUCKING CO., Railroad Street, Rochester, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough castings and scrap metals* in dump vehicles, between points in Rochester Township and the Borough of New Brighton, Beaver County, Pa., on the one hand, and, on the other, Youngstown, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128619, filed September 30, 1966. Applicant: RICHARD D. BEILKE, doing business as R. B. DISTRIBUTING, Box 278, Route No. 3, Buffalo, Minn. 55313. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Package milk, cream, cottage cheese, butter, ice milk mix, orange juice* in cartons and bottles, *advertising material and displays, cake cones and cups, and such materials, equipment, and supplies* used in the manufacture and distribution of dairy products, between Minneapolis, Minn., and points in Polk, Burnett, Washburn, Sawyer, Rusk, Chippewa, Barron, St. Croix, Dunn, Pierce, and Eau Claire Counties, Wis., under contract with Maple Island Dairies. NOTE: If a hearing is deemed

necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128620, filed September 30, 1966. Applicant: ROBERT J. ERICKSON, SR., doing business as BOB ERICKSON TRUCKING, Route No. 2, Rush City, Minn. 55069. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies*, from Stillwater, St. Paul, and Minneapolis, Minn., to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128621, filed October 4, 1966. Applicant: F. B. Y. HAULAGE CORP., 4500 Second Avenue, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, wine* (except in bulk in tank vehicles), *materials, supplies, equipment* (except articles, which because of their size, shape, or weight, require the use of special equipment or special handling) used or useful in the manufacture, and sale of wine and alcoholic beverages, between New York, N.Y. on the one hand, and, on the other, points in New York, New Jersey, Connecticut, and Philadelphia, Pa., under contract with Monarch Wine Co., Inc., Brooklyn, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128626, filed October 3, 1966. Applicant: LAWRENCE C. JUNKER, doing business as JUNKER TRUCKING, 651 South Broadway, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, and dairy supplies*, from Stillwater and Minneapolis, Minn., to points in Wisconsin, located on and within the area bounded on the north by U.S. Highway 8 from St. Croix Falls to junction U.S. Highway 53 at Cameron, thence south to Chippewa Falls, thence south and west to junction Interstate Highway 94, thence west on Interstate Highway 94 to the Minnesota-Wisconsin State line, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128627, filed October 3, 1966. Applicant: ALTON L. NELSON, doing business as NELSON TRUCKING, Route No. 2, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle,

cle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies*, (1) between Stillwater, St. Paul, and Minneapolis, Minn., and points in that part of Wisconsin north of U.S. Highway 10 and west of U.S. Highway 51 from Stephens Point to the Wisconsin-Michigan State line, and (2) from points in that part of Wisconsin described in (1) above to points in that part of Minnesota east of U.S. Highway 71 from the Minnesota-Canadian border to the Minnesota-Iowa border, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128628, filed October 3, 1966. Applicant: HAROLD E. BEAVER, doing business as BEAVER TRUCKING, 388 North Fifth Street, Bayport, Minn. 55003. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies*, from Stillwater, St. Paul, and Minneapolis, Minn., to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128629, filed September 30, 1966. Applicant: HAROLD SPAETH, 17 Birchwood Drive, West Bend, Wis. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter*, from the plant-site of Level Valley Dairy located in the town of Jackson, Washington County, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota, (2) *cardboard boxes*, from Chicago, Ill., to the plant-site of Level Valley Dairy located in the town of Jackson, Washington County, Wis., (3) *salt*, from Akron, Ohio, to the plant-site of Level Valley Dairy located in the town of Jackson, Washington County, Wis., and (4) *soap*, from Wyandotte, Mich., and Chicago, Ill., to the plant-site of Level Valley Dairy located in the town of Jackson, Washington County, Wis., under contract with Level Valley Dairy, town of Jackson, Washington County, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 128634 (Sub-No. 1), filed October 5, 1966. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer Place, Detroit, Mich. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat,*

meat products and meat byproducts as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, Vermont, Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, under contract with Great Markwestern Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

APPLICATION FOR BROKERAGE APPLICATION

No. MC 130018, filed September 6, 1966. Applicant: E. WILLIS AVERY, ROSE AVERY, MILLARD AVERY, RAYMOND AVERY and FRANK AVERY, a partnership, doing business as AVERY TRANSPORTATION, Beachlake, Pa. Applicant's representative: Alfred J. Howell, Foster Building, Honesdale, Pa. 18431. For a license (BMC 5) to engage in operations as a *broker* at Beachlake, Pa., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in groups, in charter operations, in round-trip tours, beginning and ending at points in Wayne and Pike Counties, Pa., and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 55236 (Sub-No. 133) (amendment), filed May 13, 1966, published in *FEDERAL REGISTER* issue of June 9, 1966, amended July 13, 1966, and republished, as amended, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients*, in bulk, from Thorntown, Eaton, and Warsaw, Ind., to points in Ohio and Illinois. NOTE: The purpose of this republication is to add Warsaw, Ind., as an origin point and Illinois to the destination territory.

MOTOR CARRIER OF PASSENGERS

No. MC 109780 (Sub-No. 65) (Correction), filed September 13, 1966, published in the *FEDERAL REGISTER* issue of October 6, 1966, corrected and republished, as corrected, this issue. Applicant: TRANSCONTINENTAL BUS SYSTEM, INC., doing business as CONTINENTAL TRAILWAYS, 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: D. Paul Stafford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express* in the same vehicle with passengers, over new U.S. Highway 75, for a distance of approximately $3\frac{1}{2}$ miles, from junction Oklahoma Highway 75A, approximately 6 miles south of Calera, Okla., to junction Oklahoma Highway 75A, approximately

1 mile south of Colbert, Okla., and return over the same route, serving all intermediate points. NOTE: The purpose of this republication is to show the correct number as MC 109780, in lieu of MC 10978.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11339; Filed, Oct. 19, 1966; 8:45 a.m.]

[Notice 1428]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69142. By order of October 17, 1966, the Transfer Board approved the transfer to E. E. Henry, Chesapeake, Va., of the operating rights in certificate No. MC-123387 issued March 9, 1961, to Vrable Motor Lines, Inc., Norfolk, Va., authorizing the transportation of: Malt beverages, and containers therefor, between points in Virginia, North Carolina, South Carolina, West Virginia, Maryland, Georgia, and the District of Columbia. Calvin H. Childress, 807 Plaza One, Norfolk, Va. 23510, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11426; Filed, Oct. 19, 1966; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the *FEDERAL REGISTER*.

LONG-AND-SHORT HAUL

FSA No. 40747—*Corn and sorghum grains to points in southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8915), for interested rail carriers. Rates on corn (not popcorn), corn products, grain sorghums and grain sorghum products, in carloads, from points in Iowa, Kansas, Nebraska,

and Missouri, to points in southwestern territory.

Grounds for relief—Motortruck competition.

Tariffs—Supplement 75 to Southwestern Freight Bureau, agent, tariff ICC 4495 and four other schedules named in the application.

FSA No. 40748—*Vermiculite from Kearney, S.C.* Filed by O. W. South, Jr., agent (No. A4952), for interested rail carriers. Rates on vermiculite, in carloads, from Kearney, S.C., to specified

points in Indiana and New York, also Gypsum, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 18 to Southern Freight Association, agent, tariff ICC S-623.

FSA No. 40749—*Ethyl chloride to Gillespie, N.J.* Filed by O. W. South, Jr., agent (No. A4953), for interested rail carriers. Rates on ethyl chloride, in tank carloads, from Baton Rouge and

North Baton Rouge, La., to Gillespie, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 138 to Southern Freight Association, agent, tariff ICC S-384.

By the Commission:

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11427; Filed, Oct. 19, 1966;
8:48 a.m.]

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

PROPOSED RULES:	
19	13005
121	12849
130	13347
191	13006

22 CFR	Page
41-----	13080
42-----	13080
50-----	13537
51-----	13540
52-----	13546
53-----	13546

23 CFR

Ch. II-----	13128
-------------	-------

24 CFR

5-----	13081
203-----	13000
220-----	13000
221-----	13000
232-----	13000
234-----	13000
1000-----	13000

25 CFR

PROPOSED RULES:	
221-----	13242

26 CFR

177-----	13443
507-----	13466
PROPOSED RULES:	
1-----	12843, 12845, 13091, 13242

28 CFR

PROPOSED RULES:	
5-----	13343

29 CFR

462-----	13001
512-----	13211
PROPOSED RULES:	
40-----	13174
1207-----	13176

31 CFR

520-----	13001
----------	-------

32 CFR

1-----	13326
2-----	13329
3-----	13329
4-----	13330
7-----	13331
8-----	13332
11-----	13332
13-----	13336
15-----	13336
18-----	13337
855-----	13081
1001-----	13217
1002-----	13217
1003-----	13217, 13547
1004-----	13217
1007-----	13218, 13547
1010-----	13219

32 CFR—Continued	Page
1012-----	13548
1013-----	13219
1017-----	13220
1018-----	13220
1030-----	13220
1053-----	13220
1054-----	13220

32A CFR

Ch. XV:	
FRS Reg. V-----	13444
PROPOSED RULES:	
Ch. X-----	12924, 13050

33 CFR

202-----	13129
204-----	13129, 13445

36 CFR

311-----	13313
326-----	13172

37 CFR

1-----	12922
--------	-------

38 CFR

2-----	13548
3-----	13088, 13172, 13390, 13446
14-----	13548
36-----	13003

39 CFR

822-----	13172
PROPOSED RULES:	
43-----	13394

41 CFR

5-12-----	13337
9-1-----	13046
9-2-----	13046
9-3-----	13046
22-1-----	13001

42 CFR

22-----	12939
52-----	13445

43 CFR

5430-----	13446
PUBLIC LAND ORDERS:	
1195 (revoked in part by PLO 4099)-----	12950
3152 (revoked in part by PLO 4104)-----	12951
3584 (revoked in part by PLO 4104)-----	12951
4094 (corrected)-----	13473
4097-----	12950

43 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued	
4098-----	12950
4099-----	12950
4100-----	12950
4101-----	12951
4102-----	12951
4103-----	12951
4104-----	12951
4105-----	13549

45 CFR

6-----	12842
7-----	12842
8-----	12842
170-----	13220

46 CFR

PROPOSED RULES:	
2-----	12860
24-----	12860
30-----	12860
70-----	12860
90-----	12860
110-----	12860
175-----	12860
188-----	12860
189-----	12860
190-----	12860
191-----	12860
192-----	12860
193-----	12860
194-----	12860
195-----	12860
196-----	12860

47 CFR

0-----	13473
1-----	13228
2-----	13230
15-----	13391
73-----	13234, 13237, 13474
91-----	13230
99-----	13230

PROPOSED RULES:	
31-----	13244
33-----	13244
73-----	12965, 13245, 13246, 13481

49 CFR

7-----	13446
PROPOSED RULES:	
Ch. I-----	13392
95-97-----	13393

50 CFR

32-----	12923,
	12939, 13003, 13004, 13048, 13049,
	13088, 13130, 13240, 13241, 13342,
	13447, 13475, 13549, 13550.
33-----	12939, 13391, 13447, 13475, 13550

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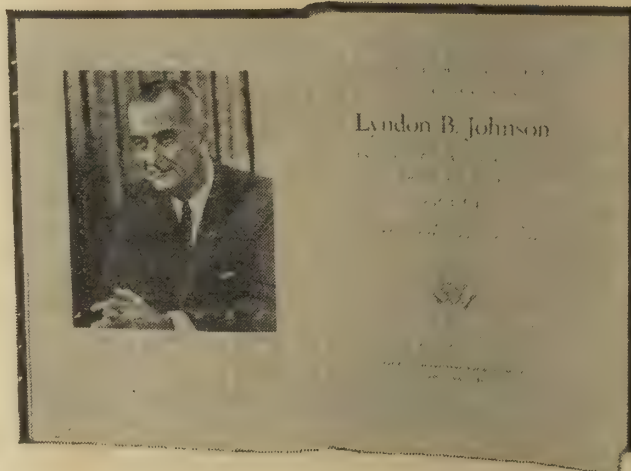
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FEDERAL REGISTER

VOLUME 31 • NUMBER 205

Friday, October 21, 1966

• Washington, D.C.

Pages 13577-13630

CORRECTION

On the cover of Volume 31, Number 204 (Pages 13517-13576) the date "October 13" should read "October 20".

Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Agriculture Department.
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Cotton, upland, 1967; corrections: County projected yields.....	13589
State reserve and county allotments	13589
Sugar beets, domestic, 1966; quotas	13589

Notices

Sugarcane, Puerto Rico; hearing..	13610
-----------------------------------	-------

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Federal Crop Insurance Corporation.

Notices

Emergency loans; designations and extensions:	
Colorado	13610
South Dakota and North Dakota	13610

ATOMIC ENERGY COMMISSION

Notices

Issuance of provisional construction permits:	
Commonwealth Edison Co.....	13616
Consolidated Edison Company of New York, Inc.....	13616
State of Washington; proposed agreement for assumption of certain AEC regulatory authority	13611

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

British Overseas Airways Corp..	13617
Executive Jet Aviation, Inc.....	13617
Piedmont Aviation, Inc.....	13617

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Fliberts grown in Oregon and Washington; free and restricted percentages, 1966-67.....	13591
--	-------

Proposed Rule Making

Milk in certain marketing areas: Oklahoma metropolitan and North Texas; joint hearing..	13607
Tampa Bay; recommended decision	13605

FEDERAL AVIATION AGENCY

Rules and Regulations

Standard instrument approach procedures; miscellaneous amendments	13594
---	-------

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Broadcast application forms; correction.....	13593
--	-------

Notices

Hearings, etc.:

American Homes Stations, Inc. (WVCF)	13618
Atlantic Broadcasting Co. (WUST) and Bethesda-Chevy Chase Broadcasters, Inc.....	13618
Symphony Network Association, Inc., and Steel City Broadcasting Co.....	13619
Ultravision Broadcasting Co. (2 documents)	13618, 13619

FEDERAL CROP INSURANCE CORPORATION

Rules and Regulations

Crop insurance, 1967; designated counties:	
Apples, North Carolina.....	13589
Beans, dry.....	13581
Citrus crop, Arizona-Desert Valley	13589
Combined crop.....	13581
Corn.....	13581
Cotton.....	13583
Flax.....	13583
Grain sorghum.....	13584
Oats.....	13584
Oranges.....	13588
Peaches.....	13588
Peanuts.....	13585
Peas:	
Canning and freezing.....	13585
Dry.....	13585
Potatoes.....	13585
Raisins.....	13588
Rice.....	13585
Soybeans.....	13586
Sugarbeets	13587
Tobacco.....	13587
Tomatoes.....	13588
Tung nuts.....	13588

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Insurance of accounts; increases (4 documents)	13591-13593
--	-------------

FEDERAL MARITIME COMMISSION

Notices

Atlantic-Gulf/Puerto Rico trades; minimum charges and terminal delivery services; investigation..	13621
Church Purchasing and Service Agency; revocation of license..	13621
Mediterranean-North Pacific Coast Freight Conference; investigation and hearing.....	13620

FEDERAL POWER COMMISSION

Rules and Regulations

Electric utilities; annual report form; miscellaneous amendments.....	13593
---	-------

Notices

Hearings, etc.:

Arkansas-Louisiana Gas Co.....	13621
Cities Service Gas Co. (2 documents)	13621, 13622
Colorado Interstate Gas Co.....	13622
Lone Star Gas Co. et al.....	13622

FEDERAL RESERVE SYSTEM

Notices

Acquisition of shares of banks; applications for approval:	
Commercial Bancorp, Inc.....	13624
Marshall & Ilsley Bank Stock Corp.....	13624

FISH AND WILDLIFE SERVICE

Notices

Loan applications:	
Chieslak, Sylvester J.....	13608
Kiesel, Donald F. and Cecilia W..	13608
Prior, Cecil E.....	13608

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Drugs; nystatin.....	13603
----------------------	-------

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Notices

Social Security Administration; organization, Office of Information.....	13610
--	-------

INDIAN AFFAIRS BUREAU

Proposed Rule Making

Pyramid Lake Reservation; duration of leases.....	13605
---	-------

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Director, Mines Bureau; authority delegation.....	13609
Lower Brule Reservation, S. Dak.; ordinance removing restriction on non-Indians on sale of intoxicants.....	13610

(Continued on next page)

**INTERSTATE COMMERCE
COMMISSION****Notices**

Fourth section applications for relief	13624
Motor carrier:	
Temporary authority applica-	
tions	13624
Transfer proceedings	13627

LAND MANAGEMENT BUREAU**Notices**

California; proposed withdrawal and reservation of lands	13608
--	-------

NATIONAL PARK SERVICE**Notices**

Administrative assistants; authority delegations:	
Cabrillo and Channel Islands National Monuments, Calif.	13609
Tonto National Monument, Ariz.	13609
Concession contracts:	
Kings Canyon National Park	13609
Lake Mead National Recreation Area	13609
Yosemite	13609

**SECURITIES AND EXCHANGE
COMMISSION****Notices**

Westec Corp.; order suspending trading	13611
--	-------

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

7 CFR

401 (16 documents)	13581, 13583-13588
402	13588
403	13588
406	13588
407	13588
408	13589
409	13589
722 (2 documents)	13589
813	13589
982	13591

PROPOSED RULES:

1012	13605
1106	13607
1126	13607

12 CFR

531	13591
556	13592
561	13592
571	13593

14 CFR

97	13594
----------	-------

18 CFR

141	13593
-----------	-------

21 CFR

148k	13603
------------	-------

25 CFR**PROPOSED RULES:**

131	13605
-----------	-------

47 CFR

1	13593
---------	-------

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1967 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

County	Class(es) of dry beans insured
--------	--------------------------------

COLORADO

Boulder	Pinto.
Larimer	Pinto.
Logan	Pinto.
Morgan	Pinto.
Sedgwick	Pinto.
Washington	Pinto.
Weid	Pinto.

IDAHO

Canyon	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.
Cassia	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹
Gooding	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹
Jerome	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹
Lincoln	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.
Minidoka	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹
Owyhee	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.
Twin Falls	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹

MICHIGAN

Bay	Pea and Medium White.
Gratiot	Pea and Medium White.
Huron	Pea and Medium White.
Saginaw	Pea and Medium White.
St. Clair	Pea and Medium White.
Sanilac	Pea and Medium White.
Shiawassee	Pea and Medium White.
Tuscola	Pea and Medium White.

NEBRASKA

Box Butte	Great Northern, Pinto.
Morrill	Great Northern, Pinto.
Scotts Bluff	Great Northern, Pinto.
Sheridan	Great Northern, Pinto.

WASHINGTON

Adams	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Franklin	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Grant	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.

WYOMING

Big Horn	Great Northern, Pinto.
Goshen	Great Northern, Pinto.
Park	Great Northern, Pinto.
Platte	Great Northern, Pinto.
Washakie	Great Northern, Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11443; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1967 crop year. The crops on which insurance is offered are shown opposite the name of the county.

NORTH DAKOTA

County	Crop(s)
Barnes	Barley, Flax, Oats, Rye, Wheat.
Grand Forks	Barley, Flax, Oats, Wheat.
Pierce	Barley, Flax, Oats, Rye, Wheat.

Ransom	Barley, Corn, Flax, Oats, Wheat.
Richland	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Sargent	Barley, Corn, Flax, Oats, Wheat.
Steele	Barley, Flax, Oats, Wheat.

SOUTH DAKOTA

Day	Barley, Corn, Flax, Oats, Rye, Wheat.
Lake	Corn, Flax, Oats, Rye, Soybeans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11444; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1967 crop year.

COLORADO

Boulder.	Sedgwick.
Larimer.	Washington.
Logan.	Weid.
Morgan.	

ILLINOIS

Adams.	Lee.
Bond.	Livingston.
Brown.	Logan.
Bureau.	McDonough.
Carroll.	McLean.
Cass.	Macon.
Champaign.	Macoupin.
Christian.	Madison.
Clark.	Marshall.
Clinton.	Mason.
Coles.	Menard.
Crawford.	Monroe.
Cumberland.	Montgomery.
De Kalb.	Morgan.
De Witt.	Moultrie.
Douglas.	Ogle.
Edgar.	Peoria.
Effingham.	Piatt.
Fayette.	Pike.
Ford.	St. Clair.
Fulton.	Sangamon.
Greene.	Schuyler.
Grundy.	Scott.
Hancock.	Shelby.
Henderson.	Stephenson.
Henry.	Tazewell.
Iroquois.	Vermilion.
Jasper.	Warren.
Jefferson.	Washington.
Jersey.	Wayne.
Jo Daviess.	Whiteside.
Kendall.	Winnebago.
Knox.	Woodford
La Salle.	

INDIANA

Adams.	Howard.
Allen.	Huntington.
Bartholomew.	Jackson.
Benton.	Jasper.
Blackford.	Jay.
Boone.	Johnson.
Carroll.	Knox.
Cass.	Kosciusko.
Clay.	Madison.
Clinton.	Marion.
Decatur.	Marshall.
De Kalb.	Miami.
Delaware.	Montgomery.
Elkhart.	Morgan.
Fountain.	Newton.
Fulton.	Noble.
Gibson.	Parke.
Grant.	Pulaski.
Hamilton.	Putnam.
Hancock.	Randolph.
Hendricks.	Ripley.
Henry.	Rush.

¹ Insurance is also provided on bush varieties of garden seed beans.

INDIANA—Continued

Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.

Warren.
Wayne.
Wells.
White.
Whitley.

IOWA

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cedar.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Clayton.
Clinton.
Crawford.
Dallas.
Delaware.
Des Moines.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Harrison.
Henry.
Howard.
Humboldt.
Ida.
Iowa.
Jackson.
Jasper.

Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Lee.
Linn.
Louisa.
Lyon.
Madison.
Mahaska.
Marshall.
Marion.
Mills.
Mitchell.
Monona.
Montgomery.
Muscatine.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Scott.
Shelby.
Sioux.
Story.
Tama.
Taylor.
Union.
Wapello.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

KANSAS

Atchison.
Bourbon.
Brown.
Crawford.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.

Johnson.
Linn.
Marshall.
Miami.
Nemaha.
Osage.
Pottawatomie.
Shawnee.
Washington.

KENTUCKY

Daviess.
Henderson.

McLean.
Union.

MARYLAND

Caroline.
Kent.

Queen Annes.

MICHIGAN

Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Ingham.
Ionia.
Jackson.

Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Shiawassee.
Tuscola.
Washtenaw.

Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.

Adair.
Andrew.
Atchison.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Calloway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clinton.
Cooper.
Daviess.
De Kalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.

Antelope.
Boone.
Burt.
Butler.
Cass.
Cedar.
Colfax.
Cuming.
Dixon.
Dodge.
Gage.
Johnson.
Knox.
Lancaster.

Beaufort.
Hyde.
Pamlico.

Cass.
Ransom.

MINNESOTA

Murray.
Nicollet.
Nobles.
Olmsted.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watsonwan.
Winona.
Wright.
Yellow Medicine.

MISSOURI

Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Worth.

NEBRASKA

Madison.
Nemaha.
Otoe.
Pawnee.
Pierce.
Platte.
Polk.
Richardson.
Saunders.
Stanton.
Washington.
Wayne.
York.

NORTH CAROLINA

Rowan.
Washington.

NORTH DAKOTA

Richland.
Sargent.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Harrison.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.

Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.

Franklin.
Lancaster.
Lebanon.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Charles Mix.
Clark.
Clay.
Codington.
Davison.
Deuel.
Douglas.
Grant.
Hamlin.

Hanson.
Hutchinson.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Roberts.
Turner.
Union.
Yankton.

TENNESSEE

Franklin.

Obion.

VIRGINIA

Nansemond.

Southampton.

WISCONSIN

Buffalo.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.

La Crosse.
Lafayette.
Pepin.
Pierce.
Racine.
Richland.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.

WYOMING

Goshen.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11445; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1967 crop year.

ALABAMA

Barbour. Geneva.
Blount. Hale.
Cherokee. Henry.
Chilton. Houston.
Coffee. Jackson.
Colbert. Lauderdale.
Covington. Lawrence.
Crenshaw. Limestone.
Cullman. Madison.
Dallas. Marshall.
Dale. Morgan.
De Kalb. Pickens.
Escambia. Pike.
Etowah. Tuscaloosa.

ARIZONA

Maricopa. Yuma.
Pinal.

ARKANSAS

Arkansas. Lee.
Ashley. Lincoln.
Chicot. Lonoke.
Clay. Mississippi.
Craighead. Monroe.
Crittenden. Phillips.
Cross. Poinsett.
Desha. Prairie.
Greene. Randolph.
Jackson. Saint Francis.
Jefferson. Woodruff.
Lawrence.

FLORIDA

Jackson.

GEORGIA

Baker. Early.
Ben Hill. Irwin.
Brooks. Lee.
Bulloch. Miller.
Calhoun. Mitchell.
Candler. Randolph.
Clay. Tattnall.
Coffee. Terrell.
Colquitt. Thomas.
Cook. Tift.
Crisp. Turner.
Decatur. Worth.
Dooly.

KENTUCKY

Fulton.

LOUISIANA

Acadia. Madison.
Avoyelles. Morehouse.
Bossier. Natchitoches.
Caddo. Rapides.
Caldwell. Red River.
Catahoula. Richland.
Concordia. St. Landry.
East Carroll. Tensas.
Evangeline. West Carroll.
Franklin.

MISSISSIPPI

Alcorn. Holmes.
Bolivar. Humphreys.
Calhoun. Issaquena.
Carroll. Jefferson Davis.
Coahoma. Lee.
De Soto. Leflore.
Hinds. Madison.

MISSISSIPPI—Continued

Monroe.
Panola.
Pontotoc.
Prentiss.
Quitman.
Sharkey.
Sunflower.

Butler.
Dunklin.
Mississippi.
New Madrid.

Chaves.
Dona Ana.

Bertie.
Chowan.
Cleveland.
Cumberland.
Edgecombe.
Franklin.
Greene.
Halifax.
Harnett.
Hertford.
Hoke.
Iredell.
Johnston.
Lincoln.
Mecklenburg.

Beckham.
Caddo.
Grady.
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Bamberg.
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Calhoun.
Chester.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Edgefield.
Florence.

Carroll.
Chester.
Crockett.
Dyer.
Fayette.
Franklin.
Gibson.
Giles.
Hardeman.
Haywood.
Henderson.

Austin.
Bailey.
Bell.
Brazos.
Briscoe.
Burleson.
Calhoun.
Castro.
Cochran.
Collin.
Crosby.
Dawson.
Deaf Smith.
Denton.
Ellis.
El Paso.
Falls.
Fannin.
Floyd.

Tallahatchie.
Tippah.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

Pemiscot.
Scott.
Stoddard.

NEW MEXICO

Eddy.
Lea.

NORTH CAROLINA

Montgomery.
Moore.
Nash.
Northampton.
Pitt.
Richmond.
Robeson.
Rowan.
Rutherford.
Sampson.
Scotland.
Warren.
Wayne.
Wilson.

OKLAHOMA

Jackson.
Kiowa.
Tillman.
Washita.

SOUTH CAROLINA

Greenville.
Hampton.
Laurens.
Lee.
Marion.
Marlboro.
Orangeburg.
Saluda.
Spartanburg.
Sumter.
Williamsburg.
York.

TENNESSEE

Lake.
Lauderdale.
Lawrence.
Lincoln.
McNairy.
Madison.
Obion.
Shelby.
Tipton.
Weakley.

TEXAS

Fort Bend.
Garza.
Grayson.
Hale.
Haskell.
Hill.
Hockley.
Hudspeth.
Hunt.
Knox.
Lamar.
Lamb.
Limestone.
Lubbock.
Lynn.
McLennan.
Milan.
Navarro.
Nueces.

TEXAS—Continued

Farmer.
Pecos.
Reeves.
Refugio.
Robertson.
San Patricio.
Swisher.

Terry.
Travis.
Victoria.
Ward.
Wharton.
Wilbarger.
Williamson.

VIRGINIA

Greenville. Southampton.
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11446; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1967 crop year.

MINNESOTA

Becker.
Big Stone.
Brown.
Chippewa.
Clay.
Cottonwood.
Grant.
Jackson.
Kittson.
Lac Qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Murray.
Nobles.

Norman.
Ottertail.
Pennington.
Pipestone.
Polk.
Pope.
Red Lake.
Redwood.
Renville.
Rock.
Roseau.
Stevens.
Swift.
Traverse.
Wilkin.
Yellow Medicine.

NORTH DAKOTA

Barnes.
Benson.
Bottineau.
Burleigh.
Cass.
Cavalier.
Dickey.
Emmons.
Foster.
Grand Forks.
Griggs.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McLean.

Mountrail.
Nelson.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.

SOUTH DAKOTA

Brookings.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Deuel.
Edmunds.
Grant.

Hamlin.
Kingsbury.
Lake.
McPherson.
Marshall.
Miner.
Moody.
Roberts.
Walworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] **JOHN N. LUFT,**
Manager,
Federal Crop Insurance Corporation,
[F.R. Doc. 66-11447; Filed, Oct. 20, 1966;
8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1967 crop year.

ARIZONA

Maricopa. Yuma.
Pinal.

KANSAS

Atchinson. McPherson.
Brown. Meade.
Butler. Montgomery.
Chase. Morris.
Clay. Nemaha.
Cloud. Neosho.
Coffey. Osage.
Cowley. Pottawatomie.
Dickinson. Reno.
Doniphan. Republic.
Douglas. Rice.
Elk. Riley.
Finney. Saline.
Franklin. Scott.
Geary. Sedgwick.
Grant. Seward.
Greenwood. Shawnee.
Harvey. Stafford.
Haskell. Stanton.
Jackson. Stevens.
Jefferson. Sumner.
Kearny. Wabaunsee.
Labette. Washington.
Lyon. Wichita.
Marion. Wilson.
Marshall. Woodson.

MISSOURI

Bates. Vernon.
Henry.

NEBRASKA

Adams. Nuckolls.
Butler. Otoe.
Cass. Pawnee.
Clay. Platte.
Colfax. Polk.
Fillmore. Richardson.
Gage. Saline.
Hamilton. Saunders.
Jefferson. Seward.
Johnson. Thayer.
Lancaster. Webster.
Nance. York.
Nemaha.

NEW MEXICO

Curry.

OKLAHOMA

Alfalfa. Jackson.
Blaine. Kay.
Caddo. Kiowa.
Canadian. Mayes.
Craig. Nowata.
Delaware. Ottawa.
Garfield. Texas.
Grady. Tillman.
Grant. Washita.

SOUTH DAKOTA

Bon Homme.

Charles Mix.

TEXAS

Bailey. Hunt.
Bell. Lamb.
Briscoe. Lubbock.
Calhoun. McLennan.
Carson. Milam.
Castro. Moore.
Collin. Navarro.
Crosby. Nueces.
Dallam. Parmer.
Deaf Smith. Randall.
Denton. Refugio.
Ellis. San Patricio.
Falls. Sherman.
Floyd. Swisher.
Grayson. Travis.
Hale. Victoria.
Hansford. Wilbarger.
Hill. Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.
[F.R. Doc. 66-11448; Filed, Oct. 20, 1966;
8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1967 crop year.

CALIFORNIA

Modoc.
Canyon. Owyhee.
Latah.
Bureau. Henry.
Carroll. Ogle.
Jo Daviess. Stephenson.

IOWA

Adair. Floyd.
Adams. Franklin.
Allamakee. Fremont.
Audubon. Greene.
Benton. Grundy.
Black Hawk. Guthrie.
Boone. Hamilton.
Bremer. Hancock.
Buchanan. Hardin.
Buena Vista. Harrison.
Butler. Henry.
Calhoun. Howard.
Carroll. Humboldt.
Cass. Ida.
Cedar. Iowa.
Cerro Gordo. Jackson.
Cherokee. Jasper.
Chickasaw. Jefferson.
Clay. Johnson.
Clayton. Jones.
Clinton. Keokuk.
Crawford. Kossuth.
Dallas. Lee.
Delaware. Linn.
Des Moines. Louisa.
Dickinson. Lyon.
Emmet. Madison.
Fayette. Mahaska.

IOWA—Continued

Marion. Scott.
Marshall. Shelby.
Mills. Sioux.
Mitchell. Story.
Monona. Tama.
Montgomery. Taylor.
Muscatine. Union.
O'Brien. Wapello.
Osceola. Warren.
Page. Washington.
Palo Alto. Webster.
Plymouth. Winnebago.
Pocahontas. Winneshiek.
Polk. Woodbury.
Pottawattamie. Worth.
Poweshiek. Wright.
Sac.

MICHIGAN

Gratiot. Jackson.

MINNESOTA

Becker. Nicollet.
Big Stone. Nobles.
Blue Earth. Norman.
Brown. Olmsted.
Carver. Ottertail.
Chippewa. Pennington.
Clay. Pipestone.
Cottonwood. Polk.
Dakota. Pope.
Dodge. Red Lake.
Faribault. Redwood.
Fillmore. Renville.
Freeborn. Rice.
Goodhue. Rock.
Grant. Scott.
Houston. Sibley.
Jackson. Stearns.
Kandiyohi. Steele.
Kittson. Stevens.
Lac Qui Parle. Swift.
Le Sueur. Traverse.
Lincoln. Wabasha.
Lyon. Waseca.
McLeod. Washington.
Marshall. Watonwan.
Martin. Wilkin.
Meeker. Winona.
Mower. Wright.
Murray. Yellow Medicine.

NORTH DAKOTA

Barnes. Morton.
Benson. Nelson.
Burleigh. Pembina.
Cass. Ramsey.
Cavallier. Ransom.
Dickey. Richland.
Eddy. Sargent.
Foster. Stark.
Grand Forks. Steele.
Griggs. Stutsman.
Kidder. Towner.
La Moure. Traill.
Logan. Walsh.

OREGON

Klamath.

PENNSYLVANIA

Chester. Dauphin.
Cumberland.

SOUTH DAKOTA

Aurora. Douglas.
Beadle. Grant.
Bon Homme. Hamlin.
Brookings. Hanson.
Brown. Hutchinson.
Charles Mix. Kingsbury.
Clark. Lake.
Clay. Lincoln.
Codington. McCook.
Davison. Marshall.
Day. Miner.
Deuel. Minnehaha.

SOUTH DAKOTA—Continued

Moody.	Turner.
Roberts.	Union.
Spink.	Yankton.

WISCONSIN

Buffalo.	La Crosse.
Clark.	Lafayette.
Columbia.	Pepin.
Crawford.	Pierce.
Dane.	Racine.
Dodge.	Richland.
Dunn.	Rock.
Fond du Lac.	St. Croix.
Grant.	Sauk.
Green.	Trempealeau.
Iowa.	Vernon.
Jackson.	Walworth.
Jefferson.	Waukesha.
Kenosha.	

WYOMING

Big Horn.	Washakie.
Park.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11449; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEAS (CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1967 crop year.

IDAHO

Nez Perce.

MINNESOTA

Blue Earth.	Faribault.
Brown.	Martin.
Dakota.	

OREGON

Umatilla.	Union.
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WASHINGTON

Columbia.	Whitman.
Walla Walla.	

WISCONSIN

Columbia.	Dodge.
Dane.	Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11450; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEAS (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regula-

tions, as amended, the following counties have been designated for pea (dry) crop insurance for the 1967 crop year.

IDAHO

Benewah.	Lewis.
Kootenai.	Nez Perce.
Latah.	

OREGON

Umatilla.	Union.
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WASHINGTON

Adams.	Spokane.
Columbia.	Walla Walla.
Franklin.	Whitman.
Grant.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11451; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1967 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour—Runner.	Geneva—Runner.
Coffee—Runner.	Henry—Runner.
Covington—Runner.	Houston—Runner.
Crenshaw—Runner.	Pike—Runner.
Dale—Runner.	

FLORIDA

Jackson—Runner, Spanish, Virginia.

GEORGIA

Baker—Runner,	Early—Runner,
Spanish, Virginia.	Spanish, Virginia.
Ben Hill—Runner,	Irwin—Runner,
Spanish, Virginia.	Spanish, Virginia.
Bulloch—Runner,	Lee—Runner,
Spanish, Virginia.	Spanish, Virginia.
Calhoun—Runner,	Miller—Runner,
Spanish, Virginia.	Spanish, Virginia.
Clay—Runner,	Mitchell—Runner,
Spanish, Virginia.	Spanish, Virginia.
Coffee—Runner,	Randolph—Runner,
Spanish, Virginia.	Spanish, Virginia.
Colquitt—Runner,	Terrell—Runner,
Spanish, Virginia.	Spanish, Virginia.
Cook—Runner,	Thomas—Runner,
Spanish, Virginia.	Spanish, Virginia.
Crisp—Runner,	Tift—Runner,
Spanish, Virginia.	Spanish, Virginia.
Decatur—Runner,	Turner—Runner,
Spanish, Virginia.	Spanish, Virginia.
Dooly—Runner,	Worth—Runner,
Spanish, Virginia.	Spanish, Virginia.

NORTH CAROLINA

Bertie—Virginia.	Hertford—Virginia.
Bladen—Virginia.	Martin—Virginia.
Chowan—Virginia.	Northampton—Vir-
Edgecombe—Vir-	ginia.
ginia.	Pitt—Virginia.
Gates—Virginia.	Washington—Vir-
Halifax—Virginia.	ginia.

OKLAHOMA

Caddo—Spanish.	Grady—Spanish.
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VIRGINIA

Dinwiddie—Virginia.	Prince George—
Greensville—Vir-	ginia.
ginia.	Southampton—
Isle of Wight—	Virginia.
Virginia.	Surry—Virginia.
Nansemond—Vir-	Sussex—Virginia.
ginia.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11452; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR POTATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for potato crop insurance for the 1967 crop year.

CALIFORNIA

Modoc.

IDAHO

Bannock.	Jefferson.
Bingham.	Minidoka.
Bonneville.	Owyhee.
Canyon.	Power.
Cassia.	Twin Falls.

OREGON

Jefferson.	Malheur.
Klamath.	

WASHINGTON

Adams.	Grant.
Franklin.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11453; Filed, Oct. 20, 1966; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1967 crop year.

ARKANSAS

Arkansas.	Jackson.
Ashley.	Jefferson.
Chicot.	Lonoke.
Clay.	Monroe.
Craighead.	Poinsett.
Crittenden.	Prairie.
Cross.	St. Francis.
Desha.	Woodruff.
Greene.	

LOUISIANA

Acadia. Jefferson Davis.
Calcasieu. St. Landry.
Evangeline.

MISSISSIPPI

Bolivar. Washington.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11454; Filed, Oct. 20, 1966;
8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in §401.1 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1967 crop year.

ALABAMA

Baldwin. Jackson.
Escambia. Madison.

ARKANSAS

Arkansas. Lee.
Ashley. Lincoln.
Chicot. Lonoke.
Clay. Mississippi.
Craighead. Monroe.
Crittenden. Phillips.
Cross. Poinsett.
Desha. Prairie.
Greene. Randolph.
Jackson. St. Francis.
Jefferson. Woodruff.
Lawrence.

ILLINOIS

Adams. Livingston.
Bond. Logan.
Brown. Macon.
Bureau. Marshall.
Cass. McDonough.
Champaign. McLean.
Christian. Macoupin.
Clark. Madison.
Clinton. Mason.
Coles. Menard.
Crawford. Monroe.
Cumberland. Montgomery.
De Kalb. Morgan.
De Witt. Moultrie.
Douglas. Ogle.
Edgar. Peoria.
Effingham. Piatt.
Fayette. Pike.
Ford. St. Clair.
Fulton. Sangamon.
Greene. Schuyler.
Grundy. Scott.
Hancock. Shelby.
Henderson. Tazewell.
Henry. Vermillion.
Iroquois. Warren.
Jasper. Washington.
Jefferson. Wayne.
Jersey. Whiteside.
Kendall. Winnebago.
Knox. Woodford.
La Salle.
Lee.

Adams.
Allen.
Bartholomew.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
De Kalb.
Delaware.
Elkhart.
Fountain.
Fulton.
Gibson.
Grant.
Hamilton.
Hancock.
Hendricks.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cedar.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Clayton.
Clinton.
Crawford.
Dallas.
Delaware.
Des Moines.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Harrison.
Henry.
Howard.
Humboldt.
Ida.
Iowa.
Jackson.
Jasper.

Allen.
Anderson.
Atchison.
Bourbon.
Brown.
Cherokee.
Coffey.
Crawford.
Doniphan.
Douglas.

INDIANA

Knox.
Kosciusko.
Madison.
Marion.
Marshall.
Miami.
Montgomery.
Morgan.
Newton.
Noble.
Parke.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

IOWA

Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Lee.
Linn.
Louisa.
Lyon.
Madison.
Mahaska.
Marion.
Marshall.
Mills.
Mitchell.
Monona.
Montgomery.
Muscatine.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Scott.
Shelby.
Sioux.
Story.
Tama.
Taylor.
Union.
Wapello.
Warren.
Washington.
Webster.
Winnebago.
Winneshek.
Woodbury.
Worth.
Wright.

KANSAS

Franklin.
Johnson.
Labette.
Linn.
Lyon.
Miami.
Neosho.
Osage.
Wilson.
Woodson.

KENTUCKY

Davless.
Fulton.
Henderson.

McLean.
Union.

LOUISIANA

Acadia.
Avoyelles.
Bossier.
Caddo.
Calcasieu.
Caldwell.
Catahoula.
Concordia.
East Carroll.
Evangeline.
Franklin.

Jefferson Davis.
Madison.
Morehouse.
Natchitoches.
Rapides.
Red River.
Richland.
St. Landry.
Tensas.
West Carroll.

MARYLAND

Caroline.
Kent.

Queen Annes.

MICHIGAN

Clinton.
Gratiot.
Hillsdale.
Lenawee.
Monroe.

Saginaw.
St. Joseph.
Shiawassee.
Washtenaw.

MINNESOTA

Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Clay.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.

Nicollet.
Nobles.
Norman.
Olmsted.
Ottertail.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watsonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

MISSISSIPPI

Bolivar.
Calhoun.
Carroll.
Coahoma.
De Soto.
Holmes.
Humphreys.
Issaquena.
Lee.
Leflore.
Monroe.

Panola.
Prentiss.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tippah.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clinton.
Cooper.
Davies.

De Kalb.
Dunklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lewis.
Lincoln.
Linn.
Livingston.

MISSOURI—Continued

Macon. Randolph.
Marion. Ray.
Mississippi. Scott.
Monroe. St. Charles.
Montgomery. Saline.
New Madrid. Scotland.
Nodaway. Shelby.
Pemiscot. Stoddard.
Pettis. Sullivan.
Pike. Vernon.
Platte. Worth.
Ralls.

NEBRASKA

Cass. Saunders.
Cuming. Washington.
Dodge.

NORTH CAROLINA

Beaufort. Jones.
Craven. Pamlico.
Hyde. Washington.
Johnston.

NORTH DAKOTA

Cass. Traill.
Richland.

OHIO

Allen. Logan.
Ashland. Lucas.
Auglaize. Madison.
Champaign. Marion.
Clark. Medina.
Clinton. Mercer.
Crawford. Miami.
Darke. Montgomery.
Defiance. Morrow.
Delaware. Ottawa.
Erie. Paulding.
Fairfield. Pickaway.
Fayette. Putnam.
Franklin. Richland.
Fulton. Sandusky.
Greene. Seneca.
Hancock. Shelby.
Hardin. Union.
Henry. Van Wert.
Highland. Wayne.
Huron. Williams.
Knox. Wood.
Licking. Wyandot.

OKLAHOMA

Craig. Ottawa.

SOUTH CAROLINA

Aiken. Dillon.
Allendale. Florence.
Bamberg. Hampton.
Barnwell. Lee.
Calhoun. Marlboro.
Clarendon. Orangeburg.
Darlington. Sumter.

SOUTH DAKOTA

Bon Homme. Lincoln.
Brookings. McCook.
Charles Mix. Minnehaha.
Clay. Moody.
Deuel. Roberts.
Grant. Turner.
Hamlin. Union.
Hutchinson. Yankton.
Lake.

TENNESSEE

Crockett. Lauderdale.
Dyer. Obion.
Fayette. Shelby.
Gibson. Tipton.
Haywood. Weakley.
Lake.

VIRGINIA

Nansemond. Southampton.

WISCONSIN

Buffalo. Pierce.
Dunn. Racine.
Jackson. Rock.
Jefferson. St. Croix.
Kenosha. Trempealeau.
Pepin. Walworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11455; Filed, Oct. 20, 1966;
8:46 a.m.]

PART 401—FEDERAL CROP
INSURANCE

Subpart—Regulations for the 1961
and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR
SUGARBEET CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for sugarbeet crop insurance for the 1967 crop year.

COLORADO

Morgan. Weld.

IDAHO

Canyon. Owyhee.
Minidoka. Twin Falls.

MINNESOTA

Clay. Richland.
Big Horn. Rosebud.
Carbon. Stillwater.
Custer. Treasure.
Dawson. Yellowstone.
Prairie.

NORTH DAKOTA

Cass. McKenzie.
Grand Forks. Williams.

OREGON

Malheur. Salt Lake.
Box Elder. Utah.
Cache.

WASHINGTON

Grant. Yakima.

WYOMING

Big Horn. Washakie.
Park.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 66-11456; Filed, Oct. 20, 1966;
8:46 a.m.]

PART 401—FEDERAL CROP
INSURANCE

Subpart—Regulations for the 1961
and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR
TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regula-

tions, as amended, the following counties have been designated for tobacco crop insurance for the 1967 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

FLORIDA

Alachua ---- 14 Madison ---- 14
Columbia ---- 14 Suwannee ---- 14
Hamilton ---- 14

GEORGIA

Appling ---- 14 Jeff Davis ---- 14
Atkinson ---- 14 Lanier ---- 14
Bacon ---- 14 Lowndes ---- 14
Ben Hill ---- 14 Mitchell ---- 14
Berrien ---- 14 Pierce ---- 14
Brooks ---- 14 Tattnall ---- 14
Bulloch ---- 14 Thomas ---- 14
Candler ---- 14 Tift ---- 14
Coffee ---- 14 Toombs ---- 14
Colquitt ---- 14 Turner ---- 14
Cook ---- 14 Ware ---- 14
Decatur ---- 14 Wayne ---- 14
Irwin ---- 14 Worth ---- 14

KENTUCKY

Adair ---- 31 Logan ---- 22, 31, 35
Allen ---- 31, 35 Madison ---- 31
Anderson ---- 31 Marion ---- 31
Barren ---- 31 Marshall ---- 23, 31, 35
Bath ---- 31 Mason ---- 31
Bourbon ---- 31 McLean ---- 31, 36
Boyle ---- 31 Mercer ---- 31
Bracken ---- 31 Metcalfe ---- 31
Breckinridge ---- 31 Montgomery ---- 31
Caldwell ---- 22, 31, 35 Muhlenberg ---- 22, 31, 35
Calloway ---- 23, 31, 35 Nelson ---- 31
Carroll ---- 31 Nicholas ---- 31
Casey ---- 31 Ohio ---- 31, 36
Christian ---- 22, 31, 35 Owen ---- 31
Clark ---- 31 Pendleton ---- 31
Davies ---- 31, 36 Pulaski ---- 31
Fayette ---- 31 Robertson ---- 31
Fleming ---- 31 Russell ---- 31
Franklin ---- 31 Scott ---- 31
Garrard ---- 31 Shelby ---- 31
Grant ---- 31 Simpson ---- 22, 31, 35
Graves ---- 23, 31, 35 Spencer ---- 31
Green ---- 31 Taylor ---- 31
Harrison ---- 31 Todd ---- 22, 31, 35
Hart ---- 31 Trigg ---- 22, 31, 35
Henderson ---- 31, 36 Union ---- 31, 36
Henry ---- 31 Warren ---- 31, 35
Jessamine ---- 31 Washington ---- 31
Larue ---- 31 Wayne ---- 31
Lewis ---- 31 Woodford ---- 31
Lincoln ---- 31

MARYLAND

Anne Arundel ---- 32 Prince Georges ---- 32
Calvert ---- 32 St. Marys ---- 32
Charles ---- 32

MISSOURI

Platte ---- 31

NORTH CAROLINA

Alamance ---- 11a Franklin ---- 11b
Alexander ---- 11a Gates ---- 12
Beaufort ---- 12 Granville ---- 11b
Bertie ---- 12 Greene ---- 12
Bladen ---- 13 Guilford ---- 11a
Brunswick ---- 13 Halifax ---- 12
Buncombe ---- 31 Harnett ---- 11b
Carteret ---- 12 Haywood ---- 31
Caswell ---- 11a Hertford ---- 12
Chatham ---- 11b Hoke ---- 13
Chowan ---- 12 Iredell ---- 11a
Columbus ---- 13 Johnston ---- 12
Craven ---- 12 Jones ---- 12
Cumberland ---- 13 Lee ---- 11b
Davidson ---- 11a Lenoir ---- 12
Duplin ---- 12 Madison ---- 31
Durham ---- 11b Martin ---- 12
Edgecombe ---- 12 Montgomery ---- 11b
Forsyth ---- 11a Moore ---- 11b

**PART 408—NORTH CAROLINA
APPLE CROP INSURANCE**

**Subpart—Regulations for the 1965
and Succeeding Crop Years**

**APPENDIX—COUNTIES DESIGNATED FOR
APPLE CROP INSURANCE**

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1967 crop year.

NORTH CAROLINA

Alexander. Wilkes.
Henderson.
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11440; Filed, Oct. 20, 1966; 8:45 a.m.]

**PART 409—ARIZONA-DESERT VAL-
LEY CITRUS CROP INSURANCE**

**Subpart—Regulations for the 1965
and Succeeding Crop Years**

**APPENDIX—COUNTIES DESIGNATED FOR
CITRUS CROP INSURANCE**

Pursuant to authority contained in § 409.1 of the above-identified regulations, as amended, the following counties have been designated for citrus crop insurance for the 1967 crop year.

ARIZONA

Maricopa. Yuma.

CALIFORNIA

Riverside.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11463; Filed, Oct. 20, 1966; 8:46 a.m.]

**Chapter VII—Agricultural Stabiliza-
tion and Conservation Service
(Agricultural Adjustment), Depart-
ment of Agriculture**

**SUBCHAPTER B—FARM MARKETING QUOTAS
AND ACREAGE ALLOTMENTS**

PART 722—COTTON

**State Reserve and County Allotments
for 1967 Crop of Upland Cotton**

Correction

In F.R. Doc. 66-11000, appearing at page 13303 of the issue for Friday, October 14, 1966, the following correction is made in the tabular matter of § 722.469 (c): For Hampton County, S.C., the computed county allotment entry should read "6,567" instead of "6,576".

PART 722—COTTON

**County Projected Yields for Upland
Cotton of 1967 Crop**

Correction

In F.R. Doc. 66-10999, appearing at page 13168 of the issue for Wednesday, October 12, 1966, the following correction is made in § 722.470(e) (1): The phrase reading "were revised by the State committee" should read "were reviewed by the State committee".

**Chapter VIII—Agricultural Stabiliza-
tion and Conservation Service
(Sugar), Department of Agriculture**

**SUBCHAPTER B—SUGAR REQUIREMENTS AND
QUOTAS**

[Sugar Reg. 813.5, Amdt. 2]

**PART 813—ALLOTMENT OF SUGAR
QUOTAS, DOMESTIC BEET SUGAR
AREA**

1966

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended) hereinafter called the "Act", for the purpose of amending Sugar Regulation 813.5 (31 F.R. 6819) which established allotments of the sugar quota for the Domestic Beet Sugar Area for the calendar year 1966.

This amendment is necessary (1) to substitute final data on 1965 crop production, 1965 sugar marketings and January 1, 1966, sugar inventories on the basis of data which have become part of the official records of the Department, (2) to determine allotments of the entire Domestic Beet Sugar Area quota on the basis of such final data, and (3) to prorate deficits in the allotments of those allottees under this order. Empire State Sugar Co., Inc., Maine Sugar Industries, Inc., and National Sugar Manufacturing

Co. have notified the Department in writing that they will be unable to utilize 884, 6,841 and 2,207 short tons, raw value, respectively, of their allotments and released those portions for reallocation to other allottees.

Findings heretofore made by the Secretary (31 F.R. 6819) include the provision that this order shall be revised, without further notice or hearing, for the purposes stated above.

Deficits in the allotments herein established for Empire State Sugar Co., Inc.; Maine Sugar Industries, Inc., and National Sugar Manufacturing Co. are herein reallocated to allottees that are able to utilize additional allotments. The deficits are reallocated pro rata on the basis of the allotments established herein.

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Secretary.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment becomes effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

In accordance with paragraph (5) of the findings and conclusions set forth in S.R. 813.5 (31 F.R. 6819) and pursuant to paragraph (e) of such regulation, paragraphs (3) and (4) of such findings and conclusions are amended as follows:

1. The table included in Part II of paragraph (3) of the findings and conclusions is amended to read as follows:

Processor	Crop year	Reserve acreage		Quantity of sugar related to reserve acreage		
		Allotted	Planted	Allotted	Planted	
				Short tons, raw value	Short tons, raw value	Cwt. re- fined equiva- lent
Reserve allocated and processing started in 1964:						
Buckeye Sugars, Inc.-----	1964	2, 415	1, 867	4, 430	3, 425	64, 019
	1965	2, 415	2, 412	4, 430	4, 424	82, 092
	1966	2, 415	2, 415	4, 430	4, 430	82, 804
Holly Sugar Corp.-----	1964	24, 730	20, 002	50, 000	40, 441	755, 907
	1965	24, 730	24, 730	50, 000	50, 000	934, 580
	1966	24, 730	24, 730	50, 000	50, 000	934, 580
Michigan Sugar Co.-----	1964	4, 030	3, 079	6, 850	5, 234	97, 832
	1965	4, 030	4, 028	6, 850	6, 847	127, 981
	1966	4, 030	4, 030	6, 850	6, 850	128, 037
Utah-Idaho Sugar Co.-----	1964	8, 140	4, 060	18, 020	8, 988	168, 000
	1965	8, 140	7, 365	18, 020	16, 304	304, 748
	1966	8, 140	7, 995	18, 020	17, 699	330, 822
Reserve allocated and processing started in 1965:						
American Crystal Sugar Co.-----	1965	31, 000	31, 000	50, 000	50, 000	934, 580
	1966	31, 000	31, 000	50, 000	50, 000	934, 580
Empire State Sugar Co.-----	1965	29, 500	20, 388	50, 000	4, 414	82, 511
	1966	29, 500	6, 530	50, 000	11, 068	206, 878
Reserve allocated and processing to start in 1966:						
Maine Sugar Industries, Inc.-----	1966	33, 000	3, 431	50, 000	5, 198	97, 159

2. Tables 1, 2, and 3 of paragraph (4) of the findings and conclusions are amended to read as follows:

RULES AND REGULATIONS

TABLE 1

Processors	Processings of sugar from 1965-crop beets		Average marketings within the quota 1961-65		Base allotments		January 1, effective inventories hundredweights, refined ¹			Adjustments to base allotments ⁴		Tentative allotments
	Hundred-weight refined ¹	Percent of total	Hundred-weight refined ²	Percent of total	Percent of total (Col. 2) X 0.75 + Col. 4 X 0.25	Short tons raw value (Col. 5) X quota	1960	1961-65 adjusted average to Col. 7 total	Inventory imbalances Col. 7—Col. 8	Hundred-weight refined	Short tons raw value	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The.....	7,690,844	14.4284	6,891,985	12.7433	14.0071	423,715	7,083,195	6,365,361	+717,834	+20,324	+1,088	424,803
American Crystal Sugar Co.....	6,330,016	11.8754	6,948,955	12.8487	12.1187	366,591	4,645,447	5,337,277	-691,830	-66,853	-3,577	363,014
Buckeye Sugar Co.....	461,401	.8656	372,978	.6896	.8216	24,853	164,754	155,308	+9,446	-----	-----	24,853
Empire State Sugar Co., Inc.....	82,511	.1548	934,580	1.7280	.5481	16,580	-----	-----	-----	-----	-----	16,580
Great Western Sugar Co.....	11,283,665	21.1687	13,122,188	24.2630	21.9423	663,755	10,749,236	12,644,085	-1,894,849	-183,102	-9,796	653,959
Holly Sugar Corp.....	8,442,712	15.8389	8,144,657	15.0595	15.6441	473,234	7,558,915	7,095,833	+463,082	-----	-----	473,234
Layton Sugar Co.....	356,150	.6682	285,390	.5277	.6331	19,151	345,427	278,804	+66,623	+9,686	+518	19,669
Maine Sugar Industries, Inc.....	233,645	.4383	233,645	.4320	.4367	13,210	-----	-----	-----	-----	-----	13,210
Michigan Sugar Co.....	1,456,518	2.7325	1,715,231	3.1715	2.8422	85,977	1,217,352	1,497,806	-280,454	-27,101	-1,450	84,527
Monitor Sugar Co.....	797,274	1.4957	828,170	1.5313	1.5046	45,514	748,924	782,187	-33,263	-3,214	-172	45,342
National Sugar Manufacturing Co.....	151,990	.2852	205,151	.3793	.3087	9,338	39,083	136,684	-97,601	-9,431	-504	8,834
Spreckels Sugar Co.....	7,672,676	14.3943	6,432,617	11.8940	13.7692	416,518	6,007,238	4,491,660	+1,515,578	+266,603	+14,263	430,781
Union Sugar Division, Consolidated Foods ⁵	2,234,652	4.1923	2,350,132	4.3454	4.2306	127,976	2,037,655	2,109,182	-71,527	-6,912	-370	127,606
Utah-Idaho Sugar Co.....	6,109,487	11.4617	5,617,444	10.3867	11.1930	338,588	5,347,793	5,050,832	+296,961	-----	-----	338,588
Total.....	53,303,541	100.0000	54,083,123	100.0000	100.0000	3,025,000	45,945,019	45,945,019	±3,069,524	±296,613	±15,869	3,025,000

¹ Includes 25 percent of the quantity pursuant to the reserve allocation for Maine Sugar Industries, Inc., equal to 233,645 cwt.

² The following quantities pursuant to reserve allocations have been added to average marketings: 887,851 cwt. for American Crystal; 46,577 cwt. for Buckeye; 934,580 cwt. for Empire State Sugar Co.; 625,701 cwt. for Holly; 233,645 cwt. for Maine Sugar Industries, Inc.; 72,021 cwt. for Michigan; and 189,462 cwt. for Utah-Idaho.

³ All production attributed to reserve acreage has been deducted from inventories as follows: Jan. 1, 1966, effective inventories were reduced 700,935 for American Crystal; 62,019 cwt. for Buckeye; 82,511 cwt. for Empire; 700,935 cwt. for Holly;

95,986 cwt. for Michigan; and 228,561 cwt. for Utah-Idaho. The 1961-65 average for Jan. 1 effective inventories were reduced 9,603 cwt. for Buckeye; 113,386 cwt. for Holly; 14,675 cwt. for Michigan and 25,200 cwt. for Utah-Idaho.

⁴ Plus (+) adjustments in Col. 10 = (Extent (-) quantity in Col. 9 exceeds 10 percent of Col. 8) X (25 percent); (-) adjustments in Col. 10 = the total of (+) adjustments in Col. 10, prorated to processors on the basis of minus (-) quantities in Col. 9 Plus (+) and minus (-) adjustments in Col. 11 = (Col. 10 adjustments) X (0.0535).

⁵ Prior to the application of the hardship provision, 1965-crop processings were 1,922,552 cwt. for Union and the Jan. 1, 1966, effective inventory was 1,725,555 cwt. for Union.

TABLE 2

Processors	Processings of sugar from 1965-crop beets		Average marketings within the quota 1961-65		Percent of total (Col. 2) X 0.75 + Col. 4 X 0.25	Base allotments short tons raw value ¹	January 1, effective inventories hundredweight, refined ¹			Adjustments to base allotments ⁴		Tentative allotments
	Hundred-weight refined ¹	Percent of total	Hundred-weight refined ²	Percent of total			1960	1961-65 average adjusted to Col. 7 total	Inventory imbalances Col. 7—Col. 8	Hundred-weight refined	Short tons raw value	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The.....	7,690,844	15.0904	6,891,985	13.5324	14.7009	424,475	7,083,195	6,365,361	+717,834	+20,324	+1,088	425,563
American Crystal Sugar Co.....	5,395,436	10.5865	6,014,375	11.8093	10.8922	364,502	4,645,447	5,337,277	-691,830	-66,853	-3,577	360,925
Buckeye Sugars, Inc.....	399,382	.7836	313,697	.6159	.7417	24,734	164,754	155,308	+9,446	-----	-----	24,734
Empire State Sugar Co., Inc.....	-----	-----	-----	-----	-----	16,914	-----	-----	-----	-----	-----	16,914
Great Western Sugar Co.....	11,283,665	22.1399	13,122,188	25.7655	23.0463	665,440	10,749,236	12,644,085	-1,894,849	-183,102	-9,796	655,644
Holly Sugar Corp.....	7,741,777	15.1903	7,470,523	14.6684	15.0598	472,337	7,558,915	7,095,833	+463,082	-----	-----	472,337
Layton Sugar Co.....	356,150	.6988	285,390	.5604	.6642	19,178	345,427	278,804	+66,623	+9,686	+518	19,696
Maine Sugar Industries, Inc.....	-----	-----	-----	-----	-----	12,500	-----	-----	-----	-----	-----	12,500
Michigan Sugar Co.....	1,360,532	2.6695	1,623,736	3.1882	2.7992	85,959	1,217,352	1,497,806	-280,454	-27,101	-1,450	84,509
Monitor Sugar Co.....	797,274	1.5643	828,170	1.6261	1.5798	45,615	748,924	782,187	-33,263	-3,214	-172	45,443
National Sugar Manufacturing Co.....	151,990	.2982	205,151	.4028	.3243	9,364	39,083	136,684	-97,601	-9,431	-504	8,860
Spreckels Sugar Co.....	7,672,676	15.0547	6,432,617	12.6305	14.4486	417,190	6,007,238	4,491,660	+1,515,578	+266,603	+14,263	431,453
Union Sugar Division, Consolidated Foods Corp. ⁵	2,234,652	4.3847	2,350,132	4.6145	4.4422	128,264	2,037,655	2,109,182	-71,527	-6,912	-370	127,894
Utah-Idaho Sugar Co.....	5,880,926	11.6391	5,391,354	10.5860	11.3008	338,528	5,347,793	5,050,832	+296,961	-----	-----	338,528
Total.....	50,965,304	100.0000	50,929,318	100.0000	100.0000	3,025,000	45,945,019	45,945,019	±3,069,524	±296,613	±15,869	3,025,000

¹ The following quantities pursuant to reserve allocations were deducted from 1965 crop processings: 934,580 cwt. for American Crystal; 62,019 cwt. for Buckeye; 82,511 cwt. for Empire; 700,935 cwt. for Holly; 95,986 cwt. for Michigan; and 228,561 cwt. for Utah-Idaho.

² The following quantities pursuant to reserve allocations were deducted from 1961-65 average marketings: 46,729 cwt. for American Crystal; 12,704 cwt. for Buckeye; 148,433 cwt. for Holly; 19,474 cwt. for Michigan and 36,623 cwt. for Utah-Idaho.

³ Column (5) X (quota less total reserve allocation of 137,595 tons) plus individual reserve allocations of 50,000 tons for American Crystal; 3,318 tons for Buckeye; 16,914 tons for Empire; 37,500 tons for Holly; 12,500 tons for Maine Sugar Industries, Inc.; 5,135 tons for Michigan and 12,228 tons for Utah-Idaho.

⁴ All production attributed to reserve acreage has been deducted from inventories

as follows: Jan. 1, 1966, effective inventories were reduced 700,935 cwt. for American Crystal; 62,019 cwt. for Buckeye; 82,511 cwt. for Empire; 700,935 cwt. for Holly; 95,986 cwt. for Michigan and 228,561 cwt. for Utah-Idaho. The 1961-65 average for Jan. 1 effective inventories were reduced 9,603 cwt. for Buckeye; 113,386 cwt. for Holly; 14,675 cwt. for Michigan and 25,200 cwt. for Utah-Idaho.

⁵ Plus (+) adjustments in Col. 10 = (Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8) X (25 percent). Minus adjustments in Col. 10 = the total of (+) adjustments in Col. 10 prorated to processors on the basis of minus (-) quantities in Col. 9. Plus (+) and minus (-) adjustments in Col. 11 = (Col. 10 adjustments) X (0.0535).

⁶ Prior to the application of the "hardship" provision, 1965-crop processings were 1,922,552 cwt. for Union and the Jan. 1, 1966, effective inventory was 1,725,555 cwt. for Union.

TABLE 3

Processor	Tentative allotments Part IIa, Table 1	Tentative allotments Part IIb, Table 2	Average tentative allotments col. (1) X 0.5 + col. (2) X 0.5	Adjustments to tentative allotments ¹	Allotments col. (3) ± col. (4)
	(1)	(2)	(3)	(4)	(5)
Short tons, raw value					
Amalgamated Sugar Co., The	424, 803	425, 563	425, 183	-454	424, 729
American Crystal Sugar Co.	363, 014	360, 925	361, 970	-386	361, 584
Buckeye Sugars, Inc.	24, 853	24, 734	24, 794		24, 794
Empire State Sugar Co., Inc.	16, 580	16, 914	16, 747	-18	16, 729
Great Western Sugar Co., Inc.	653, 959	655, 644	654, 801	-699	654, 102
Holly Sugar Corp.	473, 234	472, 337	472, 786	-504	472, 282
Layton Sugar Co.	19, 669	19, 696	19, 682	-21	19, 661
Maine Sugar Industries, Inc.	13, 210	12, 500	12, 855	-14	12, 841
Michigan Sugar Co.	84, 527	84, 509	84, 518	-90	84, 428
Monitor Sugar Division, Robert Gage					
Coal Co.	45, 342	45, 443	45, 392	-48	45, 344
National Sugar Manufacturing Co., The	8, 834	8, 860	8, 847	+3, 191	12, 038
Spreckels Sugar Co.	430, 781	431, 453	431, 117	-460	430, 657
Union Sugar Division, Consolidated Foods Corp.	127, 606	127, 894	127, 750	-136	127, 614
Utah-Idaho Sugar Co.	338, 588	338, 528	338, 558	-361	338, 197
Total	3, 025, 000	3, 025, 000	3, 025, 000		3, 025, 000

¹ Adjustments necessary to increase the allotment of National Sugar Manufacturing Co. to 12,038 tons.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act and in accordance with paragraph (e) of § 813.5 of this chapter, paragraph (a) of § 813.5 is amended to read as follows:

§ 813.4 Allotment of the 1966 sugar quota for the domestic beet sugar area.

(a) **Allotments.** The 1966 calendar year sugar quota for the Domestic Beet Sugar Area of 3,025,000 short tons, raw value is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in cwt. refined beet sugar
Amalgamated Sugar Co., The	426, 143	7, 965, 290
American Crystal Sugar Co.	362, 788	6, 781, 084
Buckeye Sugars, Inc.	24, 876	464, 972
Empire State Sugar Co., Inc.	15, 845	296, 168
Great Western Sugar Co., The	656, 280	12, 266, 916
Holly Sugar Corp.	473, 854	8, 857, 084
Layton Sugar Co.	19, 726	368, 710
Maine Sugar Industries, Inc.	6, 000	112, 150
Michigan Sugar Co.	84, 709	1, 583, 346
Monitor Sugar Division, Robert Gage Coal Co.	45, 495	850, 374
National Sugar Manufacturing Co., The	9, 831	183, 757
Spreckels Sugar Co., Division of American Sugar Co.	432, 091	8, 076, 467
Union Sugar Division, Consolidated Foods Corp.	128, 039	2, 393, 262
Utah-Idaho Sugar Co.	339, 323	6, 342, 486
Total	3, 025, 000	56, 542, 056

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119 and as further amended by Public Law 89-331, enacted Nov. 8, 1965)

Effective date: When filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 13th day of October, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11387; Filed, Oct. 20, 1966; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1966-67 Fiscal Year

Notice was published in the October 5, 1966, issue of the FEDERAL REGISTER (31 F.R. 12954) regarding a proposal to establish free and restricted percentages applicable to filberts grown in Oregon and Washington for the 1966-67 fiscal year beginning August 1, 1966. The percentages are based on recommendations of the Filbert Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish free and restricted percentages as hereinafter set forth will

tend to effectuate the declared policy of the act.

Therefore, the free and restricted percentages for merchantable filberts during the 1966-67 fiscal year are established as follows:

§ 982.216 Free and restricted percentages for merchantable filberts during the 1966-67 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1966:

Free percentage..... 52
Restricted percentage..... 48

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during such year; and (2) the current fiscal year began on August 1, 1966, and the percentages established herein will automatically apply to all such filberts beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 18, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11514; Filed, Oct. 20, 1966; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[20,233]

PART 531—STATEMENTS OF POLICY

Increases in Insurance

OCTOBER 18, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 531.6 of the regulations for the Federal Home Loan Bank System to liberalize the basis under which members of the Federal Home Loan Bank System count certificates of deposit as cash as a result of the increase in insurance afforded bank deposits by Public Law 89-695, approved October 16, 1966, and for the purpose of effecting such amendment hereby amends said § 531.6 of the regulations for the Federal Home Loan Bank System (12 CFR 531.6) to read as follows:

§ 531.6 Continued inclusion of time deposits as cash.

(a) Under § 523.12(b) of this chapter of the regulations for the Federal Home

Loan Bank System, "cash" is defined as cash on hand, unpledged deposits in a Federal Home Loan Bank or a State bank performing similar reserve functions, and unpledged demand deposits in banks not in the possession of appropriate supervisory authorities.

(b) Members of the Federal Home Loan Bank System had, under a former ruling of the Board, been permitted to count time deposits open account and time certificates of deposit as cash within specified limits

(c) In the circumstances, the Board has determined, as a matter of policy, to allow time deposits open account and time certificates of deposits to be counted as cash according to the following schedule and extent:

(1) Time certificates of deposit made or renewed prior to May 20, 1966, may be counted as cash until July 1, 1967, or their expiration date (or first alternative maturity after Sept. 30, 1966), whichever is earlier, except that such time certificates of deposit which have multiple maturity dates of not more than 90 days may be counted as cash until July 1, 1968;

(2) Time certificates of deposit dated on or after May 20, 1966, which have a single maturity date of not more than 90 days or multiple maturity dates of not more than 90 days, may be counted as cash until July 1, 1968, but only to the extent such certificates evidence the reinvestment of funds theretofore evidenced by time certificates of deposit or time deposits open account;

(3) Time deposits open account subject to a notice period of not more than 30 days and representing the reinvestment of funds theretofore evidenced by certificates of deposit or time deposits open account may be counted as cash until July 1, 1968; and

(4) No time deposit open account or deposit evidenced by a certificate of deposit shall be considered as cash unless (i) the association itself made the deposit in question, (ii) the deposit, together with all other time deposits of the association in the same bank, does not exceed the greater of one-fourth of 1 percent of such bank's total deposits as of the bank's last published statement of condition or \$15,000, and (iii) no consideration was received from a third party in connection with the making of the deposit.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-11515; Filed, Oct. 20, 1966; 8:51 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[20,234]

PART 556—STATEMENTS OF POLICY

Continued Inclusion of Time Deposits as Cash Increases in Insurance

OCTOBER 18, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 556.1 of the rules and regulations for the Federal Savings and Loan System relating to the continued inclusion of time deposits as cash, to liberalize the basis under which Federal savings and loan associations count certificates of deposit as cash, and for the purpose of effecting such amendment hereby amends § 556.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.1) to read as follows:

§ 556.1 Continued inclusion of time deposits as cash.

(a) Under § 545.8-2(b) of this chapter of the rules and regulations for the Federal Savings and Loan System, "cash" is defined as cash on hand, unpledged deposits in a Federal Home Loan Bank or a State bank performing similar reserve functions, and unpledged demand deposits in banks not in the possession of appropriate supervisory authorities.

(b) Federal savings and loan associations had, under a former ruling of the Board, been permitted to count time deposits open account and time certificates of deposit as cash within specified limits.

(c) In the circumstances, the Board has determined, as a matter of policy, to allow time deposits open account and time certificates of deposits to be counted as cash according to the following schedule and extent:

(1) Time certificates of deposit made or renewed prior to May 20, 1966, may be counted as cash until July 1, 1967, or their expiration date (or first alternative maturity after Sept. 30, 1966), whichever is earlier, except that such time certificates of deposit which have multiple maturity dates of not more than 90 days may be counted as cash until July 1, 1968;

(2) Time certificates of deposit dated on or after May 20, 1966, which have a single maturity date of not more than 90 days or multiple maturity dates of not more than 90 days, may be counted as cash until July 1, 1968, but only to the extent such certificates evidence the reinvestment of funds theretofore evidenced by time certificates of deposit or time deposits open account;

(3) Time deposits open account subject to a notice period of not more than 30 days and representing the reinvestment of funds theretofore evidenced by certificates of deposit or time deposits open account may be counted as cash until July 1, 1968; and

(4) No time deposit open account or deposit evidenced by a certificate of deposit shall be considered as cash unless (i) the association itself made the de-

posit in question, (ii) the deposit, together with all other time deposits of the association in the same bank, does not exceed the greater of one-fourth of 1 percent of such bank's total deposits as of the bank's last published statement of condition or \$15,000, and (iii) no consideration was received from a third party in connection with the making of the deposit.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-11516; Filed, Oct. 20, 1966; 8:51 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[FSLIC-2,781]

PART 561—DEFINITIONS

Relating to Insured Accounts

OCTOBER 18, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending §§ 561.3, 561.4, 561.5, 561.6, and 561.17 of the rules and regulations for Insurance of Accounts (12 CFR 561.3, 561.4, 561.5, 561.6, and 561.17) as hereinafter set forth to implement the provisions of Public Law 89-695, approved October 16, 1966, increasing from \$10,000 to \$15,000 the insurance of accounts afforded investors by the Federal Savings and Loan Insurance Corporation and for the purpose of effecting such amendments and such implementation hereby amends said §§ 561.3, 561.4, 561.5, 561.6, and 561.17 as follows effective October 21, 1966: The figure "\$10,000" is hereby changed in each place in which it appears in the foregoing sections to read "\$15,000".

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, inasmuch as the foregoing amendments are designed to conform the provisions of the aforesaid regulations to the provisions of Title IV of the National Housing Act as amended by Public Law 89-695, approved October 16, 1966, the Board hereby finds that notice and public procedure on the said amendments are unnecessary and would serve no useful purpose under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 553(a).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-11517; Filed, Oct. 20, 1966; 8:51 a.m.]

[FSLIC-2,782]

PART 571—STATEMENTS OF POLICY
Continued Inclusion of Time Deposits
as Cash Increases in Insurance

OCTOBER 18, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 571.2 of the rules and regulations for Insurance of Accounts to liberalize the basis under which members of the Federal Savings and Loan Insurance Corporation count certificates of deposit as cash and for the purpose of effecting such amendment hereby amends said § 571.2 of the rules and regulations for Insurance of Accounts (12 CFR 571.2) to read as follows:

§ 571.2 Continued inclusion of time deposits as cash.

(a) Under § 561.18 of this chapter of the rules and regulations for Insurance of Accounts, "cash" is defined as cash on hand, unpledged deposits in a Federal Home Loan Bank or a State bank performing similar reserve functions, and unpledged demand deposits in banks not in the possession of appropriate supervisory authorities.

(b) Insured institutions had, under a former ruling of the Board, been permitted to count time deposits open account and time certificates of deposit as cash within specified limits.

(c) In the circumstances, the Board has determined, as a matter of policy, to allow time deposits open account and time certificates of deposits to be counted as cash according to the following schedule and extent:

(1) Time certificates of deposit made or renewed prior to May 20, 1966, may be counted as cash until July 1, 1967, or their expiration date (or first alternative maturity after Sept. 30, 1966), whichever is earlier, except that such time certificates of deposit which have multiple maturity dates of not more than 90 days may be counted as cash until July 1, 1968;

(2) Time certificates of deposit dated on or after May 20, 1966, which have a single maturity date of not more than 90 days or multiple maturity dates of not more than 90 days, may be counted as cash until July 1, 1968, but only to the extent such certificates evidence the reinvestment of funds theretofore evidenced by time certificates of deposit or time deposits open account;

(3) Time deposits open account subject to a notice period of not more than 30 days and representing the reinvestment of funds theretofore evidenced by certificates of deposit or time deposits open account may be counted as cash until July 1, 1968; and

(4) No time deposit open account or deposit evidenced by a certificate of deposit shall be considered as cash unless (i) the association itself made the deposit in question, (ii) the deposit, together with all other time deposits of the association in the same bank, does not exceed the greater of one-fourth of 1 percent of such bank's total deposits as of the bank's last published statement

of condition or \$15,000, and (iii) no consideration was received from a third party in connection with the making of the deposit.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 66-11518; Filed, Oct. 20, 1966;
8:51 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-284; Order 311-B]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)

OCTOBER 13, 1966.

The two amendments to Annual Report FPC Form No. 1 here being considered are among those proposed in the notice instituting this proceeding,¹ but action thereon was deferred in our Order No. 311, herein, which adopted all of the other amendments that had also been proposed in that notice.² Only two comments on those particular proposals, i.e., the one to amend the schedule (p. 102) "Control Over Respondent," and the other which proposed to delete the schedule (p. 302), "Income From Merchandising, Jobbing, and Contract Work," were received.

The first would require the reporting of the names and businesses of companies associated, through common control, with the respondent. We find, however, that the information is sufficiently available from other sources and that, therefore, the proposed amendment to this schedule (p. 102) is unnecessary.

Although two State commissions³ objected to the proposed deletion of the schedule on page 302 for reporting "Income From Merchandising, Jobbing, and Contract Work," we have now been informed either that the objection has been withdrawn or that the information can be obtained by the States from other sources. The schedule is, therefore, being deleted as proposed.

Since the action taken in Order No. 311, together with the two proposals with which we are here concerned completes our consideration of all the proposals

¹ Notice of proposed rule making, issued Sept. 21, 1965, and published in the FEDERAL REGISTER on Sept. 28, 1965, 30 F.R. 12360.

² Order No. 311, issued Dec. 8, 1965, 34 FPC -----, 30 F.R. 15465.

³ Public Service Commission of the District of Columbia and the Commonwealth of Virginia State Corporation Commission.

made in this proceeding, it will be concluded upon the issuance of the order herein.

The Commission finds:

(1) Deletion from Annual Report FPC Form No. 1 of the schedule on page 302 thereof is necessary and appropriate for the administration of the Federal Power Act.

(2) It is in the public interest to take no further action on the proposal to amend the schedule "Control Over Respondent."

The Commission, acting pursuant to the authority of the Federal Power Act, as set out in Order No. 311 heretofore issued herein, orders:

(A) Effective for the reporting year 1966 and thereafter, Annual Report FPC Form No. 1, prescribed by § 141.1(a), Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is revised by deleting therefrom the schedule on page 302 thereof entitled "Income From Merchandising, Jobbing, and Contract Work (Accounts * * *)".

(B) Paragraph (d) of the said § 141.1 is revised by deleting therefrom the schedule title "Income From Merchandising, Jobbing, and Contract Work."

(Sec. 309, 49 Stat. 858; 16 U.S.C. 825h)

(C) The revisions here adopted shall be effective upon the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11474; Filed, Oct. 20, 1966;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13961]

PART 1—PRACTICE AND PROCEDURE

Television Program Form; Correction

In the matter of amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315; Docket No. 13961.

On page 8 of the report and order in the above-captioned proceeding, FCC 66-903, released October 10, 1966, paragraph 26 should be, and hereby is, corrected to read as follows (to conform to paragraph 21 above on the same page):

26. *It is further ordered*, That applications for renewal of television license which are due to be filed on or after November 1, 1967, shall use the above revised form in its entirety.

Released: October 17, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11505; Filed, Oct. 20, 1966;
8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7659; Amdt. 506]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 10 NOV. 1966.

City, Millville; State, N.J.; Airport name, Millville Municipal; Elev., 87'; Fac. Class., SBRAZ; Ident., MV; Procedure No. 1, Amdt. 8; Eff. date, 29 Feb. 64; Sup. Amdt. No. 7; Dated, 11 Aug. 62

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Salem VOR.....	LOM.....	Direct.....	2300	T-dn.....	300-1	300-1	200-1/2
Carleton VOR.....	LOM (final).....	Direct.....	2300	C-dn.....	400-1	500-1	500-1 1/2
YIP LOM.....	LOM.....	Direct.....	2300	S-dn-3 L and R.....	400-1	400-1	400-1
Creek Int.....	LOM (final).....	Direct.....	2300	A-dn.....	800-2	800-2	800-2
Millan Int.....	LOM.....	Direct.....	2300				

Radar available.

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2300' within 10 miles.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to Runway 3L, 032°—5.9 miles; to Runway 3R, 037°—6.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, make left-climbing turn to 2300' and proceed to YIP VOR, or when directed by ATC, make left-climbing turn to 2200' and return to DT LOM.

MSA within 25 miles of the facility: 000°-090°—2800'; 090°-180°—2300'; 180°-270°—2300'; 270°-360°—2300'.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639'; Fac. Class., LOM; Ident., DT; Procedure No. 1, Amdt. 16; Eff. date, 12 Nov. 66; Sup. Amdt. No. 15; Dated, 11 June 66

SVM VOR.....	DW LOM.....	Direct.....	2700	T-dn.....	300-1	300-1	200-1/2
YIP VOR.....	DW LOM.....	Direct.....	2700	C-dn.....	500-1	500-1	500-1 1/2
CRL VOR.....	DW LOM.....	Direct.....	2700	S-dn-21 R and L.....	500-1	500-1	500-1
QG VOR.....	DW LOM.....	Direct.....	2700				
Royal Int.....	DW LOM (final).....	Direct.....	2400	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn N side of crs, 032° Outbnd, 212° Inbnd, 2700' within 10 miles.

Minimum altitude over facility on final approach crs, 2400'.

Crs and distance, facility to Runway 21R, 212°—5.2 miles; to Runway 21L, 205°—5.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing DW LOM, make right-climbing turn to 2300' and proceed direct to YIP VOR, or when directed by ATC, (1) climb to 2200', proceed direct to DT LOM, (2) climb to 2300', make left turn, proceed to Rockwood Int via SVM R 141°.

#Reduction below 3/4 mile not authorized.

MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—2400'; 180°-270°—2300'; 270°-360°—2600'.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639'; Fac. Class., LOM; Ident., DW; Procedure No. 2, Amdt. 6; Eff. date, 12 Nov. 66; Sup. Amdt. No. 5; Dated, 11 June 66

PROCEDURE CANCELED, EFFECTIVE 12 NOV. 1966.

City, Fort Leavenworth; State, Kans.; Airport name, Sherman AAF; Elev., 770'; Fac. Class., MHW; Ident., FRY; Procedure No. 1, Amdt. 4; Eff. date, 5 Sept. 64; Sup. Amdt. No. 3; Dated, 31 Aug. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Myers VOR.....	FMY RBn.....	Direct.....	1500	T-dn..... C-dn..... S-dn-4..... A-dn.....	300-1 400-1 400-1 800-2	300-1 500-1 500-1 800-2	200-1½ 500-1½ 400-1 800-2

Procedure turn S side of crs, 221° Outbnd, 041° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 1000'.

Crs and distance, facility to airport, 041°—4.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing FMY RBn, climb to 1500' on crs of 057° from FMY RBn within 20 miles.

MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—1400'; 180°-270°—1200'; 270°-360°—1500'.

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17'; Fac. Class., BH; Ident., FMY; Procedure No. 1, Amdt. 4; Eff. date, 10 Nov. 66; Sup. Amdt. No. 3; Dated, 27 Nov. 65

Eagle Int.....	LOM.....	Direct.....	3000	T-dn.....	300-1	300-1	*200-1½
Seward Int.....	LOM.....	Direct.....	3100	C-dn.....	500-1	500-1	500-1½
Mead Int.....	LOM.....	Direct.....	3000	S-dn-35 L & R.....	500-1	500-1	500-1
LNK VOR.....	LOM.....	Direct.....	2800	A-dn.....	800-2	800-2	800-2
Pawnee City VOR.....	Sprague Int.....	Direct.....	3000				
Sprague Int.....	LOM (final).....	Direct.....	2800				

Radar available.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2800' within 10 miles.

Minimum altitude over facility on final approach crs, 2700'.

Crs and distance, facility to Runway 35L, 351°—4.8 miles; to Runway 35R, 354°—5.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles for runway 35L or 5.8 miles for Runway 35R after passing LN LOM, climb to 3000' on the 351° bearing from LOM, turn left and return to LN LOM, or when directed by ATC, climb to 3000', proceed direct to LNK VOR.

*300-1 required Runway 17L/35R.

MSA within 25 miles of facility: 045°-135°—2800'; 135°-225°—2800'; 225°-315°—4100'; 315°-045°—2900'.

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1198'; Fac. Class., LOM; Ident., LN; Procedure No. 1, Amdt. 2; Eff. date, 12 Nov. 66; Sup. Amdt. No. 1; Dated, 17 Apr. 65

MIV VORTAC.....	Millville RBn.....	Direct.....	1800	T-dn..... C-dn..... S-dn-14..... A-dn.....	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1½ 500-1½ 400-1 800-2
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Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 1700' within 10 miles.

Minimum altitude over facility on final approach crs, 1200'.

Crs and distance, facility to airport, 144°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Millville RBn, climb on crs, 144° to 1000', make right turn, proceed direct, Millville RBn, climbing to 1700'. Hold NW, 1-minute right turns, Inbnd crs, 144°.

NOTE: Night operations authorized on Runways 10-28 and 14-32 only.

MSA within 25 miles of facility: 000°-090°—2100'; 090°-360°—1600'.

City, Millville; State, N.J.; Airport name, Millville Municipal; Elev., 87'; Fac. Class., MHW; Ident., MIV; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Sill Int.....	LAW VOR.....	Direct.....	2700	T-dn.....	300-1	300-1	200-1½
Duncan VOR.....	LAW VOR.....	Direct.....	2600	C-dn*.....	400-1	500-1	500-1½
Temple Int.....	LAW VOR.....	Direct.....	2600	S-dn-35*#.....	400-1	400-1	400-1
Chattanooga Int.....	LAW VOR.....	Direct.....	2600	A-dn.....	800-2	800-2	800-2
Apache Int.....	LAW VOR.....	Direct.....	2600				

Radar available.

Procedure turn not authorized.

Hold S of LAW VOR, 167° Outbnd, 347° Inbnd, left turns, 1 minute, 2600'.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 354°—8.8 miles; abeam PFL RBn to airport, 354°—2.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.8 miles after passing LAW VOR, or 2.3 miles after passing PFL RBn, turn right, climb to 2600' and return to LAW VOR on R 005°, or when directed by ATC, climb to 3500' on LAW VOR R 352° and proceed to Apache Int.

NOTE: (1) Authorized for military use only, except by prior arrangement. (2) Fort Sill approach control at Post AAF.

*If PFL RBn or Z marker not received, descent below 1900' not authorized and minimums are 700-2.

#400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft; 400-½ authorized with operative SALS except for 4-engine turbojet aircraft.

MSA within 25 miles of facility: 000°-090°—2700'; 090°-180°—2400'; 180°-270°—3200'; 270°-360°—3500'.

City, Fort Sill; State, Okla.; Airport name, Henry Post AAF; Elev., 1187'; Fac. Class., L-BVOR; Ident., LAW; Procedure No. 1, Amdt. 7; Eff. date, 12 Nov. 66; Sup. Amdt. No. 6; Dated, 31 July 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn-----	300-1	300-1	200-½
				C-d-----	1000-1	1000-1	1000-1½
				C-n-----	1000-2	1000-2	1000-2
				A-dn-----	1000-2	1000-2	1000-2

Radar available.

Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 4500' within 10 miles.

Minimum altitude over facility on final approach crs, 4200'.

Crs and distance, facility to airport, 178°—12.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.9 miles of GSG VOR, make left-climbing turn to 4500', return to VOR, hold N on R 358° at 4500'.

NOTE: DME not authorized. Glasgow DME not collocated with Glasgow VOR.

CAUTION: Runway 7/25 unlighted.

MSA within 25 miles of facility: 270°—090°—4400'; 090°—270°—3900'.

City, Glasgow; State, Mont.; Airport name, Glasgow International; Elev., 2298'; Fac. Class., H-VOR; Ident., GSG; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

				T-dn%-----	300-1	300-1	200-½
				C-d-----	600-1	600-1	600-1½
				C-n-----	600-1½	600-1½	600-1½
				S-dn-34-----	600-1	600-1	600-1
				A-dn-----	NA	NA	NA

Procedure turn E side of crs, 156° Outbnd, 336° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 336°—2.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles of GPZ VOR make right-climbing turn to 3000' on R 156° of GPZ VOR, hold SE on R 166° at 3000'.

NOTES: (1) Final approach from holding pattern at VOR not authorized. Procedure turn required. (2) Use Hibbing, Minn., altimeter setting.

CAUTION: Runways 10/28, 4/22 unlighted.

%Takeoffs, Runway 34: Westbound aircraft maintain runway heading until reaching 2000'. Takeoffs, Runway 28: 300-1 required. Restrictions due to 1549' tower, 0.75 mile W.

MSA within 25 miles of facility: 000°—360°—2900'.

City, Grand Rapids; State, Minn.; Airport name, Municipal; Elev., 1320'; Fac. Class., L-BVOR; Ident., GPZ; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

PROCEDURE CANCELED, EFFECTIVE 12 NOV. 1966.

City, Hopkinsville; State, Ky.; Airport name, Hopkinsville-Christian County; Elev., 541'; Fac. Class., VOR; Ident., HOP; Procedure No. 1, Amdt. 1; Eff. date, 31 July 65; Sup. Amdt. No. Orig.; Dated, 8 Feb. 64

Reef Int/DME-----	Taro Int/DME-----	Direct-----	1500	T-dn%-----	300-1	300-1	200-½
Taro Int/DME-----	Kona VORTAC-----	Direct-----	500	C-dn\$-----	600-1	600-1	600-1½
				S-dn-11-----	500-1	500-1	500-1
				A-dn\$-----	800-2	800-2	800-2

Procedure turn S side of crs, 312° Outbnd, 132° Inbnd, 2000' within 10 miles of Reef Int.

Procedure turn not required when cleared for an approach Inbnd on V-5, V-5W, or V-11.

Minimum altitude over facility on final approach crs, 2000' over Reef Int; 1500' over Taro Int/DME; 500' over KOA VORTAC.

Crs and distance, facility to airport, 118°—0.8 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of KOA VORTAC, make immediate right turn and climb to 2000' on R 312° within 20 miles.

NOTE: Reductions not authorized. Part-time control zone only.

%Takeoff, Runway 11, turn right; all departures must climb between radials 180° to 330° clockwise.

%CAUTION: Terrain 800', 1.6 miles NE; circling to NE of runway centerline not authorized.

%Alternate minimums authorized only for air carriers with approved weather reporting service.

MSA within 25 miles of facility: 340°—070°—11,000'; 070°—160°—15,000'; 160°—340°—2000'.

City, Kailua, Kona; State, Hawaii; Airport name, Kona; Elev., 16'; Fac. Class., H-BVORTAC; Ident., KOA; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

LE LOM-----	LEX VOR-----	Direct-----	3000	T-dn-----	300-1	300-1	200-½
Richmond Int-----	LEX VOR-----	Direct-----	3000	C-d-----	600-1	600-1	600-1½
Irvine Int-----	LEX VOR-----	Direct-----	3000	C-n-----	600-2	600-2	600-2
				A-dn-----	800-2	800-2	800-2
				DME minimums-----	DME equipment required:		
				C-dn-----	400-1	500-1	500-1½

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 3000'; over 5-mile DME Fix R 304°, 1600'.

Crs and distance, facility to airport, 304°—7.3 miles; 5-miles DME Fix R 304° to airport, 304°—2.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing LEX VOR, climb to 2500' via R 303° of LEX VOR to the Bridgeport Int. Hold W on R 080° LOU VOR, 1-minute right turns, 080° Inbnd. Alternate missed approach: Within 7.3 miles after passing LEX VOR, make left-climbing turn to 2000', direct to Lexington LOM. Hold SW, 1-minute right turns, 042° Inbnd.

NOTE: When authorized by ATC, DME may be used within 10 miles at 3000' to position aircraft for approach with elimination of procedure turn.

MSA within 25 miles of facility: 000°—090°—3100'; 090°—180°—2800'; 180°—270°—2300'; 270°—360°—2700'.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., H-BVORTAC; Ident., LEX; Procedure No. 1, Amdt. 8; Eff. date, 12 Nov. 66; Sup. Amdt. No. 7; Dated, 17 Oct. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 66 knots
					65 knots or less	More than 66 knots	
Touhy Int.	LNK VOR	Direct	3000	T-dn	300-1	300-1	*200 1/2
Murdock 17-mile DME Fix, LNK R 083°	7-mile DME Fix, LNK R 083°	Direct	3000	C-dn	500-1	500-1	500-1 1/2
7-mile DME Fix, LNK R 083° counterclockwise	R 005, LNK VOR	Via 7-mile DME Arc	3000	S-dn-17R#	400-1	400-1	400-1
7-mile DME Fix, LNK R 258° clockwise	R 005, LNK VOR	Via 7-mile DME Arc	3000	S-dn-17L#	500-1	500-1	500-1
7-mile DME Fix, LNK R 005°	LNK VOR (final)	Direct	2200	A-dn	800-2	800-2	800-2

Radar available.
 Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 3000' within 10 miles.
 Minimum altitude over facility on final approach crs, 2200'.
 Crs and distance, facility to Runway 17R, 185°—3.8 miles; to Runway 17L, 177°—4.1 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles for Runway 17R or 4.1 miles for Runway 17L after passing LNK VOR, proceed to LN LOM climbing to 2800', or when directed by ATC, intercept LNK VOR, R 176°, climbing to 3000' within 10 miles, turn left and return to LNK VOR.

NOTE: Final approach from holding pattern at LNK VOR not authorized, procedure turn required.
 *300-1 required Runways 17L-35R.
 #400-1/4 authorized with operative HIRL, except for 4-engine turbojets. Reduction not authorized for nonstandard REIL.
 #500-3/4 authorized with operative HIRL, except for 4-engine turbojets.
 MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2700'; 180°-270°—4100'; 270°-360°—3000'.

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1198'; Fac. Class., L-BVORTAC; Ident., LNK; Procedure No. 1, Amdt. 3; Eff. date, 12 Nov. 66; Sup. Amdt. No. 2; Dated, 30 Oct. 65

				T-dn	300-1	300-1	200 1/2
				C-dn	500-1	500-1	500-1 1/2
				S-dn-3*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 197° Outbnd, 017° Inbnd, 2000' within 10 miles.
 Minimum altitude over facility on final approach crs, 900'.
 Facility on airport.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over MVC VOR, climb to 2200' on R 045° of MVC VOR within 20 miles, or when directed by ATC, turn right, climb to 2000', return to MVC VOR and enter holding pattern.

NOTE: For weather information at this field contact MOB FSS.
 *Reduction below 3/4 mile not authorized.
 MSA within 25 miles of facility: 000°-360°—1800'.

City, Monroeville; State, Ala.; Airport name, Municipal; Elev., 420'; Fac. Class., L-VOR; Ident., MVC; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

				T-dn	300-1	300-1	200 1/2
				C-dn	500-1	500-1	500-1 1/2
				S-dn-21*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 035° Outbnd, 215° Inbnd, 2200' within 10 miles.
 Minimum altitude over facility on final approach crs, 900'.
 Facility on airport.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over MVC VOR, climb to 2000' on R 212° of MVC VOR within 20 miles, or when directed by ATC, turn right, climb to 2000', return to MVC VOR and enter holding pattern.

NOTE: For weather information at this field contact MOB FSS.
 *Reduction below 3/4 mile not authorized.
 MSA within 25 miles of facility: 000°-360°—1800'.

City, Monroeville; State, Ala.; Airport name, Municipal; Elev., 420'; Fac. Class., L-BVOR; Ident., MVC; Procedure No. 2, Amdt. Orig.; Eff. date, 10 Nov. 66

Scarsdale VHF Int.	Randall Int (4-mile DME Fix)	Via radar vectors	1500	T-dn	300-1	300-1	200-1 1/2
Randall Int (4-mile DME Fix)	LGA VOR (final)	Direct	*700	C-dn	700-1	700-2	700-2
				A-dn	800-2	800-2	800-2

Radar required.
 Procedure turn not authorized. Final approach crs, 230°.
 Minimum altitude over facility on final approach crs, 700'.
 Crs and distance, facility to airport, 174°—0.4 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 2500' on LGA VOR, R 220° to Prospect Int. Hold SW Prospect Int left turns, 1-minute Inbnd, crs, 040°.

AIR CARRIER NOTE: Adjustment of alternate ceiling and visibility minimums not authorized.
 NOTE: Dual VOR receivers or VOR/DME receivers required for this procedure.
 *Descent to landing minimums authorized only after passing Randall VHF Int (4-mile DME Fix).
 MSA within 25 miles of facility: 045°-225°—1600'; 225°-315°—2600'; 315°-045°—2200'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., L-VOR/DME; Ident., LGA; Procedure No. 1, Amdt. 5; Eff. date, 12 Nov. 66; Sup. Amdt. No. 4; Dated, 27 Mar. 65

Scarsdale VHF Int.	City Int/3.8-mile DME Fix	Via radar vectors	1500	T-dn	300-1	300-1	200-1 1/2
City Int/3.8-mile DME Fix	LGA VOR (final)	Direct	700	C-dn*	700-1	700-2	700-2
				A-dn	800-2	800-2	800-2

Radar required.
 Procedure turn not authorized. Final approach crs, 235°.
 Minimum altitude over facility on final approach crs, 700'.
 Crs and distance, facility to airport, 174°—0.4 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 2500' on LGA VOR R 220° to Prospect Int. Hold SW Prospect Int left turns, 1-minute Inbnd, crs, 040°.

AIR CARRIER NOTE: Adjustment of alternate ceiling and visibility minimums not authorized.
 NOTE: Dual VOR receivers or VOR/DME receivers required for this procedure.
 *Descent to landing minimums authorized only after passing City Int/3.8-mile DME Fix.
 MSA within 25 miles of facility: 045°-225°—1600'; 225°-315°—2600'; 315°-045°—2200'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., L-VOR/DME; Ident., LGA; Procedure No. 3, Amdt. Orig.; Eff. date, 12 Nov. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Oxford Int.-----	RKA VOR (final)-----	Direct-----	3800	T-d----- T-n----- C-d----- C-n----- S-dn----- A-dn-----	500-1 NA 1000-1½ NA NA NA	500-1 NA 1000-1½ NA NA NA	NA NA NA NA NA NA

Procedure turn S side of crs, 257° Outbnd, 077° Inbnd, 3800' within 10 miles.

Minimum altitude over facility on final approach crs, 3800'.

Crs and distance, facility to airport, 077°—3.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing RKA VOR, make left-climbing turn to 3800' direct RKA VOR. Hold W of RKA VOR, 1-minute right turns, 076° Inbnd.

CAUTION: Use Binghamton altimeter setting.

MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—4000'; 180°-360°—3500'.

City, Oneonta; State, N.Y.; Airport name, Municipal; Elev., 1765'; Fac. Class., L-BVOR; Ident., RKA; Procedure No. 1, Amdt. Orig.; Eff. date, 12 Nov. 66

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn----- C-dn*§----- S-dn-27*§#----- A-dn\$-----	300-1 500-1 500-1 500-2	300-1 500-1 500-1 800-2	200-½ 500-½ 500-1 800-2

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 1103' (1203' when control zone not effective).

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2100' on R 281° within 10 miles, make right turn and return to VOR.

NOTE: Use Marquette altimeter setting when control zone not effective.

CAUTION: (1) 752' water tower, 1.2 miles NNE of airport. (2) Magnetic disturbance of as much as 14° exists at ground level at Escanaba;

*Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.

§These minimums apply at all times for air carriers with approved weather reporting service.

#Reduction not authorized for nonstandard REIL.

MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—1700'; 180°-270°—2300'; 270°-360°—2200'.

City, Escanaba; State, Mich.; Airport name, Escanaba Municipal; Elev., 603'; Fac. Class., L-BVOR; Ident., ESC; Procedure No. TerVOR-27; Amdt. Orig.; Eff. date, 10 Nov. 66

Elizabeth Int.-----	FFM VOR-----	Direct-----	2000	T-dn%----- C-d----- C-n----- S-dn-35----- A-dn-----	300-1 800-1 800-1½ 500-1 NA	300-1 800-1 800-1½ 500-1 NA	200-½ 800-½ 800-1½ 500-1 NA
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Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2900' within 10 miles.

Minimum altitude over facility on final approach crs 1685'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FFM VOR, make left-climbing turn to 2900' on R 179° of FFM VOR, hold S on R 179° at 2900'.

NOTE: Use Alexandria altimeter setting.

CAUTION: Runways 9-27, 15-33 unlighted.

Takeoffs, Runways 15, 19, 35, maintain takeoff heading until reaching 2000' before turning eastbound. 400-2 required for takeoffs Runway 9. Restrictions due to 1550' tower, 1.3 miles E.

MSA within 25 miles of facility: 000°-180°—2900'; 180°-360°—2400'.

City, Fergus Falls; State, Minn.; Airport name, Fergus Falls Municipal (Einar Mickelson Field); Elev., 1185'; Fac. Class., T-BVOR; Ident., FFM; Procedure No. TerVOR-35, Amdt. 1; Eff. date, 12 Nov. 66; Sup. Amdt. No. TerVOR-1, Orig.; Dated, 18 Aug. 66

R 125°, FNT VOR clockwise-----	R 222°, FNT VOR-----	Via 9-mile DME Arc-----	2100	T-dn----- C-dn----- S-dn-5----- A-dn-----	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-½ 500-1 800-2
R 340°, FNT VOR counterclockwise-----	R 222°, FNT VOR-----	Via 9-mile DME Arc-----	2600	Minimums with DME: C-dn----- S-dn-5-----	400-1 400-1	500-1 400-1	500-1½ 400-1
9-mile DME Fix, FNT R 222°-----	4-mile DME Fix, R 222° (final)-----	Direct-----	1281				

Procedure turn W side of crs, 222° Outbnd, 042° Inbnd, 2100' within 10 miles.

Minimum altitude over 4-mile DME Fix on final approach crs, 1281'.

Crs and distance, breakpoint point to Runway 4, 049°—0.23 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR make right-climbing turn and proceed to Davis Int via FNT R 078° at 2400', or when directed by ATC, make left-climbing turn and proceed direct to FN LOM at 2100'.

MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2600'; 180°-270°—2200'; 270°-360°—2600'.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781'; Fac. Class., L-BVORTAC; Ident., FNT; Procedure No. TerVOR-5, Amdt. 4; Eff. date, 12 Nov. 66; Sup. Amdt. No. 3; Dated, 24 Sept. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Owosso Int/DME Fix.....	10-mile DME Fix, R 283°.....	Direct.....	2600	T-dn.....	300-1	300-1	200-1 1/2
10-mile DME Fix, R 283°.....	4-mile DME Fix (final).....	Direct.....	1281	C-dn.....	500-1	500-1	500-1 1/2
R 172°, FNT VOR clockwise.....	R 283° FNT VOR.....	Via 10-mile DME Arc.....	2600	S-dn-9.....	500-1	500-1	500-1
R 040°, FNT VOR counterclockwise.....	R 283°.....	Via 10-mile DME Arc.....	2600	A-dn.....	800-2	800-2	800-2
				Minimums with DME:			
				C-dn.....	400-1	500-1	500-1 1/2
				S-dn-9#.....	400-1	400-1	400-1

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 2100' within 10 miles of VOR.

Minimum altitude over 4-mile DME Fix on final approach crs, 1281'.

Crs and distance, breakoff point to Runway 9, 091°—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR, make left-climbing turn and proceed to Davis Int via FNT R 078° at 2400', or when directed by ATC, make climbing right turn and proceed direct to FN LOM at 2100'.

#400-1/2 authorized, with operative high-intensity runway lights, except 4-engine turbojets.

#400-1/2 authorized, with operative ALS except 4-engine turbojets.

MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2600'; 180°-270°—2200'; 270°-360°—2600'.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781'; Fac. Class., L-BVORTAC; Ident., FNT; Procedure No. Ter Vor 9, Amdt. 7; Eff. date, 12 Nov. 66; Sup. Amdt. No. 6; Dated, 24 Sept. 66

Davis Int.....	Plant Int (final).....	Direct.....	1581	T-dn.....	300-1	300-1	200-1 1/2
R 340°, FNT VOR clockwise.....	R 078°, FNT VOR.....	Via 10-mile DME Arc.....	2600	C-dn.....	800-1	800-1	800-1 1/2
R 172°, FNT VOR counterclockwise.....	R 078°, FNT VOR.....	Via 10-mile DME Arc.....	2600	S-dn-27.....	800-1	800-1	800-1
10-mile DME Fix, R 078°.....	Davis Int.....	Direct.....	1800	A-dn.....	800-2	800-2	800-2
				Minimums with DME or dual VOR receivers:			
				C-dn.....	500-1	500-1	500-1 1/2
				S-dn-27.....	500-1	500-1	500-1

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 2300' within 10 miles.

Minimum altitude over Plant Int on final approach crs, 1581'.

Crs and distance, breakoff point to Runway 27, 271°—0.49 mile.

Crs and distance, Plant Int to airport, 258°—2.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FNT VOR, make right-climbing turn to 2100' and proceed direct to the FN LOM, or when directed by ATC, make left-climbing turn and proceed to Davis Int via FNT R 078° at 2400'.

MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2600'; 180°-270°—2200'; 270°-360°—2600'.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781'; Fac. Class., L-BVORTAC; Ident., FNT; Procedure No. Ter VOR 27, Amdt. 4; Eff. date, 12 Nov. 66; Sup. Amdt. No. 3; Dated, 24 Sept. 66

Moneta Int.....	RIW VOR.....	Direct.....	7000	T-dn.....	300-1	300-1	300-1
Sweetwater Int.....	RIW VOR.....	Direct.....	9000	C-dn.....	600-1	600-1	600-1 1/2
Boysen Reservoir R 180°/5-mile DME Fix.....	RIW VOR.....	Direct.....	7000	S-dn.....	600-1	600-1	600-1
Crowheart Int.....	RIW VOR.....	Direct.....	7800	A-dn*.....	NA	NA	NA
Hunt Int.....	RIW VOR.....	Direct.....	8000				

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 7000' within 10 miles.

Minimum altitude over facility on final approach crs, 6100'.

Facility on airport. Breakoff point to runway, 098°—1 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RIW VOR, climb to 7500' on R 103° within 15 miles.

NOTE: Use Worland altimeter setting when control zone is not effective.

*Alternate minimums of 800-2 authorized for air carrier with weather reporting service available at airport.

MSA within 25 miles of facility: 270°-180°—9600'; 180°-270°—12,200'.

City, Riverton; State, Wyo.; Airport name, Riverton Municipal; Elev., 5509'; Fac. Class., L-BVOR; Ident., RIW; Procedure No. Ter VOR-10, Amdt. 3; Eff. date, 12 Nov. 66; Sup. Amdt. No. 2; Dated, 22 May 65

Moneta Int.....	RIW VOR.....	Direct.....	7000	T-dn.....	300-1	300-1	300-1
Sweetwater Int.....	RIW VOR.....	Direct.....	9000	C-dn.....	400-1	500-1	500-1 1/2
Boysen Reservoir R 180°/5-mile DME FIX.....	RIW VOR.....	Direct.....	7000	S-dn.....	400-1	400-1	400-1
Crowheart Int.....	RIW VOR.....	Direct.....	7800	A-dn*.....	NA	NA	NA
Hunt Int.....	RIW VOR.....	Direct.....	8000				

Procedure turn N side of crs, 103° Outbnd, 283° Inbnd, 7000' within 10 miles.

Minimum altitude over facility on final approach crs, 5909'.

Facility on airport. Breakoff point to runway, 278°—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RIW VOR, climb to 7500' on R 284° within 15 miles.

NOTE: Use Worland altimeter setting when control zone is not effective.

*Alternate minimums of 800-2 authorized for air carrier with weather reporting service available at airport.

MSA within 25 miles of facility: 270°-180°—9600'; 180°-270°—12,200'.

City, Riverton; State, Wyo.; Airport name, Riverton Municipal; Elev., 5509'; Fac. Class., L-BVOR; Ident., RIW; Procedure No. Ter VOR-28, Amdt. 3; Eff. date, 12 Nov. 66; Sup. Amdt. No. 2; Dated, 22 May 65

5. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Myers RBN	FMV VOR	Direct	1500	T-dn C-dn S-dn-4° A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-1½ 500-1½ 500-1 800-2
				If aircraft equipped with operating DME or ADF receivers and FMV RBN or the 4.4-mile DME Fix identified, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1

Procedure turn S side of crs, 214° Outbnd, 034° Inbnd, 1500' within 10 miles.

Minimum altitude over the 4.4-mile DME Fix or FMV RBN on final approach crs, 1000'; over FMV VOR, 400'.

Crs and distance, 4.4-mile DME Fix or FMV RBN to breakoff point, 034°—3.3 miles; breakoff point to approach end of runway, 046°—0.8 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, make right turn, intercept R 060° FMV VOR, climb to 1500' within 20 miles of FMV VOR.

NOTE: When authorized by ATC, Fort Myers DME may be used for an 8-mile orbit from R 115° clockwise through R 354° at 1500' to position aircraft for a straight-in approach with the elimination of the procedure turn.

* Reduction not authorized.

MSA within 25 miles of facility: 000°-090°-2100'; 090°-180°-2100'; 180°-270°-1200'; 270°-360°-1500'.

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17'; Fac. Class., L-BVORTAC; Ident., FMV; Procedure No. VOR/DME-1, Amdt. 2; Eff. date, 10 Nov. 66; Sup. Amdt. No. 1; Dated, 25 Dec. 65

PROCEDURE CANCELED, EFFECTIVE 10 NOV. 1966.

City, Kailua, Kona; State, Hawaii; Airport name, Kona; Elev., 16'; Fac. Class., HBVORTAC; Ident., KOA; Procedure No. VOR/DME 1, Amdt. 1; Eff. date, 2 Apr. 66; Sup. Amdt. No. Orig.; Dated, 5 Mar. 66

PROCEDURE CANCELED, EFFECTIVE 12 NOV. 1966.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., BVORTAC; Ident., LEX; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 17 Oct. 64; Sup. Amdt. No. 1; Dated, 21 Mar. 64

MGW VOR	10-mile DME Fix, MGW R 339°	Direct	4000	T-dn	300-1	300-1	200-1½
20-mile DME Fix, MGW R 339°	15-mile DME Fix, MGW R 339°	Direct	4000	C-d	600-1	600-1	600-1½
15-mile DME Fix, MGW R 339°	10-mile DME Fix, MGW R 339°	Direct	2500	C-n	600-2	600-2	600-2
10-mile DME Fix, MGW R 339°	6.3-mile DME Fix, MGW R 339° (final)	Direct	1848	S-dn-18° A-dn	600-1 800-2	600-1 800-2	600-1 800-2

Procedure turn W side of crs, 339° Outbnd, 159° Inbnd, 4000' within 10 miles of the 10-mile DME Fix.

Minimum altitude over 15-mile DME Fix on final approach crs, 4000'; over 10-mile DME Fix, 2500'.

Crs and distance, 10-mile DME Fix to airport, 159°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.3-mile DME Fix, make right-climbing turn to 4000' proceed to MGW RBN. Hold N, 1-minute right turns, 173° Inbnd.

NOTE: When authorized by ATC, DME may be used between MGW R 270° clockwise to 354° at 4000' via 20-mile DME Arc to position aircraft for straight in with elimination of procedure turn.

* Reduction based on lighting aids—not authorized.

MSA within 25 miles of facility: 000°-270°-4300'; 270°-360°-3400'.

City, Morgantown; State, W. Va.; Airport name, Municipal; Elev., 1248'; Fac. Class., L-BVORTAC; Ident., MGW; Procedure No. VOR/DME-2, Amdt. Orig.; Eff. date, 12 Nov. 66

PIR VOR	10-mile DME Fix, R 254°	Direct	3600	T-dn	300-1	300-1	200-1½
R 242°, PIR VOR clockwise	R 254°, PIR VOR	Via 16-mile DME Arc	3600	C-d	400-1	500-1	500-1½
R 291°, PIR VOR counterclockwise	R 254°, PIR VOR	Via 16-mile DME Arc	3600	C-n	400-1½	500-1½	500-2
16-mile DME Fix, R 254°	10-mile DME Fix, R 254° (final)	Direct	2600	S-dn-7° A-dn	400-1 800-2	400-1 800-2	400-1 800-2

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 3600' between 10- and 20-mile DME Fix, R 254°.

Minimum altitude over 10-mile DME Fix on final approach crs, 2600'.

Crs and distance, 10-mile DME Fix, R 254° to airport, 074°—4.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.8-mile DME Fix, R 254°, climb direct to VOR and to 3500' on R 076° within 10 miles of VOR.

NOTE: Final approach from holding at 10-mile DME Fix, R 254° not authorized. Procedure turn required.

MSA within 25 miles of facility: 000°-360°-3400'.

City, Pierre; State, S. Dak.; Airport name, Pierre Municipal; Elev., 1742'; Fac. Class., L-BVORTAC; Ident., PIR; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 10 Nov. 66

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Salem VOR	LOM	Direct	2600	T-dn*	300-1	300-1	200-1½
YIP LOM	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
Creek Int	LOM (final)	Direct	2300	S-dn-3LS**	200-½	200-½	200-½
Carleton VOR	LOM (final)	Via CRL R 010° and localizer crs.	2300	S-dn-3R#	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2
Milan Int	LOM	Direct	2300				

Radar available.
Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at LOM, 2246'—5.9 miles; at LMM, 841'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, make left-climbing turn to 2300' and proceed to YIP VOR, or when directed by ATC, make left-climbing turn to 2300' and return to DT LOM.
#400-¾ required when glide slope not utilized; 400-½ authorized with operative ALS except for 4-engine turbojets.
#Crs and distance, OM to Runway 3R, 037°—6.6 miles.
*RVR 2400' authorized Runways 3L and 21R.
**RVR 2400'. Descent below 839' not authorized unless approach lights are visible.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639'; Fac. Class., ILS; Ident., I-DTW; Procedure No. ILS-3L-R, Amdt. 16; Eff. date, 12 Nov. 66; Sup. Amdt. No. 15; Dated, 11 June 66

SVM VOR	DW LOM	Direct	2700	T-dn*	300-1	300-1	200-½
YIP VOR	DW LOM	Direct	2700	C-dn	400-1	500-1	500-1½
CRL VOR	DW LOM	Direct	2700	S-dn-21R** #	200-½	200-½	200-½
QG VOR	DW LOM	Direct	2700	A-dn	600-2	600-2	600-2
Royal Int	DW LOM (final)	Direct	2300				

Radar available.
Procedure turn N side of NE crs, 032° Outbnd, 212° Inbnd, 2700' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at OM, 2235'—5.2 miles; at MM, 858'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn to 2300' and proceed to YIP VOR or as directed by ATC, climb to 2300', proceed direct to DT LOM.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*RVR 2400' authorized Runway 21R.
**RVR 2400'. Descent below 839' not authorized unless approach lights are visible.
#400-¾ required when glide slope not utilized. Reduction below ¾ not authorized.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639'; Fac. Class., ILS; Ident., I-DWC; Procedure No. ILS-21R, Amdt. 5; Eff. date, 12 Nov. 66; Sup. Amdt. No. 4; Dated, 18 Dec. 65

LEX VOR	LE LOM	Direct	2600	T-dn*	300-1	300-1	200-½
McAfee Int	LE LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Richmond Int	LE LOM	Direct	2600	S-dn-4#	300-½	300-½	300-½
Chaplin Int	Keene Int	Via R 264° LEX VOR.	2500	A-dn	600-2	600-2	600-2
Keene Int	LE LOM (final)	Direct	2000	With glide slope inoperative: S-dn-4*	400-1	400-1	400-1

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—3.5 miles; at MM, 1190'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800' on crs, 042° to the Fayette Int. Hold N, 1-minute right turns, 222° Inbnd.
CAUTION: Glide slope point of touchdown approximately 1450' in from approach end of runway.
*400-¾ (RVR 4000') authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft. 400-½ (RVR 2400') authorized with operative ALS except for 4-engine turbojet aircraft.
#RVR 2400'. Descent below 1278' not authorized unless approach lights visible.
#RVR 2400' authorized Runway 4.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., ILS; Ident., I-LEX; Procedure No. ILS 4, Amdt. 6; Eff. date, 12 Nov. 66; Sup. Amdt. No. 5; Dated, 19 June 65

Touhy Int	RAY Int	Via localizer crs	3000	T-dn	300-1	300-1	*200-½
LNK VOR	RAY Int	Direct	3000	C-dn	500-1	500-1	500-1½
LN LOM	RAY Int	Direct	3000	8-dn-17R#	400-1	400-1	400-1
Malcolm 7-mile DME Fix, LNK R 258° Clockwise.	Davey 7-mile DME Fix, LNK R 342°	Via 7-mile DME Arc.	3000	A-dn	800-2	800-2	800-2
Waverly 7-mile DME Fix, LNK R 083° counterclockwise.	Davey 7-mile DME Fix, LNK R 342°	Via 7-mile DME Arc.	3000				
Davey 7-mile DME Fix, LNK R 342°	RAY Int (final)	LNK localizer	2200				
Murdoch 17-mile DME Fix, LNK R 083°	Waverly 7-mile DME Fix, LNK R 083°	Direct	3000				

Radar available.
Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 3000' within 10 miles of RAY Int.
Minimum altitude over RAY Int on final approach crs, 2200'.
Crs and distance, RAY Int to airport, 171°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing RAY Int, climb to 2800' direct to LN LOM, or when directed by ATC, climb to 3000' on the 171° bearing from LN LOM or S crs, LNK ILS within 10 miles, make left turn and return to LNK VOR.
NOTE: Dual VOR receivers required.
*300-1 required for Runways 17L/35R.
#400-¾ authorized with operative HIRL, except for 4-engine turbojets. Reduction not authorized for nonstandard REILs

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1198'; Fac. Class., ILS; Ident., I-LNK; Procedure No. ILS-17R (back crs), Amdt. 1; Eff. date, 12 Nov. 66; Sup. Amdt. No. Orig.; Dated, 17 Aug. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Eagle Int.	LN LOM	Direct	3000	T-dn	300-1	300-1	*200-½
Seward Int.	LN LOM	Direct	3000	C-dn	500-1	500-1	500-1½
Mead Int.	LN LOM	Direct	3000	S-dn-35L@	200-½	200-½	200-½
LNK VOR	LN LOM	Direct	2800	A-dn	600-2	600-2	600-2
Pawnee City VOR	Sprague Int.	Direct	3000				
Sprague Int.	LN LOM (final)	Direct	2700				
Murdock 17-mile DME Fix, LNK R 083° clockwise.	Princeton 17-mile DME Fix, LNK R 174°	Via 17-mile DME Arc.	3000				
Seward 17-mile DME Fix, LNK R 258° counterclockwise.	Princeton 17-mile DME Fix, LNK R 174°	Via 17-mile DME Arc.	3500				
Princeton 17-mile DME Fix, LNK R 174°	LN LOM (final)	LNK localizer	2700				

Radar available.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2800' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2700'.

Altitude of glide slope and distance to approach end of runway at OM, 2660'—4.8 miles; at MM, 1384'—0.4 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LN LOM, proceed direct to LNK VOR climbing to 3000', or when directed by ATC, climb to 3000' on N crs, LNK ILS, make left turn and return to LN LOM.

*300-1 required Runways 17L/35R.

@300-¾ required when glide slope not utilized and 300-½ authorized with operative ALS, except for 4-engine turbojets.

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1198'; Fac. Class., ILS; Ident., I-LNK; Procedure No. ILS-35L, Amdt. 2; Eff. date, 12 Nov. 66; Sup. Amdt. No. 1; Dated, 17 Aug. 65

Rochelle Int.	LOM (final)	Direct	2000	T-dn**	300-1	300-1	200-½
PLL VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
RFD VOR	LOM	Direct	2000	S-dn-36½	200-½	200-½	200-½
Belvedere Int.	LOM	Direct	2500	A-dn	600-2	600-2	600-2
JVL VOR	LOM	Direct	*2500				
Malta Int.	LOM	Direct	2500				
Creston Int.	S crs ILS (final)	Via R 150°, RFD VOR.	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2000'.

Altitude of glide slope and distance to approach end of runway at LOM, 1966'—4.5 miles; at LMM, 923'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make left-climbing turn to 2500', proceed direct to RFD VOR, or when directed by ATC, (1) climb to 2500' on N crs of ILS within 15 miles, (2) make left-climbing turn to 2000' direct to LOM.

NOTE: When authorized by ATC, RFD DME may be used to position aircraft for straight-in approach at 2000' between R 240° counterclockwise to R 155° via 15-mile DME Arc with elimination of procedure turn.

*300-¾ required when glide slope not utilized, and 300-½ authorized with operative ALS except for 4-engine turbojets.

*2000' after passing RFD VOR, R 090°.

**RVR 2400' authorized Runway 36.

\$RVR 2400'. Descent below 935' not authorized unless approach lights are visible.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735'; Fac. Class., ILS; Ident., I-RFD; Procedure No. ILS-36, Amdt. 7; Eff. date, 12 Nov. 66; Sup. Amdt. No. 6; Dated, 20 Mar. 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	0-7 mile	1900	Surveillance approaches			
000°	360°	7-15 miles	2300	T-dn%-----	300-1	300-1	200-1½
000°	360°	15-30 miles	2800	C-dn-9-----			
				3 L and R, 21 L, 27, 33.	400-1	500-1	500-1½
				S-dn-9-----			
				3L*, 3R#, 21 L#, 27, 33.	400-1	400-1	400-1
				C-dn-21R-----	500-1	500-1	500-1½
				S-dn-21R#-----	500-1	500-1	500-1
				A-dn-----	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 3 L and R, 33—Left turn to 2300' and proceed to YIP VOR. Runways 21 R and L—Right turn to 2300' and proceed direct to YIP VOR. Runway 9—Left turn to 2700' and proceed direct to DW LOM. Runway 27—Climb to 2300' and proceed direct to YIP VOR.

NOTE: Radar control will provide 1000' vertical clearance within a 3-mile radius of 1311' tower, 7 miles SE, 4 towers, 1700' to 1735', 15 miles NE.

%RVR 2400' authorized Runways 3L and 21R.

*400-½ authorized with operative ALS, 400-¾ authorized with HIRL, except for 4-engine turbojets.

#400-¾ authorized with operative HIRL, except for 4-engine turbojets.

#500-¾ authorized with operative HIRL, except for 4-engine turbojets. Reduction below ¾ mile not authorized.

City, Detroit; State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639'; Fac. Class. and Ident., Detroit Metropolitan Radar; Procedure No. 1, Amdt. 2; Eff. date, 12 Nov. 66; Sup. Amdt. No. 1; Dated, 6 Aug. 66

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	0-10 miles	1900	Precision approach			
360°	015°	10-30 miles	1900	T dn	300-1	300-1	200-1½
015°	035°	10-50 miles	2600	C dn	400-1	500-1	500-1½
035°	200°	10-50 miles	1900	S dn-6R/24L	200-½	200-½	200-½
200°	265°	10-15 miles	2100	A dn	600-2	600-2	600-2
265°	265°	10-50 miles	2300	Surveillance approach			
200°	265°	10-50 miles	2300	T dn	300-1	300-1	300-1
265°	360°	10-50 miles	1600	C dn	400-2	500-2	500-2
				S dn-6R/24L	400-2	400-2	400-2
				S dn-6L/24R	400-2	400-2	400-2
				A dn	800-2	800-2	800-2

All bearings are from radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runway 6, climb on 065° heading to 2000'; contact Guam approach control. For Runway 24 climb on 275° heading to 2000'; contact Guam approach control.

NOTES: (1) Turbulence may be expected on final approach to Runway 24. (2) PAR glide slope 2.98°. (3) Prior approval required from Commander, Andersen AFB for civil aircraft. (4) Reductions not authorized.

City, Guam, Mariana Islands; Airport name, Andersen AFB; Elev., 605'; Fac. Class. and Ident., Andersen Radar; Procedure No. 1, Amdt. 2; Eff. date, 12 Nov. 66; Sup. Amdt. No. 1; Dated, 5 June 65

All directions	Radar site	Within:		Precision approach			
				C dn	600-1	600-1	600-1½
All directions#	Radar site	25 miles	2500	S dn-4R**	200-½	200-½	200-½
169°	223°	20 miles	1600	A dn-4R	600-2	600-2	600-2
		4-15 miles	1000	Surveillance approach			
				T dn*	300-1	300-1	200-½
				C dn	600-1	600-1	600-1½
				S dn-4L	600-1	600-1	600-1
				S dn-13L	500-1	500-1	500-1
				S dn-22R	500-1	500-1	500-1
				S dn-31R%	500-1	500-1	500-1
				A dn-All	800-2	800-2	800-2

All bearings are from the radar site with azimuth progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 4R, 4L—Make right-climbing turn to 3000' on JFK VOR R 077° to DPK VOR. Hold E 1-minute left turns, Inbnd crs, 257°. Runway 13L—Climb straight ahead to intercept JFK R 077°, proceed to DPK VOR climbing to 3000'. Hold E DPK VOR 1-minute left turns, 257° Inbnd. Runways 22R, 31R—Make left-climbing turn to 2000' on JFK VOR R 189° to Channel Int. Hold S, 1-minute right turns, Inbnd crs, 009°.

#Except W of LGA VOR radials 045°-219°, 2500' minimum altitude required.

*Runway 13L only—Maintain 800' until passing 3-mile Radar Fix.

*RVR Runways 4R, 22L—2000' 4-engine turbojet, 1800' other aircraft. RVR Runway 31L 2000'. RVR Runway 31R 2400'.

**RVR 2000' 4-engine turbojet, 1800' other aircraft. Descent below 212' not authorized unless ALS visible.

%500-¾ (RVR 4000') authorized with operative HIRL, except for 4-engine turbojet aircraft.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class. and Ident., Kennedy Radar; Procedure No. 1, Amdt. 13; Eff. date, 12 Nov. 66; Sup. Amdt. No. 12; Dated, 24 Sept. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on October 5, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-11062, Filed, Oct. 20, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148k—NYSTATIN

Nystatin-Neomycin Sulfate-Gramicidin-Fludrocortisone Acetate Ointment

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(h), 59 Stat. 463, as amended 76 Stat. 786; 21 U.S.C. 357(h)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 148k.3 is amended to provide for the certification of nystatin-neomycin sulfate-gramicidin-fludrocortisone acetate ointment by revising the section heading and paragraph (a) (1) to read as follows:

§ 148k.3 Nystatin-neomycin sulfate-gramicidin-triamcinolone acetate ointment; nystatin-neomycin sulfate-gramicidin-fludrocortisone acetate ointment.

(a) Requirements for certification—

(1) *Standards of identity, strength, quality, and purity.* The drug is nystatin, neomycin sulfate, gramicidin, and either triamcinolone acetate or fludrocortisone acetate in a suitable ointment base. Each gram contains 100,000 units of nystatin, 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and either 1.0 milligram of triamcinolone acetate or 1.0 milligram of fludrocortisone acetate. Its moisture content is not more than 0.5 percent. The nystatin used conforms to the standards prescribed by § 148k.1 (a) (1) (i), (iii), (iv), and (v). The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a) (1) (i), (v), (vi), and (vii) of this chapter. The gramicidin used conforms to the standards prescribed by § 148f.1(a) (1) (i), (iii), (iv), (v), and (vi) of this

chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

The amendments in this order are, in effect, the initial issuance of a regulation providing for certification under section 507 of the Federal Food, Drug, and Cosmetic Act of a drug for which a prior approval of an application under section 505 of the act was effective the day before the effective date of section 507(h) of the act. This order is in accordance with the provision of section 507(h) that such initial issuance shall, with respect to the conditions of use prescribed, recommended, or suggested in the labeling covered by such application, not be conditioned upon an affirmative finding of the efficacy of such drug. Accordingly, I find that notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

RULES AND REGULATIONS

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507(h), 59 Stat. 463, as amended, 76 Stat. 786; 21 U.S.C. 357(h))

Dated: October 10, 1966.

J. K. KIRK,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 66-11509; Filed, Oct. 20, 1966;
8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

LEASING AND PERMITTING

Duration of Leases; Pyramid Lake Reservation

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 22; 25 U.S.C. 2 and 9), and the Act of April 27, 1966 (80 Stat. 132), it is proposed to amend § 131.8(a), Title 25, Code of Federal Regulations, as set forth below.

The purpose of this change is to implement the Act of April 27, 1966 (80 Stat. 132), "To amend the Indian Long-Term Leasing Act." This act added the Pyramid Lake Reservation to those for which authority has been granted under section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), to make leases for terms of not to exceed 99 years for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 131.8(a) is amended to read as follows:

§ 131.8 Duration of leases.

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land on the Hollywood (formerly Dania) Reservation, Fla.; the Navajo Reservation, Ariz., N. Mex., and Utah; the Palm Springs Reservation, Calif.; the Southern Ute Reservation, Colo.; the Fort Mojave Reservation, Calif., Ariz., and Nev.; the Pyramid Lake Reservation, Nev.; and land on the Colorado River Reservation, Ariz. and Calif., as stated in § 131.18;

which leases may be made for terms of not to exceed 99 years.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 17, 1966.

[F.R. Doc. 66-11477; Filed, Oct. 20, 1966; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1012]

[Docket No. AO-347-A4]

MILK IN TAMPA BAY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tampa Bay marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Tampa, Fla., on September 13, 1966, pursuant to notice thereof which was issued August 23, 1966 (31 F.R. 11397).

The material issue on the record of the hearing relates to designating a cooperative as the handler of farm tank milk.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Designating a cooperative as the handler of farm tank milk. A cooperative association should be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay the producers. Once milk from a producer has been commingled with milk from other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity only to determine the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is owned and operated by or under contract to a cooperative association and the association determines the weight and butterfat content of each producer's milk, a handler has no control and generally takes no part in determining the weights and butterfat tests of milk at the farm. In some instances, the handler may not even know from which farms the milk is shipped.

Making a cooperative a handler on its producers' bulk tank milk as herein provided will afford a practicable basis of accounting for such milk. In addition, it will provide flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers and facilitate the diversion of such milk to nonpool plants by the cooperative when it is not needed at regulated plants.

The milk delivered by the cooperative as a bulk tank handler should be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

The full 2 percent shrinkage allowance on farm tank milk should be permitted the pool plant operator only if he is purchasing it on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders.

Division of the 2 percent shrinkage allowance between the original receiver and the plant at which it is used is now provided in the order on interplant shipments. It has worked satisfactorily in that regard and is equally appropriate when a pool plant operator is receiving farm tank milk on a basis other than farm weights. In that instance, the cooperative in its capacity as a handler should be allowed 0.5 percent shrinkage and the pool plant operator, 1.5 percent.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant should be considered a receipt of producer milk by the cooperative at the location of the pool plant.

The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class III; any such difference in excess of the maximum allowable Class III shrinkage of 0.5 percent would be Class I.

The cooperative should be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantities of bulk tank milk physically received at a pool plant from a cooperative during the month are the same as or greater than farm weights, the cooperative should have no settlement to make with the producer-settlement fund on such milk. In those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund should be on the basis of the weights ascertained at his plant.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of certain interested parties. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed,

except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Tampa Bay marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1012.13 is revised to read as follows:

§ 1012.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a non-pool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of another order plant that is either a distributing plant or a supply plant; and

(f) A producer-handler.

2. Section 1012.16(a) is revised to read as follows:

§ 1012.16 Producer milk.

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1012.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1012.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1012.13(d) at the location of the pool plant; or

3. Section 1012.30 is revised to read as follows:

§ 1012.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1012.13 (e) or (f), shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (including such handler's own production) or, in the case of handlers pursuant to § 1012.13 (b), milk received from dairy farmers;

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1012.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

4. In § 1012.31, the introductory text of paragraph (a) is revised to read as follows:

§ 1012.31 Producer payroll reports.

(a) Each handler pursuant to § 1012.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

5. In § 1012.32, a new paragraph (c) is added to read as follows:

§ 1012.32 Other reports.

(c) Each handler pursuant to § 1012.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator

on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

6. Section 1012.41(c)(5) is revised to read as follows:

§ 1012.41 Classes of utilization.

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) Two percent of producer milk (except that received from a handler pursuant to § 1012.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1012.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

7. The introductory text of § 1012.60 is revised to read as follows:

§ 1012.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1012.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

Signed at Washington, D.C., on October 17, 1966.

CLARENCE H. GIRARD,
*Deputy Administrator,
Regulatory Programs.*

[F.R. Doc. 66-11488; Filed, Oct. 20, 1966;
8:49 a.m.]

[7 CFR Parts 1106, 1126]

[Docket Nos. AO 210-A21, AO 231-A27]

MILK IN OKLAHOMA METROPOLITAN AND NORTH TEXAS MARKETING AREAS

Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Ramada Room, Ramada Inn, 6900 Cedar Springs Street, Dallas, Tex., beginning at 10 a.m., c.s.t., on November 9, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the North Texas and Oklahoma Metropolitan marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the

economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by North Texas Producers Association:

Proposal No. 1. Review the operation of the supply-demand adjustor in § 1126.51(a) of the North Texas order.

Proposed by Central Oklahoma Milk Producers Association and Pure Milk Producers Association of Eastern Oklahoma:

Proposal No. 2. Review the operation of the supply-demand adjustor in § 1106.51(a) of the Oklahoma Metropolitan order.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from either of the Market Administrators, Byford W. Bain, Post Office Box 35225, Airlawn Station, Dallas, Tex. 75235, or Richard E. Arnold, Post Office Box 4568, Tulsa, Okla. 74114, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 17, 1966.

CLARENCE H. GIRARD,
*Deputy Administrator,
Regulatory Programs.*

[F.R. Doc. 66-11489; Filed, Oct. 20, 1966;
8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 13, 1966.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial Number S 31, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the construction, operation, and maintenance of the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, Calif.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA
T. 13 N., R. 10 E., Sec. 30, NE¼SE¼.

The area described contains 40 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 66-11481; Filed, Oct. 20, 1966;
8:48 a.m.]

Fish and Wildlife Service

[Docket No. A-403]

SYLVESTER J. CHIESLAK

Notice of Loan Application

OCTOBER 17, 1966.

Sylvester J. Chieslak, Box 24, Cohoe, Alaska 99570, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 32-foot vessel to engage in the fishery for salmon, halibut and crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11478; Filed, Oct. 20, 1966;
8:48 a.m.]

[Docket No. G-378]

DONALD F. AND CECILIA W. KIESEL

Notice of Loan Application

OCTOBER 17, 1966.

Donald F. and Cecilia W. Kiesel, 1214 Donna Drive, Fort Myers, Fla. 33901, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 80-foot steel vessel to engage in the fishery for all commercial species of shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR

Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11479; Filed, Oct. 20, 1966;
8:48 a.m.]

[Docket No. B-393]

CECIL E. PRIOR

Notice of Loan Application

OCTOBER 17, 1966.

Cecil E. Prior, Loudville, Maine 04564, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 32-foot wood vessel to engage in the fishery for lobsters.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11480; Filed, Oct. 20, 1966;
8:48 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT, TONTO NATIONAL MONUMENT, ARIZ.**Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services**

1. The Administrative Assistant may execute, approve, and administer contracts not in excess of \$2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2. Southwest Region Order 4 (31 F.R. 8134))

JOHN M. BROADBENT,
Superintendent,
Tonto National Monument.

[F.R. Doc. 66-11482; Filed, Oct. 20, 1966; 8:48 a.m.]

[Order No. 2]

ADMINISTRATIVE ASSISTANT, CABRILLO AND CHANNEL ISLANDS NATIONAL MONUMENTS, SAN DIEGO, CALIF.**Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services**

1. The Administrative Assistant may execute, approve, and administer contracts not in excess of \$2,500 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant on behalf of any coordinated area.

2. This order supersedes Order No. 1 issued May 23, 1963.

(National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2, Western Regional Order 4 (31 F.R. 5577))

Dated: September 21, 1966.

THOMAS R. TUCKER,
Superintendent, Cabrillo and
Channel Islands National
Monuments.

[F.R. Doc. 66-11483; Filed, Oct. 20, 1966; 8:48 a.m.]

YOSEMITE NATIONAL PARK, ET AL.**Notice of Intention To Extend Concession Contracts**

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Director of the National Park Service, proposes, thirty (30) days after the date of publication of this notice, to extend for the period October 1, 1966, through September 30, 1967, the concession contract under which Best's Studio, Inc., provides concession facilities and services for the public in Yosemite National Park and

the following authorizations for the period January 1, 1967, through December 31, 1967:

Louis and Helen Perkins, Olympic National Park.
J. D. and Helen Robinson, Petrified Forest National Park.
Dr. Avery E. Sturm, Yosemite National Park.
Babbitt Brothers Trading Co., Grand Canyon National Park.
Hot Springs Mountain Observatory Co., Hot Springs National Park.
Majestic Hotel Co., Hot Springs National Park.
National Baptist Convention, U.S.A., Inc., Hot Springs National Park.
S. G. Leoffler Co., National Capital Region.
Ozark Bath House Co., Hot Springs National Park.
Overton Resort, Inc., Lake Mead National Recreation Area.
C. W. and M. E. Anderson, Lake Mead National Recreation Area.
Mrs. Louise Bertschy, Grand Teton National Park.
Leo N. Levi Memorial Hospital Association, Hot Springs National Park.
Quapaw Bath House Co., Hot Springs National Park.
Evelyn Hill, Inc., Statue of Liberty National Monument.
Verkamp's, Grand Canyon National Park.
C. W. Gary, Natchez Trace Parkway.
Louis J. Yelanjian, Blue Ridge Parkway.
Cape Hatteras Fishing Pier, Inc., Cape Hatteras National Seashore.
Chicamacomico Enterprises, Cape Hatteras National Seashore.
Lake McDonald Boat Co., Glacier National Park.
Rocky Mountain Outfitters, Inc., Rocky Mountain National Park.
Emery C. Kolb, Grand Canyon National Park.
Northern Consolidated Airlines, Katmai National Monument.
E. C. Koppenhafer, Mesa Verde National Park.
Harry S. and Jeannette M. Schoeffel, Olympic National Park.
Dr. Charles Woessner, Yosemite National Park.

The foregoing concessioners have performed their obligations under prior contracts to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above are entitled to be given preference in the renewal of contracts and in the negotiation of new contracts. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: October 12, 1966.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 66-11484; Filed, Oct. 20, 1966; 8:48 a.m.]

LAKE MEAD NATIONAL RECREATION AREA**Notice of Intention To Negotiate Concession Contract**

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession

contract with the Cottonwood Cove Corp., authorizing it to continue to provide concession facilities and services for the public in Lake Mead National Recreation Area for a period of twenty (20) years from January 1, 1967.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: October 12, 1966.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 66-11485; Filed, Oct. 20, 1966; 8:48 a.m.]

KINGS CANYON NATIONAL PARK**Notice of Intention To Issue Concession Permit**

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Sequoia and Kings Canyon National Parks, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1967, through December 31, 1971, the concession permit under which Allen R. Simmons conducts pack and saddle horse operations for the public at the Cedar Grove area in Kings Canyon National Park.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: October 3, 1966.

FRANK F. KOWSKI,
Superintendent, Sequoia and
Kings Canyon National Parks.

[F.R. Doc. 66-11486; Filed, Oct. 20, 1966; 8:49 a.m.]

**Office of the Secretary
DIRECTOR, BUREAU OF MINES****Delegation of Authority**

The following delegation is a portion of the Department of the Interior Manual and the numbering system is that of the Manual.

PART 215—BUREAU OF MINES DELEGATIONS

SEC. 215.9.1. Delegation of authority—Federal Coal Mine Safety Act Amendments of 1965. Except as provided in 200 DM 1, the Director, Bureau of Mines, may exercise the authority of the Secretary of the Interior under subsections (e) (1) and (2) of section 5 of the Federal Coal Mine Safety Act Amendments of 1965 (P.L. 89-376, 80 Stat. 84 through 91).

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 13, 1966.

[F.R. Doc. 66-11487; Filed, Oct. 20, 1966; 8:49 a.m.]

**LOWER BRULE RESERVATION,
S. DAK.**

**Ordinance Removing Restrictions on
Non-Indians on Sale of Intoxicants**

Pursuant to the Act of August 15, 1953 (67 Stat. 586), I certify that the following Ordinance, No. LB-67-B, relating to the application of the Federal Indian Liquor Laws on the Lower Brule Reservation was duly enacted on August 4, 1966, by the Lower Brule Sioux Tribal Council which has jurisdiction over the area of Indian country included in the ordinance:

Be it enacted by the Tribal Council of the Lower Brule Sioux Tribe that Chapter XIV of the Code of Law for the Lower Brule Reservation be amended as follows:

Delete in its entirety Item (2) of the third paragraph of Ordinance No. 53-1, An Ordinance Relating to the Application of the Federal Indian Liquor Laws on the Lower Brule Reservation, S. Dak., which reads "(2) that only Indians be permitted to sell intoxicants within this jurisdiction."

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 14, 1966.

[F.R. Doc. 66-11511; Filed, Oct. 20, 1966; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

**Agricultural Stabilization and
Conservation Service**

SUGARCANE

**Notice of Hearing on Fair Prices in
Puerto Rico and Designation of
Presiding Officers**

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held at San Juan, P.R., in the Conference Room of the Agricultural Stabilization and Conservation Service Office, Segarra Building, on November 16, 1966, at 9:30 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in deter-

mining pursuant to the provisions of section 301(c) (2) of the act, fair and reasonable prices for the 1966-67 crop of Puerto Rican sugarcane.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to the subject matter involved.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer testimony on (a) changes in the costs of producing sugarcane and of processing raw sugar; and (b) the need for continuing the alternative methods of determining the sugar yield of sugarcane delivered by individual producers, such as core sampling of cane or the use of a sample mill, or for providing other alternative methods of sampling cane and determining yields of sugar.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day-to-day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

John C. Bagwell, A. A. Greenwood, W. S. Stevenson, C. F. Denny, and Carlos G. Troche are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on October 18, 1966.

H. D. GODFREY,
*Administrator, Agricultural Sta-
bilization and Conservation
Service.*

[F.R. Doc. 66-11513; Filed, Oct. 20, 1966; 8:51 a.m.]

**Office of the Secretary
COLORADO**

**Extension of Designation of Area
for Emergency Loans**

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Colorado natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	Original designation	Present extension
Adams.....	29 F.R. 9544.....	30 F.R. 8282
Arapahoe.....	29 F.R. 9544.....	30 F.R. 8282
Douglas.....	29 F.R. 9544.....	30 F.R. 8282

Pursuant to the authority set forth above, emergency loans will not be made

in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11490; Filed, Oct. 20, 1966; 8:49 a.m.]

**SOUTH DAKOTA AND
NORTH DAKOTA**

**Designation and Extension of Areas
for Emergency Loans**

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA
Kingsbury..... Miner.

It also has been determined that in the hereinafter-named county in the State of North Dakota natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Dakota
Townler----- Original Designation
30 F.R. 9886-9887

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11491; Filed, Oct. 20, 1966; 8:49 a.m.]

**DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE**

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

**Statement of Organization and
Delegations of Authority**

Section 8.10 of Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, is amended to specify the new internal organization of the Office of Information, as follows:

Office of Information:
 Division of Operations.
 Division of Production.
 Division of Public Inquiries.
 (Sec. 6, Reorg. Plan No. 1 of 1953)

Approved: October 14, 1966.

[SEAL] WILBUR J. COHEN,
 Acting Secretary.

[F.R. Doc. 66-11510; Filed, Oct. 20, 1966;
 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

OCTOBER 17, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 18, 1966, through October 27, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
 Secretary.

[F.R. Doc. 66-11512; Filed, Oct. 20, 1966;
 8:51 a.m.]

ATOMIC ENERGY COMMISSION STATE OF WASHINGTON

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Washington for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Washington and summarizing the State's proposed program, was also submitted to the Commission. With the exception of

referenced Charts 1-3 and advisory committee memberships, this resume is set forth below as an appendix to this notice. A copy of the program, including proposed Washington regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 12th day of October 1966.

For the Atomic Energy Commission.

W. B. McCool,
 Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF WASHINGTON FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Washington is authorized under Revised Code of Washington 70.98.110 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Washington certified on October 3, 1966, that the State of Washington (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ----- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commis-

sion's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in

the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This agreement shall become effective on December 31, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ Day of _____

For the United States Atomic Energy Commission.

For the State of Washington.

DANIEL J. EVANS,
Governor.

FOREWORD

This document presents the current and proposed programs for managing the use of ionizing radiation in this State in a manner consistent with the paramount need in such use for the protection of the public and occupational health and safety. It includes supporting information on authority, regulation, organization, and resources available.

Washington, an early pioneer in the nuclear age, has worked closely with the Atomic Energy Commission and its contractors in assuring adequate protection through the long period of major nuclear activity in the state. As Washington progresses in the nuclear age, and invites beneficial nuclear development, it is fully aware of the responsibility to assure continuing protection in the use of both new and existing sources of ionizing radiation.

The Governor, on behalf of the State of Washington, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the State. This authority is found in the Revised Code of Washington (RCW) 70.98.110 relating to development, regulation, and utilization of sources of ionizing radiation.

The Atomic Energy Commission is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass—this authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

BACKGROUND

PERTINENT EVENTS AND LEGISLATIVE HISTORY

1949—The Columbia River Advisory Group (CRAG) was organized at the request of the Atomic Energy Commission Operations Office in 1949 to advise on matters of reactor waste disposal and water used in the Columbia River. Its members were from Oregon (State Sanitary Authority), Washington (Department of Health and Pollution Control Commission), and the U.S. Public Health Service (Portland Office of the Water Supply and Pollution Control).

1956—An Interim Advisory Committee on Radiation Protection and Control was formed to advise the Department of Health on initiating activity in the control of hazards from ionizing radiation.

A program was formed to undertake activity in air pollution and radiation control in the "then" Division of Engineering and Sanitation.

1957—Chapter 43.39 RCW was passed by the legislature, calling for review by named State departments, including Health, of legislative and regulatory needs, establishing the position of Coordinator of Atomic Development Activities, and creating an Advisory Council on Atomic Energy.

The Air Sanitation and Radiation Control Section was formally created in the Division of Engineering and Sanitation of the Department of Health. Staff recruitment and training were initiated.

1961—Chapter 70.98 RCW was enacted. It repealed Chapter 43.39 RCW and established the Department of Health as the radiation control agency with authority to register sources of ionizing radiation and to regulate their use. It created the Technical Advisory Board on Radiation Control, established the Department of Commerce and Economic Development as the agency for promotion and development of nuclear energy, and created the Advisory Council on Nuclear Energy and Radiation. It authorized the governor to enter into agreements with the Federal Government for transfer of authority. It provided for administrative and legal proceedings, outlawed shoe fluoroscopes, and provided for exemptions.

1964—Rules and Regulations of the State Radiation Control Agency pertaining to the registration of reportable radiation sources were adopted. These required, in addition to registration, the reporting of changes including loss of control by theft, loss, or accident. Exemptions from registration and reporting were provided.

1965—Chapter 70.98 RCW was amended. The Department of Health was named as the sole agency responsible for administering the regulatory provisions for the protection of the public and occupational health and safety, and provided for licensing of byproduct, source, special nuclear materials and devices utilizing such materials, or other naturally-occurring or artificially-produced radioactive materials.

Chapter 43.31 RCW was amended establishing the office of Nuclear Energy Development in the Department of Commerce and Economic Development. It authorized the Department to acquire, develop, operate, lease, sublease, or sell land and facilities for nuclear development purposes and provided for perpetual maintenance and/or surveillance for radioactive material waste-management purposes.

1966—Regulations for licensing, registration, and standards for protection pertaining to the use of ionizing radiation were adopted.

From the time of the establishment of the Advisory Council on Atomic Energy, the Council and its successor, the Advisory Council on Nuclear Energy and Radiation,

have provided continuous leadership in developing and improving legislation which would enable Washington to become an agreement-state and to undertake the development of its nuclear potential. The Departments of Health and of Commerce and Economic Development have worked closely with the Councils in this endeavor.

The Department of Health was an active participant in the Columbia River Advisory Group. Through this mechanism, while no formal State programs had been established, it was able to continuously review appropriate information on Hanford waste disposal practices and to advise the Atomic Energy Commission and its contractors concerning discharges to the Columbia River and significant water uses.

PREVIOUS AND CURRENT ACTIVITIES

The initiation of Departmental programs directed at the problems associated with ionizing radiation resulted in a series of activities the most significant of which are described below.

Tuberculosis chest X-ray program. Beginning in 1957, more emphasis in this long-standing program was placed on radiation protection. The continuous effort to upgrade X-ray picture quality through improved technique resulted in reducing unnecessary exposure—in participating public agency, private physician, and hospital installations. X-ray installation and operations inspections and consultation were performed by an engineer who is now a senior member of the section radiation control staff.

Environmental surveillance. The Department has participated continuously since 1956 in the U.S. Public Health Service Radiation Surveillance Network for air and precipitation sampling and coordinated local health department's participation. All of the technical staff of the section have participated in this program. Arrangements were made for regular collection of milk by local health departments in the milksheds for Seattle since 1960 and Spokane since 1958 for the National Pasteurized Milk Network.

A raw milk network was established in 1962 to provide for early detection in producing areas of elevated levels of radioactivity from fallout. It continues to operate on a flexible schedule to meet the need.

A substantial program of monitoring of surface and ground water, shellfish, and water biota was initiated in 1961. Equipment resources and part of other costs were largely supported through a contract with the U.S. Public Health Service. The total State network program includes (as of July 1, 1966), 61 active stations of which 39 are for surface water, 10 for shellfish, 9 for raw milk, 2 for air precipitation, and 1 for salt water and sediment. Ground water is sampled at random locations. Sample collection is largely dependent upon co-operators from local health and water departments and the State Pollution Control Commission. Exclusive of air and precipitation, a total of 1,167 samples were collected and analyzed during the 24 months ending June 30, 1966. Four annual reports have been prepared covering this work. Since 1958 the environmental surveillance program has been under the supervision of the staff member now serving as assistant section head and technical director and is operated by a Sanitary Engineer II.

X-ray survey. In 1958, a study was conducted in 352 dental offices using film badges for operator personnel and site exposure determinations. After a period of 1 month, the badges were collected, developed and evaluated. Thirty-eight offices with the highest personnel film badge readings were revisited for the purpose of recommending measures to reduce exposure levels. Filters and/or collimators were added as needed and protec-

tive measures for operators were recommended. All others surveyed were notified of the results by letter. This survey was conducted through joint arrangement with the Washington State Dental Association and the U.S. Public Health Service.

In 1962, Sur-Pak kits were sent to all dentists in Washington listed with the Department of Professional Licenses. A total of 1,344 Sur-Paks were returned and evaluated. The dentists were notified of the evaluation of their equipment. Where indicated, the filter and collimator, as required, were mailed to the dentist with instructions for installing them on his particular machine. Those requiring more difficult procedures were revisited by survey teams who made the modifications for the dentist.

In 1962, physical surveys were started on dental X-ray machines using U.S. Public Health Service X-ray protection survey procedures. A written report was left with the dentist and, when indicated, recommendations for compliance with the standards of the American Academy of Oral Roentgenology were included. Filters and collimators, as required, were installed.

In 1963, radiation protection demonstration surveys were started on other diagnostic X-ray installations in the healing arts. In 1966, medical X-ray therapy equipment surveys were started. The demonstration surveys are conducted in the manner of combined inspections and consultations, but without the basis of formal regulations.

Surveys were based on N.C.R.P. recommended physical standards, as published in National Bureau of Standards Handbook No. 76. A written report with recommendations was left with the user after each survey. Where filters were needed, they were furnished and installed by the survey team.

The following table indicates the number of surveys in each category that have been completed and an estimate of the degree of compliance, including corrections made as a result of the survey. Approximately 50 percent of all dental X-ray machines, 90 percent of the diagnostic equipment used by physicians, and 10 percent of the X-ray therapy equipment have been physically surveyed. Of all the remaining categories, about 95 percent have had an initial survey visit.

X-RAY SURVEYS TO JULY 1, 1966

Category	Number of facilities surveyed	Number of X-ray units surveyed	Estimated percent in compliance after survey
Physicians (M.D.).....	799	1,064	70
Osteopaths.....	68	81	70
Chiropractors.....	147	150	95
Chiropodists.....	33	33	95
Veterinary.....	173	183	85
Hospitals.....	104	441	90
Industrial.....	10	33	100
Dentists.....	837	1,063	95
Naturopaths.....	9	10	70
Schools.....	8	12	100
Health Departments.....	33	36	95
Nursing Homes.....	2	2	100
State Institutions.....	12	31	90
Others.....	15	16	90
Totals.....	2,260	3,163	-----

Registration. Registration of all sources of ionizing radiation, with the exception of certain minor exempt sources, in accordance with Department regulations was started late in 1964. The initial registration phase has been completed. A simple return post card registration form was used to enhance a more rapid and complete response. Department of Licenses professional listings, Atomic Energy Commission licensee records, and

professional and industrial society rosters were utilized to develop a mailing list. An informational program, directed through public and organizational channels, called attention to the registration requirement. Based upon registration data to July 1, 1966, the following table summarizes the radiation use picture in the state excluding uses under AEC licenses.

Category of user (Federal agencies not included)	Number of X-ray units	Number of locations with radium	Miscellaneous (other sources)
Human uses:			
Physicians (M.D.).....	1,197	31	3
Other licensed Practitioners.....	396	1	-----
Industrial medicine.....	20	-----	-----
Health programs.....	88	-----	-----
Hospitals.....	667	18	-----
Dentists.....	1,652	-----	-----
Industrial** (Non-medical).....	48	5	1
Universities, Colleges and Schools.....	76	1	1
Veterinary.....	245	-----	-----
Totals.....	4,389	61	43

*Includes University of Washington Hospital.

**Includes commercial, Civil Defense, and miscellaneous.

Radioactive materials. With the exception of radium, essentially all radioactive material of significant quantity is under the jurisdiction of the Atomic Energy Commission. The Department section staff, starting in 1956, has regularly accompanied the AEC on licensee inspections. In the 2½-year period ending July 1, 1966, present staff members participated in 79 percent of all AEC inspections in the State. As of July 1, 1966, there were approximately 190 AEC licenses in effect in the State, including Federal installations.

ORGANIZATION AND RESPONSIBILITY

The State government organization for the purpose of development, utilization, and regulation of sources of ionizing radiation is illustrated in Chart 1.

The Advisory Council on Nuclear Energy and Radiation is appointed by the governor and advises and reports to him. It consists of seven appointed members providing representation from industry, labor, the healing arts, research, and education. In addition, the directors of the Departments of Health, Labor and Industries, Agriculture, and Commerce and Economic Development are ex-officio members. Its present membership is shown in the appendix. The Council's duties include:

1. Review and evaluation of State policies and programs.
2. Advice to the governor on matters pertaining to the development, utilization, and regulation of sources of ionizing radiation.

The Department of Health will regulate the use of all sources of ionizing radiation except those which it may exempt or are under the jurisdiction of the Federal Government. This function rests in the Air Quality and Radiation Control Section.

The Technical Advisory Board on Radiation Control is appointed by the Director of Health with the approval of the governor. It consists of nine appointed members including representatives of the healing arts, research, industrial, and other recognized users of ionizing radiation, or experts in the field of physiological effects of ionizing radiation. The Director of Health is ex-officio chairman. The head of the Air Quality and Radiation Control Section is radiation control officer and ex-officio secretary of the Board without vote. Its present member-

ship is shown in the appendix. The Board's duties are to:

1. Furnish technical advice to the Department.
2. Advise with reference to matters of policy affecting administration of the Act.
3. Approve rules and regulations prior to adoption by the Department. In practice the Board participates in the development of proposed rules and regulations and in the public hearing.

The Department of Commerce and Economic Development is responsible for the promotion and development of nuclear energy through its office of Nuclear Energy Development. Its functions, powers, and duties are to:

1. Advise the governor and the legislature regarding nuclear progress and State policy for research, development, and education.
2. Sponsor, support, or conduct appropriate studies and issue reports on nuclear progress.
3. Develop information on sites for nuclear industry and acquire land and facilities for nuclear development use.

DEPARTMENT AND STAFF ORGANIZATION

The Air Quality and Radiation Control Section is one of three sections in the Division of Environmental Health—the other sections being Sanitary Engineering and Environmental Sanitation. The Division of Environmental Health is one of eight in the Department—the others being Health Services, Health Facilities, Nursing, Epidemiology, Laboratories, Local Health Services, and Staff Services.

Legal services are provided by assistants to the Attorney General assigned to the Office of the Director. Statistical services are provided by the Division of Staff Services.

The current organization and functions of the section are illustrated in the attached charts, 2A and 2B. The Section Head has overall administrative responsibility for Section programs. The Assistant Section Head is responsible routinely for the performance of the Air Quality Control Services and the Air-Rad Laboratory Services, and acts fully in the absence of the Section Head. He also provides technical assistance to the Radiation Control Services in instrumentation, special problems and emergencies.

The Radiation Control Services programs are supervised by the Radiation Control Specialist III who reports directly to the Section Head. He will specifically have responsibility for directing the licensing, inspection, and registration activities.

The Licensing and Compliance Unit will be staffed with a Nuclear Energy Licensing Supervisor and a Radiation Control Specialist II. The licensing supervisor position is vacant as of October 1, 1966, but it is expected to be filled before the effective date of the agreement. The Radiation Control Specialist III will initiate the organizational activity for this function and, if necessary, can carry the operating responsibility until the vacancy is filled. This unit will provide the routine review of applications for licenses, amendments, and renewals. Findings will be reported to the Radiation Control Specialist III who will recommend action to the Section Head as to issuance, modification, or denial. The Section Head will make the final determination with the cognizance of or in consultation with the Division Chief and the Director of Health.

The Licensing and Compliance Unit will also maintain the necessary records by which appropriate reviews can be made to determine compatibility with programs of the AEC and other agreement States. It will review inspection reports in order to maintain knowledge on the status of licensee operations and provide information to the Radia-

tion Control Specialist III in determining required corrective measures.

The Inspection and Registration unit is staffed with a Radiation Control Specialist II and a Radiation Control Specialist I. It will carry out the inspection functions for both licensed and registered radiation sources. Inspectors will handle minor items of noncompliance and review all findings including items of noncompliance with management at the time of inspection as outlined under Regulatory Procedures and Policy. It will prepare written reports of all inspections. This unit will also have responsibility for maintaining the registration records with statistical assistance from Staff Services.

The current staff and experience records are shown under STAFF.

REGULATORY PROCEDURES AND POLICY

LICENSING AND REGISTRATION

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part III of the State Radiation Control Regulations.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date.

The Department, when it determines such to be appropriate, will request the advice of the Technical Advisory Board on Radiation Control, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing application.

A Review Committee on Medical Use of Radiation has been appointed by the Director of Health. All applications for nonroutine medical uses of radiation will be referred to the Review Committee for advice and consultation. Appropriate research protocol will be required as part of an application. The Review Committee is composed of persons having training and experience in nonroutine medical uses of radiation. It will at all times contain an appropriate representation of disciplines including, but not limited to, radiology, internal medicine, and pathology. The Department will maintain knowledge of current developments, techniques, and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the Atomic Energy Commission and other agreement States.

Specific licenses and amendments, or renewals thereto, will be issued for a period of time appropriate to the conditions of use and will be issued over the signature or in the name of the Director of Health.

Typical processing of applications for specific licenses or amendments is shown in Chart 3.

The registration program will be a continuation of the current activity except that it will be applicable only to sources of ionizing radiation other than radioactive material covered by licensing or sources which are exempt by regulation.

INSPECTION

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations, and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and ex-

perience with the particular facility. It is expected that all specific licensees will be inspected at least once each 2-year period. The following frequency is anticipated:

Use of classification	Usual inspection frequency
Industrial radiography:	
Fixed installations.	Once each 12 months.
Mobile operations.	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses—industrial, medical, or academic.	Once each 12–24 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and, instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the licensee management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the section head for approval.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license upon request by the licensee may be amended, consistent with Act or regulations, to meet changing conditions in operations or to rem-

edy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Administrative Procedures Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Department, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the attorney general in the appropriate court upon request of the Department after notice to such person and ample opportunity to comply.

EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under this chapter which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or, on the date of expiration specified in the Federal license, whichever is earlier.

ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

The basic standards of procedure for administrative agencies in the State of Washington are set by the Administrative Procedures Act, Chapter 34.04 RCW. Briefly stated, this act provides for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.

3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.

4. Declaratory judgment on the validity of any rule upon petition to the Superior Court of Thurston County, or declaratory ruling by the Department upon petition of any interested person with respect to the applicability of any rule or statute enforceable by the Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.

6. Judicial review in the appropriate superior court by any person aggrieved by a final decision of the Department, and appeal to the state supreme court for review of and final judgment of the superior court.

COMPATIBILITY AND RECIPROCITY

In promulgating rules and regulations, the Department has, insofar as practicable, avoided requiring dual licensing and has provided for such recognition of other state and federal licenses.

RADIOLOGICAL EMERGENCY CAPABILITY

Currently, the Department is equipped with suitable instrumentation for monitoring in the event of an incident, or presumed incident, involving spread of contamination, undue exposure, or loss of a radiation source. Such situations have occurred and the staff has provided assistance. By mutual agreement with the Seattle-King County Health Department and Seattle Police Department, the Department staff is on call to provide assistance in that jurisdiction. Qualified persons from the University of Washington and a major industry are likewise on call. Contact communications for that area are established. This basic type of plan with refinements is anticipated throughout the State under Department coordination. In the meantime, the staff will respond in the event of any incident in the State requiring radiological assistance.

Liaison is maintained with the Richland Operations office of the AEC and reciprocal assistance is available. Emergency instrumentation from Richland Operations is maintained in the Department office for its use and is regularly taken to Richland Operations for maintenance.

Emergency communications and transportation are available through State and local authorities including police and Civil Defense. By mutual understanding with the Department of Civil Defense, reciprocal assistance and information is available. The Department is prepared to provide or assist in public information.

The Department has authority, in emergency situations, to issue necessary orders and to impound or order the impounding of radiation sources.

STAFF

EMIL C. JENSEN

CHIEF, DIVISION OF ENVIRONMENTAL HEALTH

Education and Training:

B.S. Civil Engineering, University of Washington, 1936.

M.S. Engineering, Harvard, 1938.

U.S.P.H.S. Basic Radiologic Health, 1953.

Experience and Related Activities:

Washington State Department of Health: District Engineer, 1941-44.

Head, Sanitary Engineering Section, 1945.

Chief, Division of Environmental Health, 1946 to date.

Washington State representative on the Columbia River Advisory Group since its inception in 1949. This group was formed to advise the Hanford Operations Office on matters relating to the disposition of radioactivity from the production plants at Hanford.

Participated with AEC in inspections of authorized uses of radioactive materials in early and mid-1950's.

Other:

President, Water Pollution Control Federation, 1957.

Chairman, Conference of State Sanitary Engineers, 1962.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

ROBERT L. STOCKMAN

HEAD, AIR QUALITY AND RADIATION CONTROL SECTION; SECRETARY, TECHNICAL ADVISORY BOARD ON RADIATION CONTROL; EXECUTIVE SECRETARY, STATE AIR POLLUTION CONTROL BOARD

Education and Training:

B.S. Civil Engineering, Sanitary option, Oregon State University, 1941.

U.S.P.H.S. Training Courses:

Radiological Health Training for Water Works Operators, 1952, Reed College.

Occupational Radiation Protection, 1956, University of Washington.

Basic Radiological Health, 1957, Taft Center.

Radiation Surveillance, 1959, Nevada Test Site.

Radionuclide Protection, 1959, Taft Center.

X-Ray Protection, 1959, Taft Center.

Numerous air pollution courses.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation, 1964-65 (in two parts), Bethesda.

Experience and Related Activity:

Washington State Department of Health: Public Health Engineer, 1941-42 (10 months).

District Engineer, 1946-48, 1950-56.

Head, air pollution and radiation control program development, including direction of statewide air pollution study, 1956-58.

Head, Air Quality and Radiation Control Section, 1958 to date.

Final responsibility for developing, organizing, and administering the section air pollution and radiation control programs—including technical and regulatory programs, budget, and personnel.

Represent the Department in liaison with the legislature, Office of Nuclear Energy Development, federal, state and local agencies, and professional, trade and business organizations.

Serve for the Director, in his absence, on the Advisory Council on Nuclear Energy and Radiation.

Serve for the Division Chief, in his absence, on the Columbia River Advisory Group and serve on its technical committee.

Member Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensee users of radioactive materials starting in 1957.

Other:

Commissioned Officer, U.S. Navy (R) Civil Engineer Corps—

Company Commander Seabee Battalion and Seabee Operations.

Officer Cinc Pac; to Lt.s.g., 1913-45.

Employed by Consulting Engineer in municipal utilities, 1949.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

Currently, President-elect, Air Pollution Control Association.

PETER W. HILDEBRANDT

ASSISTANT HEAD AND TECHNICAL DIRECTOR, AIR QUALITY AND RADIATION CONTROL SECTION

Education and Training:

B.S. Civil Engineering, University of Washington, 1954.

M.S. Civil Engineering, University of Washington, 1964, with major work in air pollution and radiation.

Graduate program included Radiation Biology, 3 quarters, and Control of Radioactive Waste, 1 quarter.

U.S.P.H.S. Training Courses:

Basic Radiological Health, 1957, Portland, Ore.

Sanitary Engineering Aspect of Nuclear Energy, 1958, University of California. Individual Training in Use and Calibration of Radiation Counting Equipment for Surveillance Systems 1961, S.W. Radiological Health Lab.

Numerous air pollution courses.

Experience and Related Activity:

Washington State Department of Health: Public Health Engineer and Sr. Public Health Engineer, 1957-62.

Supervising Sanitary Engineer serving as Assistant Head and Technical Director, Air Quality and Radiation Control Section, 1962 to date.

Conducted a major part of the 1959 occupational exposure study in dental X-ray.

Responsible for the performance of technical programs in air pollution and environmental radiation surveillance. Designed and supervises the radiation surveillance systems, including counting facilities.

Assists the Section Head in overall planning, administration, and liaison functions. Acts fully as Section Head in his absence and represents him as requested.

Member, Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensed users of radioactive material, 1957-60.

Other:

Consultant to U.S. Public Health Service, Southwest Radiological Health Laboratory, in development and performance of altitude and ground-level environmental radiation sampling techniques (4 months total), 1962-65.

U.S. Air Force Reserves, 1954-62.

Active Duty, Pilot and Flight Line Maintenance Officer, Armament and Electronics Training; to Captain, 1954-57.

U.S. Public Health Service Reserve, 1962 to date.

Licensed Professional Engineer, Washington.

ARNOLD J. MOEN

RADIATION CONTROL SPECIALIST III, SUPERVISOR, RADIATION CONTROL SERVICES

Education and Training:

B.S. Electrical Engineering, University of Idaho, 1935.

One Full Academic year, Radiological Health Major in Graduate School of Public Health, University of Michigan, 1961-62.

U.S.P.H.S. Training Courses:

Occupational Radiation Protection, University of Washington, 1956.

Radiation Protection Aspects of Tuberculosis Case Finding, Taft Center, 1958.

ARNOLD J. MOEN—Continued**Education and Training—Continued**

Environmental Radiation Sampling and Analysis, Reed College, 1959.

Management of Radiation Accidents, Las Vegas, 1965.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation Bethesda, 1964.

Civil Defense Courses:

Medical Aspects of the Atomic Bomb, 1950.

Elements of Civil Defense and Defense Mobilization, 1959.

Radiological Monitoring for Instructors, 1960.

Radiological Defense Officers, 1960.

Medical Self-Help, 1965.

Experience and Related Activity:

Washington State Department of Health: X-Ray Engineer, Tuberculosis Control Section, 1946-60.

Radiation protection surveys and consultation on technique for all installations participating in chest X-ray program.

Consultation and plan review service for radiation protection in hospital and clinic design.

Radiation Safety Officer for Department—Civil Defense responsibility.

Radiation Control Specialist III, Air Quality and Radiation Control Section, 1960 to date. Performance and supervision of radiation protection survey programs in healing arts and industry, dental X-ray Sur-Pak Program, radiation source registration program, and emergency service. Assists Section Head in program planning, development of regulations and represents him as requested in liaison and administrative functions.

Provides instruction for local health personnel in Civil Defense radiological monitoring. Organizes and instructs in summer training program for graduate students in radiological health at the University of Washington. Reviews all plans for radiological facilities in hospital design under Department hospital licensing and Hill-Harris programs. Responsible for inspection of radiological facilities under Medicare certification program.

Currently, primarily Section participant with AEC in inspection of licensed users of radioactive materials.

Other:

Washington Water Power Consulting and Research Division, 1943-44.

Milwaukee Road high voltage transmission engineering, 1944-45.

ARRT Firland Sanatorium, Seattle, following hospitalization, 1946.

Past president local and State societies Northwest Conference of Radiological Technologists. Currently Vice-President NWCRT.

CLIFFORD G. LEWIS**RADIATION CONTROL SPECIALIST II, LICENSING AND COMPLIANCE UNIT****Education and Training:**

B.S. Technology, The University of Manchester (England) 1931, 5-year curriculum including Mathematics and Physics equivalent for engineering degree and chemistry for American General Science degree.

CLIFFORD G. LEWIS—Continued**Experience and Related Activities:**

Christie Hospital and Holt Radium Institute, Manchester, England, 1933-48; Radium curator responsible for custody, care and manipulation of radium stocks, operation of radon plant, supervision of appropriate technical terms, and maintenance of all records relevant to these operations in Britain's largest radiation therapy center.

M.D. Anderson Hospital and Tumor Institute, Houston, Texas, 1948-53:

Radium curator and X-ray technician. Responsible for radium, procurement of isotopes, assisted in dosimetric problems, operated X-ray equipment and conducted superficial X-ray therapy. Tumor Institute of the Swedish Hospital, Seattle, 1953-66:

Assistant and acting health physicist. Responsible for radium, isotope manipulations, calibration of X-ray machines, maintenance of records, dosimetry, safety surveys and direction of technicians.

As acting health physicist served as Radiation Safety Officer for the Radioisotope Committee of the Swedish Hospital complex operating under AEC license.

Washington State Department of Health starting September 1966: AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1966.

GROVER E. NELSON**RADIATION CONTROL SPECIALIST II, INSPECTION AND REGISTRATION UNIT****Education and Training:**

B.A. Economics and Business, University of Washington, 1941.

B.S. Chemistry, Seattle University, 1952.

Creighton School of Medicine, 1953-58.

Basic Radiological Health Taft Center, 1961.

Experience and Related Activity:

Washington State Department of Health, 1964 to date:

Conduct of radiation protection surveys in X-ray installations, including industrial, dental, medical and other healing arts. Participates in the radiation source registration program and summer instruction and field training for University of Washington graduate program in radiological health.

Assists in inspection of radiological facilities for Medicare certification program.

Participates with AEC in inspection of licensed users of radioactive materials.

Other:

The Boeing Co., Seattle, Wash.:

Quality Control Chemist (1 year), 1952-53.

Industrial Hygiene Chemist (2 years), 1958-60.

Industrial Hygiene Radiation Control (2 years), 1962-63.

Semiannual certification of multicurie cobalt and iridium facilities and X-ray installation for shielding, warning and interlock systems, system controls, posting and film badge program. Regular survey and monitoring of laboratories, radiography, waste packaging and source fabrication facilities, field disposal, semiannual leak test of sealed sources. Survey instrument calibration. Inventory and monitor isotope receipt.

CHARLES E. MCJILTON**RADIATION CONTROL SPECIALIST I, INSPECTION AND REGISTRATION UNIT****Education and Training:**

Wisconsin State College, 1948-50, 103 credit hours biology, chemistry.

St. John's University, Minnesota, 1950-51, 40 credit hours chemistry, philosophy.

B.A. Philosophy, Carroll College, Montana, 1956-58.

B.S. Physical Science and Mathematics, University of Minnesota, 1962.

M.S. Environmental Health with Radiological Health major, University of Minnesota, 1965.

AEC Summer Fellowship in applied radiation protection. National Reactor Testing Station, Idaho Falls, 1965.

Experience and Related Activities:

Secondary Science Teacher, Dixon High School, Montana, 1962-64.

Field representative, University of Idaho Extension Service, teaching radiological monitoring and radiological defense, 1 year, 1965-66.

Washington State Department of Health: Radiation Control Specialist I, starting October 1966.

[F.R. Doc. 66-11254; Filed, Oct. 13, 1966; 8:49 a.m.]

[Docket No. 50-249]

COMMONWEALTH EDISON CO.**Notice of Issuance of Provisional Construction Permit**

Please take notice that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated October 4, 1966, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-22 to Commonwealth Edison Co. for the construction of a single cycle, boiling light water reactor, designated as Dresden Unit 3, to be located at Commonwealth Edison Co.'s Dresden Nuclear Power Station in Grundy County, Ill.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,

Director,

Division of Reactor Licensing.

[F.R. Doc. 66-11464; Filed, Oct. 20, 1966; 8:47 a.m.]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.**Notice of Issuance of Provisional Construction Permit**

Please take notice that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated October 3, 1966, the Director of the Division of Reactor Licensing has issued Provisional

Construction Permit No. CPPR-21 to Consolidated Edison Co. of New York, Inc., for the construction of a pressurized water nuclear reactor, designated as Indian Point Station Unit No. 2, to be located at Consolidated Edison Co.'s Indian Point site on the Hudson River in the town of Buchanan, Westchester County, N.Y.

The construction permit is in the form set forth in Attachment "B" to the initial decision except that the allocation figure specified in paragraph 4 has been increased to reflect the greatest quantity of special nuclear material (24,325 kilograms of uranium 235) outstanding during the term of the license, and a typographical error in line 1 of subparagraph 2.B. has been corrected to change the word "operated" to "located".

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th of October 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11465; Filed, Oct. 20, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17673]

BRITISH OVERSEAS AIRWAYS CORP.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 25, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 17, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11496; Filed, Oct. 20, 1966; 8:49 a.m.]

[Docket No. 17657]

EXECUTIVE JET AVIATION, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 1, 1966, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., October 17, 1966.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 66-11497; Filed, Oct. 20, 1966; 8:50 a.m.]

[Docket Nos. 15750, 17822; E-24299]

PIEDMONT AVIATION, INC., AND WESTERN TENNESSEE SERVICE INVESTIGATION

Order Denying Motion for Expeditious Consideration and Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1966.

Application of Piedmont Aviation, Inc., Docket 15750, for amendment of its certificate of public convenience and necessity for Route 87 to extend it to Nashville; Western Tennessee Service Investigation, Docket 17822.

There is pending before the Board a motion by the city of Nashville that the Board grant an expedited hearing to an application of Piedmont Aviation, Inc. (Piedmont), Docket 15750, for an extension of segments 4 and 5 of Piedmont's Route 87 from Knoxville to Nashville.

The pleadings on Nashville's motion¹ indicate that there are deficiencies in service between Nashville and points served by Piedmont in the Carolinas and Virginia. In recent years Eastern has reduced its service in several Nashville-Carolina/Virginia markets² and other Nashville-Carolina/Virginia markets are without single-plane service.³ Since Piedmont already serves the Carolina and Virginia points involved, extension of Piedmont from Knoxville to Nashville would help alleviate some of these service deficiencies.⁴

However, Piedmont's proposal would result in direct competition between two subsidized carriers and a consequent diversion of revenues from Southern in the Nashville-Knoxville and Nashville-Bristol markets. Therefore, any reductions in Piedmont's need for subsidy would be offset by increases in Southern's need for subsidy. There has been no satisfactory showing that the overall result is likely to be a net reduction in subsidy.

Only one party, Nashville, forecasts an overall subsidy reduction, and for present purposes we are unable to accept this estimate because of our doubts as to the validity of some of the stimulation factors which Nashville used. The other parties forecast an increase in subsidy. Piedmont's estimate, based on a different pattern of service than that assumed by Nashville, indicates a net increase of ap-

proximately \$6,000 in subsidy.⁵ Southern claims that there will be a net increase in subsidy of considerably greater magnitude. Upon consideration of these estimates and the related pleadings, we are unable to conclude that Piedmont's proposed extension from Knoxville to Nashville holds sufficient promise of a net subsidy reduction to warrant expedited consideration.⁶ Therefore, we will deny Nashville's motion.

However, we are concerned about the apparent need for improved service between Nashville and the Carolina/Virginia area. There is an alternative routing which holds promise of furnishing the service benefits sought by Nashville and at the same time producing a substantial net saving in subsidy. This alternative routing involves extension of Piedmont's segments 4 and 5 to Nashville and Memphis directly from Roanoke and Asheville, bypassing Bristol and Knoxville. This alternate routing would present Piedmont with the opportunity to provide the same Nashville-Carolina/Virginia service it proposed in Docket 15750 and there would be less likelihood of any significant diversion from a subsidized carrier⁷ and less of a probability that subsidy savings for Piedmont will be accomplished at the expense of another subsidized carrier. While this routing would not draw traffic support from the Nashville-Knoxville/Tri-Cities markets (the principal traffic pool in Nashville and Piedmont's projections), the rich potential of Memphis for local and interline connecting traffic⁸ portends more than enough traffic to indicate a substantial subsidy reduction and warrant expeditious consideration. Therefore, we are instituting an investigation to determine whether the public convenience and necessity require the extension of Piedmont's system from Roanoke and Asheville to Nashville and Memphis. Since a subsidy reduction is indicated the Board will not consider granting subsidy eligibility for any new route authority awarded in this case.

⁵ Piedmont's estimate was prepared on the basis of the Board's standardized method of costing. See sections 1101 to 1109 of the Board's rules of practice.

⁶ See § 399.60 of the Board's regulations, "Standards for Determining Priorities of Hearing."

⁷ The only markets involved in this proposal in which a subsidized carrier has authority are Memphis-Nashville and Memphis-Charlotte, in which authority is held by Southern. Preliminary analysis, based on present patterns of service, indicates that it is unlikely that Piedmont's entry into these markets will result in diversion of a large amount of traffic from Southern. Southern does not now provide a usable service between Charlotte and Memphis and Southern presently carries only a small portion of the Memphis-Nashville traffic. In the latter market, Southern's stop-restricted service cannot compete with American's nonstop service.

⁸ The Memphis traffic available includes local traffic between Carolina and Virginia points and Memphis, local traffic between Nashville and Memphis, and traffic using Memphis as an interline connecting point between Carolina and Virginia points, on the one hand, and west coast and southwest points, on the other.

¹ Answers were filed by Asheville, N.C.; Princeton, W. Va.; Piedmont and Southern Aviation, Inc. (Southern). Southern also filed a motion for leave to file an unauthorized reply to Piedmont's answer. Southern's motion has been granted in order to give Southern an opportunity to respond to the detailed economic data which appeared for the first time in Piedmont's answer.

² Nashville - Charlotte, Nashville - Greensboro, Nashville-Raleigh/Durham.

³ Nashville - Asheville, Nashville - Norfolk, Nashville-Roanoke.

⁴ Southern is providing good service between Nashville and Knoxville/Tri-Cities and there is no contention that this service is deficient.

In order to limit the focus of the investigation to service between Nashville-Memphis and the Carolinas and Virginia, we are providing that any Nashville/Memphis-New York authority obtained in this investigation shall be subject to a two-stop requirement, and that any Nashville/Memphis-Washington authority obtained shall be subject to a one-stop restriction.

Accordingly, it is ordered:

1. That Nashville's motion for expeditious action in Docket 15750 be and it hereby is denied;

2. That Southern's motion for leave to file an unauthorized reply to Piedmont's Answer be and it hereby is granted;

3. That an investigation designated the Western Tennessee Service Investigation be and it hereby is instituted in Docket 17822, pursuant to sections 204 (a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the amendment, alteration or modification of Piedmont's certificate of public convenience and necessity so as to:

(a) Authorize service between Memphis and Nashville, and between Memphis and Nashville on the one hand, and Roanoke and points east of Roanoke on Piedmont's segment 4, on the other;

(b) Authorize service between Memphis and Nashville, and between Memphis and Nashville on the one hand, and Asheville and points east of Asheville on Piedmont's segment 5, on the other.

4. That any authority awarded in this proceeding shall be ineligible for subsidy and shall be subject to (a) a restriction requiring a minimum of two stops between Nashville and New York and a minimum of two stops, exclusive of Nashville, between Memphis and New York; (b) a restriction requiring a minimum of one stop between Nashville and Washington and a minimum of one stop, exclusive of Nashville, between Memphis and Washington;

5. That the restrictions provided in ordering paragraph 4, above, are stated without prejudice to the right of any party to advance during the course of the proceeding appropriate evidence or argument bearing on the need for more stringent restrictions or limitations;

6. That motions to consolidate applications, motions or petitions seeking modification or reconsideration of this order, and petitions for leave to intervene shall be filed no later than 20 days from the service date of this order, and that answers to such pleadings shall be filed no later than 10 days thereafter;

7. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

8. That a copy of this order be served upon Piedmont Aviation, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Southern Airways, Inc., the cities of Nashville and Memphis and all cities on segments 4 and 5 of Piedmont's Route 87.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-11498; Filed, Oct. 20, 1966;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16922; FCC 66M-1388]

AMERICAN HOMES STATIONS, INC.
(WVCF)

Order Scheduling Hearing

In re application of American Homes Stations, Inc. (WVCF), Windermere, Fla., Docket No. 16922, File No. BP-16643; for construction permit:

It is ordered, This 14th day of October 1966, that James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 12, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 14, 1966, commencing at 9 a.m.: And, it is further ordered, That all proceeding shall be held in the offices of the Commission, Washington, D.C.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11500; Filed, Oct. 20, 1966;
8:50 a.m.]

[Docket Nos. 16706-16708; FCC 66M-1390]

ATLANTIC BROADCASTING CO.
(WUST) AND BETHESDA-CHEVY
CHASE BROADCASTERS, INC.

Order After Further Prehearing Conference

In re applications of Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357, for construction permit, and Docket No. 16707, File No. BR-1513, for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319, for construction permit.

A further prehearing conference in the above-entitled proceeding having been held today for the purpose of considering an unopposed motion, filed October 12, by applicant Bethesda-Chevy Chase for continuance of the hearing:

It is ordered, This 14th day of October 1966, that the motion of Bethesda-Chevy Chase for continuance of the hearing, for the reasons set forth in the transcript of today's prehearing conference, is hereby granted to the extent that the hearing is postponed from October 24 until February 14, 1967, and will be convened

at 10 a.m. on the latter date, at the offices of the Commission, Washington, D.C.

Released: October 17, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11501; Filed, Oct. 20, 1966;
8:50 a.m.]

[Docket No. 16921; FCC 66-907]

ULTRAVISION BROADCASTING CO.
AND COURIER CABLE CO., INC.

Order Designating Petition for Hearing

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund doing business as Ultravision Broadcasting Co., Buffalo, N.Y., to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc.; Docket No. 16921.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of October 1966;

1. The Commission is considering here the petition filed March 18, 1966, by Ultravision Broadcasting Co., an applicant for channel 29 in Buffalo, N.Y., to prevent the expansion of the Courier Cable Co.'s CATV system in that city. The system was on February 15, 1966, serving approximately 100 subscribers and had plans for systematic growth throughout the city. On Ultravision's companion request for temporary relief, the Commission in its order released April 28 (FCC 66-377) directed Courier not to make further extension of its cable lines and to submit a map showing cable lines and connections as of February 15 and April 28, 1966.

2. Buffalo is the central city of the 22d television market. UHF interest is high—an educational station is in operation on channel 17, a construction permit is outstanding for channel *23, applications are pending for commercial use of channels 29 and 49. Upon consideration of the petition and the responsive pleadings, we are of the view that Ultravision has presented a case which falls squarely within the terms of the Commission's second report and order on the issue of whether a newly activated, but grandfathered major market system should be permitted to expand throughout the entire community before the question of impact is resolved. A hearing on this question is therefore indicated.

3. At the same time, there should also be considered a petition filed June 15 by Courier Cable for relief from the requirement of nonduplication, the Buffalo ABC station WKBW-TV having served notice upon the system that it wants protection against duplication of its programs by Rochester ABC station WOKR. The CATV system, assigning the small size of its system because of the Commission's interim restraining order, contends for relief from what it argues will be an un-

duly burdensome expense for having to install switching equipment. Since this request for relief arises out of our earlier temporary restraining order, it is appropriate that this matter be heard in the same proceeding.

4. *It is therefore ordered*, Pursuant to §§ 74.1107 and 74.1109 of the Commission's rules that the petitions are designated for hearing to the extent reflected in the following issues:

(1) To determine the present and proposed penetration and extent of CATV service, including television signals carried, in the market area.

(2) To determine the effects of current and proposed CATV service in the Buffalo area upon existing, proposed, and potential television broadcast stations in the market.

(3) To determine the present policy and proposed future plans of Courier Cable Co. with respect to the initiation of pay-TV operations based upon or in connection with its CATV operations.

(4) To determine whether the request by Courier Cable Co. for relief from the requirement of nonduplication shall be granted.

(5) To determine whether expansion of Courier Cable Co.'s CATV system should be limited and, if so, the appropriate conditions thereof.

Courier Cable Co., Inc., Ultravision Broadcasting Co., and Capitol Cities Broadcasting Corp. are made parties to this proceeding and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules. The burdens of proceeding and of proof are assigned as follows: Courier Cable will be expected to go forward with Issues 1, 3, and 4. Ultravision Broadcasting will have the burden of proceeding with Issue 2. The burden of proof with respect to Issue 4 is upon Courier and for Issue 5 upon Ultravision. A time and place for the hearing will be specified in another order.

5. Having designated these matters for hearing, we turn now, as we indicated we would in the temporary restraining order, to consideration of the nature of the interim relief to be afforded. The terms of that order have perhaps been misunderstood. Only the expansion of trunk and feeder cable was contained. Plainly, the order did not contemplate restraint upon the continued connecting of subscribers to cable already in place. Courier's apparent stabilization of its system at the April 28 level of connections seems unnecessarily limited and does not flow from any result intended by the temporary restraint. In the interest of equitable accommodation of the conflicting interests here: *It is therefore ordered*, That, until further order of the Commission, Courier Cable Co. may continue to connect subscribers to any of its cables in place as of the date of release of this order. We are basing the relief here afforded upon our judgment that it is without serious risk to settlement of

the larger questions to be resolved in this proceeding.

Released: October 17, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11504; Filed, Oct. 20, 1966;
8:50 a.m.]

[Docket No. 16921; FCC 66M-1393]

ULTRAVISION BROADCASTING CO. AND COURIER CABLE CO., INC.

Order Scheduling Hearing

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y., to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc.; Docket No. 16921:

It is ordered, This 14th day of October 1966, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 31, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 17, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11502; Filed, Oct. 20, 1966;
8:50 a.m.]

[Docket Nos. 15460, 16923; FCC 66-912]

SYMPHONY NETWORK ASSOCIATION, INC., AND STEEL CITY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Symphony Network Association, Inc., Birmingham, Ala., Docket No. 15460, File No. BPCT-3238; Steel City Broadcasting Co., Birmingham, Ala., Docket No. 16923, File No. BPCT-3660; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 12th day of October 1966;

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 68, Birmingham, Ala.

¹ Dissenting statement of Commissioner Bartley not filed as part of original document. Commissioner Cox dissenting to the allocation of the burden of proof on Issues 2 and 3.

2. With respect to the issues set forth below the following considerations are pertinent:

(a) Based on the information contained in the application of Symphony Network Association, Inc., cash in excess of \$139,514 will be needed for the construction and first year operation of the proposed station, consisting of—down payment on equipment \$25,000; first year payments on equipment, including interest—\$21,407; first year payments on loan—\$37,667; installation and freight—\$2,700; first year cost of operation—\$52,740. The applicant indicates that its estimated operating costs for the first year will be \$99,950 and it has submitted a breakdown of its costs in support of this estimate. While the applicant has included in its estimate certain costs which relate to the purchase of equipment (down payment on equipment—\$25,000; first year payments on equipment—\$19,510; installation and freight—\$2,700), such costs are not considered operating expenses and their total must be deducted from the applicant's estimated costs of operation. As a consequence, the applicant's costs of operation properly appears to be \$52,740. The Commission is of the view that the \$52,740 operating costs appears to be low for the operation of a television broadcast station in Birmingham, and therefore, an issue will be specified to determine the basis for the applicant's estimate of first year operating costs and whether such estimate is reasonable.

(b) To meet the applicant's cash requirements, it relies upon the availability of a \$113,000 loan from one of its principals, Charles E. Carney. However, since the loan commitment is dated September 9, 1964, it cannot be determined that the loan is still available to the applicant. Moreover, Mr. Carney's balance sheet does not show current and liquid assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet his commitment to the applicant. In addition, the applicant has made no showing as to the validity of its \$100,000 revenue estimate. Accordingly financial issues have been specified.

(c) Symphony Network Association, Inc., has not given a responsive reply to section IV, paragraph 7, FCC Form 301, which requires a narrative statement of the policy to be pursued with respect to making time available for the discussion of public issues. An issue will be specified, therefore, to determine the policy of the applicant, with respect to making time available for discussion of public issues.

(d) Symphony's present programming proposal is substantially the same as the one it submitted when its application previously specified operation on Channel 54, Fairfield, Ala. The applicant has not submitted any showing which indicates that the programming proposal for Birmingham is based upon a survey of the needs and interests of that community. It has been held that where the programming proposal submitted by

an applicant is similar to that which it has proposed for another community, a "Suburban" issue will be specified, in the absence of a showing by the applicant that it is familiar with the needs and interest of the community which it proposes to serve. United Artists Broadcasting, Inc. FCC 64R-551, released December 9, 1964. Therefore, since there is no indication of any efforts to ascertain the needs and interests of Birmingham, we believe that an issue is warranted to determine the efforts made by Symphony Network Association, Inc. to ascertain the programing needs and interests of the area it proposes to serve and the manner in which it proposes to meet such needs and interests.

(e) Operating as proposed, Symphony Network Association, Inc., would not provide the minimum signal strength of 80 dbu over the entire principal city of Birmingham as required by § 73.685(a) of the Commission's rules. The applicant has requested a waiver of this section and an issue has been specified to determine whether a waiver is warranted.

3. Since the tower site proposed by Steel City Broadcasting Co. will be located in the vicinity of the tower of Standard Radio Broadcast Station WJLD, Homewood, Ala., in the event of a grant of the application of Steel City Broadcasting Co., such grant shall be made subject to a proximity condition with respect thereto.

4. There appears to be a significant disparity in the proposed Grade B contours of the applicants. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.¹

5. Steel City Broadcasting Co., is qualified to construct, own and operate the proposed new television broadcast station and, except as indicated by the issues set forth below, Symphony Network Association, Inc. is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed, would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Symphony Network Association, Inc., and Steel City Broadcasting Co., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Symphony Network Association, Inc.:

(a) The basis for the applicant's estimate of operating expenses in its first year and whether such estimate is reasonable.

(b) Whether a loan of \$113,000 will be available from Charles E. Carney.

(c) If (b) above is resolved in the affirmative, whether Charles E. Carney has current and liquid assets (as defined in sec. III, par. 4(d) FCC Form 301) in excess of current liabilities in sufficient amount to meet his commitment to the applicant.

(d) Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to construct and operate the proposed station for 1 year.

(e) Whether, in the light of the evidence adduced pursuant to the foregoing, Symphony Network Association, Inc., is financially qualified.

(f) To determine whether Symphony Network Association, Inc., will afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(g) To determine the efforts made by Symphony Network Association, Inc., to ascertain the programing needs and interests of the area proposed to be served and the manner in which the applicant will meet such needs and interests.

(h) To determine whether circumstances exist which would warrant a waiver of § 73.685(a) of the Commission's rules.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Steel City Broadcasting Co., such grant shall be made subject to the following condition: "A skeleton proof of performance shall be submitted by the permittee consisting of at least five field intensity measurements made between 2 and 10 miles distance on each of eight equally spaced radials before and after said construction to prove that the construction does not adversely effect the operation of Station WJLD."

It is further ordered, That, in the event of a grant of either application, operation of the new station shall be in accordance with offset designators to be specified in a subsequent order.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section

311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11503; Filed, Oct. 20, 1966;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-54]

MEDITERRANEAN—NORTH PACIFIC COAST FREIGHT CONFERENCE

Order of Investigation and Hearing

The member lines of the Mediterranean—North Pacific Coast Freight Conference have filed with the Commission for approval, pursuant to section 15 of the Shipping Act, 1916, an agreement which has been assigned Federal Maritime Commission Number 8090-4, which amends the basic agreement to provide for an increase in the amount of the admission fee from \$500 to \$5,000.

It appearing that Agreement 8090-4 may establish an unreasonable and unequal term or condition for admission and readmission to Conference membership of other qualified carriers in the trade, or could be detrimental to the commerce of the United States or otherwise in contravention of the statutory requirements of section 15 of the Shipping Act, 1916, and in order that a record may be developed upon which the Commission may determine whether to approve, disapprove, or modify Agreement 8090-4.

Now, therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation be and is hereby instituted to determine whether Agreement 8090-4 should be approved, disapproved, or modified.

It is further ordered, That the Mediterranean—North Pacific Coast Freight Conference and the member—lines thereof, as listed below, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

¹ Commissioner Loevinger dissenting to inclusion of Issue 1(g) in the circumstances of this case.

¹ Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 1, 1966, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LIST,
Secretary.

APPENDIX A

Mediterranean North Pacific Coast Freight Conference, G. Ravera, Secretary, Vico San Luca No. 4, Genoa, Italy.

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
D'Amico Società Di Navigazione Per Azioni, J. H. Winchester & Co., Inc., 351 California Street, San Francisco, Calif. 94104.

"Italia" Società Per Azioni Di Navigazione (Italian Line), 1 Whitehall Street, New York, N.Y. 10004.

Italpac Line, Transmarine Navigation Corp., 311 California Street, San Francisco, Calif. 94104.

Zim Israel Navigation Co., Ltd./Naviera Castellana, American Israeli Shipping Co., Inc., 42 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-11506; Filed, Oct. 20, 1966; 8:50 a.m.]

[Docket No. 66-43; Fourth Supp. Order]

ATLANTIC-GULF/PUERTO RICO TRADES

Investigation of Minimum Charges and Terminal Delivery Services

By orders served July 25, and September 12, 1966, the Commission entered into an investigation concerning the lawfulness of a \$10 minimum bill of lading charge and a rule requiring receivers of minimum shipments to accept store door delivery, and named as respondents herein Helm's International, Inc., Gulf Puerto Rico Lines, Inc., and Sea-Land Service, Inc.;

On September 13, 1966, Puerto Rican Forwarding Co., Inc., filed 1st Revised Page No. 7 to Tariff FMC-F No. 3 which will upon becoming effective on October 15, 1966, increase its minimum bill of lading charge from \$7.50 to \$10.

The Commission is of the opinion that this amended tariff matter should be made the subject of a public investigation to the same extent as the matter currently under investigation herein to determine whether it is unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include Puerto Rican Forwarding Co., Inc., as a respondent herein and to include an investigation into and a hearing concerning the lawfulness of the increased minimum charge published in Item No. 45 in the aforementioned publi-

cation to the same extent as the other increased minimum charges already under investigation in this proceeding;

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondents, and any interveners herein; (II) the said respondents and interveners be duly notified of the time and place of the hearing ordered; and (III) this order be published in the FEDERAL REGISTER and notice of the said hearing be served upon all parties to this proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to respondents and interveners.

By the Commission.

[SEAL] THOMAS LIST,
Secretary.

[F.R. Doc. 66-11507; Filed, Oct. 20, 1966; 8:50 a.m.]

[Independent Ocean Freight Forwarder License 302]

CHURCH PURCHASING & SERVICE AGENCY

Revocation of License

Whereas, Charles A. Pinkham doing business as Church Purchasing & Service Agency, 417 Market Street, San Francisco, Calif., has ceased to operate as an independent ocean freight forwarder; and

Whereas, Charles A. Pinkham doing business as Church Purchasing & Service Agency has returned Independent Ocean Freight Forwarder License No. 302 to the Commission for cancellation;

Now therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order No. 201.1, § 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 302 of Charles A. Pinkham doing business as Church Purchasing & Service Agency be and is hereby revoked, effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11508; Filed, Oct. 20, 1966; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-91]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 14, 1966.

Take notice that on October 10, 1966, Arkansas Louisiana Gas Co. (Applicant),

Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP67-91 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks such facilities in order to take into its certificated main transmission pipeline system natural gas which will be produced or purchased from producers in the general area of Applicant's existing system.

The total cost will not be in excess of \$3,459,400 with no single project to exceed a cost of \$500,000. The cost will be financed from funds on hand, from cash generated by operation, and from internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11466; Filed, Oct. 20, 1966; 8:47 a.m.]

[Docket No. CP67-90]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 13, 1966.

Take notice that on October 10, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-90 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to The Gas Service Co. (Gas Service) for resale and distribution by it to consumers in and about the city of Sheldon, Mo., all as more fully set forth

in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to sell and deliver gas to Gas Service through the existing Jasper-Lamar meter for resale by Gas Service to the consumers in Sheldon, Mo. and environs. No facilities will be constructed or installed by Applicant, and Gas Service will transport the gas through facilities it will construct from its 6-inch pipeline near Lamar, Mo., to the vicinity of Sheldon, Mo.

The estimated third year peak day and annual natural gas are 279 Mcf and 75,700 Mcf, respectively. The proposed sale for resale will be made under Cities' F-2, C-2, and I-2 FPC Gas Rate Schedules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11467; Filed, Oct. 20, 1966;
8:47 a.m.]

[Docket No. CP65-377]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

OCTOBER 13, 1966.

Take notice that on October 10, 1966, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP65-377 a petition to amend the order issued in said docket on August 24, 1965, by requesting authority to continue the delivery and sale of natural gas on an interruptible basis to Michigan Wisconsin Pipe Line Co. (Michigan), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued on August 24, 1965, in the instant proceeding Petitioner was authorized to sell and deliver on an in-

interruptible basis for a limited period to Michigan such daily volumes of gas as Petitioner might have available from time to time and which Michigan might wish to purchase. The term was for a period of 1 year from the date of initial delivery. Such deliveries commenced on September 2, 1965, and, therefore, the authority terminated on September 2, 1966.

Specifically, Petitioner requests that the order be amended to allow it to continue making this sale until September 1, 1967, on the same basis as authorized in the order of August 24, 1965.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11468; Filed, Oct. 20, 1966;
8:47 a.m.]

[Docket No. CP67-92]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 14, 1966.

Take notice that on October 11, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-92 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of certain transportation and metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate such gathering and appurtenant facilities to enable it to take into its certificated main pipeline system natural gas which will be purchased from producers in an area coextensive with its system.

The total cost of the proposed facilities will not exceed a maximum of \$2,000,000, and no single project will exceed a cost of \$500,000, which cost will be financed from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition

to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11469; Filed, Oct. 20, 1966;
8:47 a.m.]

[Docket Nos. CP65-118 etc.]

LONE STAR GAS CO. ET AL.

Order Granting Rehearing, Specifying Procedure, and Fixing Date for Rehearing

OCTOBER 14, 1966.

Lone Star Gas Co., Lone Star Gathering Co., and United Gas Pipe Line Co.; Docket No. CP65-118; Lone Star Gathering Co.; Docket No. CP62-179; United Gas Pipe Line Co.; Docket No. CP62-193.

On September 21, 1966, the Public Service Commission of the State of New York (PSC) filed an application for rehearing of our Opinion No. 505 and accompanying order issued August 22, 1966, in the above-entitled proceeding. PSC's application for rehearing compares facts in the record with data taken from the applicants' Forms No. 2 (and therefore not available at the time of the hearing) and raises several important questions regarding which, under the circumstances, the record cannot afford adequate answers. We believe that the application for rehearing should be granted to afford the applicants an opportunity to present additional evidence which will provide a full and complete record on which to base our ultimate conclusions regarding the interrelated proposals in the applications involved in this proceeding.

The incomplete state of the record seems to have resulted in large part from a stipulation agreed to by the parties and staff. Although it was stipulated that the only contested issue involved in the proceeding related to the need of United Gas Pipe Line Co. (United) for the gas it seeks authorization to acquire from Lone Star Gathering Co. (Gathering), and while this was the only issue to which United addressed its direct testimony at the hearing, the arguments made in PSC's brief on exceptions and application for rehearing have challenged such matters as United's cost of service, as opposed to Gathering's cost of service, for operation of the facilities which United proposes to acquire from

¹ Pursuant to the notice and consolidation of applications issued Mar. 16, 1965, the parties should henceforth file future pleadings under lead Docket No. CP65-118.

Gathering. We would ordinarily require the parties to adhere to the stipulation, but in this instance, at the commencement of the hearing, PSC's counsel indicated that even if United showed a need for gas in the absolute sense, PSC was contesting United's need for the gas at the price it proposed to pay. Thus, from the beginning of this contested proceeding PSC has really been challenging not only the adequacy of United's markets to support the acquisition of Gathering's gas but also the economic feasibility of applicants' proposals, whereas the applicants have relied on their prepared testimony as if it constituted full answers to PSC's contentions even though their testimony was served prior to the commencement of hearing and was written under an apparently erroneous and overly narrow interpretation of the stipulation to the effect that PSC was questioning only United's physical need for Gathering's gas.

Under the circumstances described above, it is not surprising that the record is either silent or affords only partial answers to many of the questions raised by PSC. In the interest of securing a complete record, the stipulation should not govern in any way the presentation of evidence on rehearing and no party or staff should any longer consider itself bound by the stipulation. The applicants are free to augment the record to the extent they believe is essential to support their applications, but we shall hereinafter specify the areas as to which PSC has raised questions and as to which we believe additional evidence should be presented on rehearing.

The first issue raised in PSC's application for rehearing is that United's markets have not been growing as rapidly as we indicated in Opinion No. 505. PSC contends that United's Form No. 2 for 1965 shows that United's sales decreased in 1965, as compared with 1964, by 143 billion cubic feet and that this reveals a negative growth rate for United's markets over the period from 1959 to 1965. On rehearing United should present full market data showing its total sales over a period of time great enough to demonstrate a trend in growth or decline of its markets, together with testimony explaining why its sales declined sharply during 1965 and what it estimates its future market requirements will be.

PSC also contends that United's gas reserves at the end of 1964 were in excess of 23 trillion cubic feet and that only three other pipeline companies in the United States have reserves with as high a deliverability life as United. PSC claims that United should not be allowed to acquire high-priced gas reserves when it already has more than ample reserves to meet its market requirements for at least 17 years. On rehearing United should present evidence showing the number of years it can meet its customers' requirements with the existing reserves available to its system. In presenting its evidence as to deliverability and reserves, United should also explain why its reserves have declined by about 4.1 trillion cubic feet within the last 2

years even though its total sales have amounted to only 2.7 trillion cubic feet during the same period of time. United should state whether it has ever before paid as much as 21.5 cents per Mcf for gas purchased in South Texas, and if not, whether it could use, at less cost than 21.5 cents per Mcf, alternate supplies from other sources to meet its customers' requirements. United should introduce flow diagrams and maps to demonstrate the flow on its system of gas obtained from Gathering as compared with the flow of any alternate supplies which could be substituted for Gathering's gas.

The next contention PSC makes is that the cost to United of acquiring gas from Gathering cannot be determined from the record. The record shows Gathering's estimated cost of service on the facilities it proposes to sell to United and United's witness stated that United's costs would not " * * * be any higher or any lower than what it is costing" Gathering. However, PSC claims that Gathering's unit cost of service had been computed from the estimates in the record on the assumption that Gathering would deliver annually about 15.2 billion cubic feet to United, whereas Gathering's Form No. 2 for 1965 shows that Gathering delivered only 12.5 billion cubic feet to United. PSC argues that the cost of service will not vary appreciably from 1 year to another and that the unexplained reduction in the volume of Gathering's deliveries to United shows an alarming increase in the unit cost of service. In fact, PSC points out that United's estimated fixed costs would apparently amount to 4.6 cents per Mcf without any allowance for operating and maintenance expenses. If this unit cost of 4.6 cents per Mcf is added to the unit cost of purchased gas for 1963, amounting to about 17.6 cents per Mcf, the total cost to United would be 22.2 cents per Mcf, or seven-tenths of 1 cent per Mcf more than it is now costing United to purchase the gas directly from Gathering.

While it is obvious that United's estimated fixed costs are greater than Gathering's fixed costs because of United's having used a larger rate of depreciation and a much greater rate of return than Gathering, the record does not contain specific data concerning United's estimated cost of service for operation of the facilities which it proposes to acquire from Gathering. Consequently, on rehearing United should present full and complete data showing its best estimate of all costs it would incur if it were to be permitted to acquire Gathering's facilities. United's costs should be computed utilizing its authorized rate of return of 6½ percent instead of the 6¾ percent rate of return used in the record. United should calculate its income tax allowance on the basis of its up-to-date capitalization ratio and average interest rate on its long-term debt. Additionally, United should support its use of a depreciation rate of about 5.76 percent in lieu of the 4.41 percent depreciation rate employed by Gathering in its Form No. 2 for 1965 if United believes that Gathering's depreciation rate is lower than it should be.

Up-to-date cost-of-service data are required concerning Gathering's present operations in order to determine whether it is sound for PSC to conclude in its application for rehearing that Gathering's charge to United will necessarily remain at 21.5 cents per Mcf and therefore never be equal to or exceed costs comprised of United's estimated cost of service on the facilities to be acquired from Gathering plus the cost of purchased gas. In this connection we note from Gathering's Form No. 2 for 1965 that Gathering's rate of return on the facilities it seeks to sell to United was less than 4 percent.

PSC also claims that the record should be reopened in order that Gathering can explain why its peak-day delivery in the 1965-66 heating season declined to 49,755 Mcf from the much higher peak-day delivery of 65,224 Mcf for the 1964-65 heating season. While United's witness stated that South Texas reserves have a history of fast depletion, the record does not show that the reserves attached to Gathering's system were expected to become depleted as fast as is implied from a comparison of Gathering's Forms No. 2 for 1964 and 1965. Therefore, on rehearing Gathering should present evidence showing what has caused the rapid decline in peak-day and annual deliveries to United and what effect this sharp reduction in deliveries will have on the unit cost of service.

PSC also objects to our failure " * * * to afford protection to the consumer from the unprecedentedly onerous 1:6200 take-or-pay provisions" in the contract under which Gathering delivers gas to United. Gathering and United should present evidence on rehearing in support of their use of take-or-pay provisions requiring United to take 1 Mcf of gas for each 6,200 Mcf of reserves dedicated to Gathering's system.

Finally, PSC alleges that the Commission erred in asserting that United's cost of service on the facilities it seeks to acquire from Gathering would be offset by the reduction in United's cost of service on the facilities which United proposes to sell to Gathering's parent, Lone Star Gas Co. (Lone Star). This issue makes it necessary for Lone Star, Gathering, and United to present evidence on rehearing showing whether United would be willing to sell its facilities to Lone Star if United's application to acquire Gathering's facilities were to be denied. United should also introduce evidence showing its present cost of service for operating the facilities it seeks to sell to Lone Star as compared with its estimated cost of supplying gas to the customers it expects to continue serving from those facilities in the event United is permitted to abandon and sell such facilities to Lone Star. In conjunction with this evidence United should show whether the cost of the gas it expects to purchase from Lone Star for resale to its customers, to be served from the facilities it seeks to abandon, is greater than its existing costs for serving those same customers.

The Commission finds: The application for rehearing filed on September 21,

1966, by the Public Service Commission of the State of New York for rehearing of Opinion No. 505 and the accompanying order issued August 22, 1966, should be granted as hereinafter ordered for the purpose of supplementing the record in this consolidated proceeding so as to clarify the facts surrounding the questions raised by the application for rehearing.

The Commission orders:

(A) The application for rehearing filed September 21, 1966, by the New York Public Service Commission is granted.

(B) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, 16, and 19, and the Commission's rules and regulations under that Act, a public hearing shall be held before a duly designated presiding examiner, commencing December 6, 1966, at 10 a.m., (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the matters raised by the New York Commission's application for rehearing and especially regarding the questions hereinbefore discussed in this order.

(C) The applicants shall serve upon the Examiner, the New York Public Service Commission, and the Commission's staff their supplemental evidence in answer to the questions raised by the New York Commission's application for rehearing on or before November 21, 1966.

(D) Any evidence which the New York Commission or the Commission's staff may wish to file shall be served upon the Examiner and the applicants on or before December 1, 1966.

By the Commission. Commissioner Carver not participating.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11471; Filed, Oct. 20, 1966; 8:47 a.m.]

FEDERAL RESERVE SYSTEM COMMERCIAL BANCORP, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Commercial Bancorp, Inc., which is a bank holding company located in Miami, Fla., for the prior approval of the Board of the acquisition by Applicant of a minimum of 80 percent of the voting shares of Bank of Palm Beach & Trust Co., Palm Beach, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy

to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anti-competitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 14th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11475; Filed, Oct. 20, 1966; 8:47 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Bank of Greenfield, Greenfield, Wis., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the

convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 14th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11476; Filed, Oct. 20, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 18, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40750—Fertilizer to points in western trunkline territory. Filed by Western Trunk Line Committee, agent (No. A2449), for interested rail carriers. Rates on anhydrous ammonia, dry fertilizer, and dry fertilizer materials and fertilizer solutions, in carloads, from Brandon, Manitoba, Canada, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariffs—Revised pages to Canadian National Railway Co. tariff ICC W. 766 and Canadian Pacific Railway Co. tariff ICC W. 1091.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11493; Filed, Oct. 20, 1966; 8:49 a.m.]

[Notice 272]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 18, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective

July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

No. MC 665 (Sub-No. 67 TA), filed October 11, 1966. Applicant: RED ARROW TRANSPORTATION COMPANY, INC., 1700 North Jackson Street, Kansas City, Mo. 64120. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity, from Okmulgee, Okla., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Texas, for 180 days. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 921 (Sub-No. 12 TA), filed October 13, 1966. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 32, Fulton Drive, Corinth, Miss. 38834. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tupelo, Miss., and Hattiesburg, Miss., from Tupelo, Miss., over U.S. Highway 45 to Shannon, Miss., thence over U.S. Highway 45W to Brooksville, Miss., thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 11 and/or U.S. Interstate Highway 59 to Hattiesburg, and return over the same route, serving all intermediate points on and south of U.S. Highway 80. Restriction: The operations requested herein are to be restricted against the transportation of any traffic moving between Memphis, Tenn., or its commercial zone as defined by the Commission, on the one hand, and, on the other, Hattiesburg, Miss., and its commercial zone as defined by the Commission, and intermediate points on the described highways on and south of U.S. Highway 80, for 180 days. NOTE: Applicant states that at the present time U.S. Interstate Highway 59 is in use between Meridian, Miss., and Laurel, and the segment between Laurel and Hattiesburg is in the process of being completed. It may be 6 months before the Interstate

Highway No. 59 is completed all the way from Meridian to Hattiesburg with the result that the applicant desires authority between Laurel and Hattiesburg over U.S. Highway No. 11 and over Interstate Highway No. 59 if it can be used. Supporting shippers: The application is supported by statements from 35 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 41116 (Sub-No. 30 TA), filed October 13, 1966. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, steel cotton bale ties, burlap, and twine*, between Crowley, La., on the one hand, and, on the other, points in Mississippi, for 180 days. Supporting shipper: Continental Bag Co., Post Office Box 491, Crowley, La. 70526, Mr. I. Garcia, Treasurer. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 52657 (Sub-No. 650 TA), filed October 13, 1966. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial vaults*, from Wapakoneta, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Perfection Burial Vault Co., Galion, Ohio 44833. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 59759 (Sub-No. 25 TA), filed October 13, 1966. Applicant: JONES TRUCKING CO., 500 West Edgar Road, Linden, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, for the account of Food Fair Stores, Inc., of Linden, N.J., between Linden, N.J., on the one hand, and, on the other, points in Rockingham County,

N.H., for 150 days. Supporting shipper: Food Fair Stores, Inc., 320 South Stiles Street, Linden, N.J. Send protests to: Walter J. Grossman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1060 Broad Street, Newark, N.J. 07102.

No. MC 66512 (Sub-No. 6 TA), filed October 13, 1966. Applicant: P & G MOTOR FREIGHT INCORPORATED, 450 Burnham Street, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated materials*, from the plantsite of Pervel Industries, Inc., at Plainfield, Conn., to points in the New York, N.Y., commercial zone, and Bayway, East Newark, Kearney, Passaic, Harrison, Nutley, and Newark, N.J.; and *materials, supplies, and equipment* used in the manufacture of plastic coated materials, on return, for 180 days. Supporting shipper: Pervel Industries, Inc., Plainfield, Conn. 06374. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 74647 (Sub-No. 11 TA), filed October 13, 1966. Applicant: PASCO SALVINO, doing business as P. SALVINO TRANSPORT, 5245 East Marginal Way South, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from La Conner, Wash., to Salem, Ore., for 180 days. Supporting shipper: Blue Lake Packers, Inc., Post Office Box 5038, Salem, Ore. 97304. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 85451 (Sub-No. 12 TA), filed October 13, 1966. Applicant: BLUE-BONNET EXPRESS, INC., 5009 Rusk Street, Post Office Box 18544, Houston, Tex. 77023. Applicant's representatives: Mr. David A. Sutherland, 1120 Connecticut Avenue NW., Washington, D.C. and Mr. J. G. Fender, 2033 Norfolk Street, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, having a prior or subsequent movement by air, (1) between airports located in Harris County, Tex., on the one hand, and, on the other, points in Texas over the routes described as follows: (a) From Houston, Tex., over U.S. Highway 59 to junction U.S. Highway 59 and U.S. Highway 259, thence over U.S. Highway 259 to Henderson, Tex., and return over the same route, (b) from Houston, Tex., over U.S. Interstate Highway 10, to Orange, Tex., and return over the same route, (c) from Houston, Tex., over U.S. Highway 90, to Beaumont, Tex., and return over the same route, (d)

from junction U.S. Interstate Highway 10 and Texas Highway 73, over Texas Highway 73, to Port Arthur, Tex., and return over the same route, (e) from Houston, Tex., over U.S. Highway 75, to Galveston, Tex., and return over the same route, (f) from Houston, Tex., over Texas Highway 225 to junction Texas Highway 146, and thence over Texas Highway 146 to junction U.S. Highway 75, and return over the same route, (g) from Houston, Tex., over Texas Highway 35 to junction Texas Highway 185, and return over the same route, (h) from Houston, Tex., over Texas Highway 288 to Freeport, Tex., and return over the same route.

(i) From Houston, Tex., over U.S. Highway 59 to Goliad, Tex., and return over the same route, (j) from Houston, Tex., over U.S. Highway 90A to Shiner, Tex., and return over the same route, (k) from Houston, Tex., over U.S. Highway 90 to San Antonio, Tex., and return over the same route, (l) from Houston, Tex., over U.S. Highway 290 to Brenham, Tex., and return over the same route, (m) from Hempstead, Tex., over Texas Highway 6 to Bryan, Tex., and thence over U.S. Highway 190 to Hearne, Tex., and return over the same route, (n) from Bryan, Tex., over Texas Highway 21 to Caldwell, Tex., and return over the same route, (o) from Houston, Tex., over U.S. Highway 75 to Maddisonville, Tex., and return over the same route, (p) from Houston, Tex., over U.S. Interstate Highway 45 to junction U.S. Interstate Highway 45 and U.S. Highway 75 and return over the same route, (q) from Sealy, Tex., over Texas Highway 36 to Milano, Tex., and return over the same route, (r) from Columbus, Tex., over Texas Highway 71 to Austin, Tex., and return over the same route, (s) from Flatonia, Tex., over Texas Highway 95 to Yoakum, Tex., and return over the same route, (t) from Yoakum, Tex., over U.S. Highway 77A to Refugio, Tex., and return over the same route, (u) from Cuero, Tex., over Texas Highway 72 to Kenedy, Tex., and return over the same route, (v) from Cuero, Tex., over Texas Highway 87 to Victoria, Tex., and thence over Texas Highway 185 to Port O'Connor, Tex., and return over the same route.

(w) From Victoria, Tex., over Texas Highway 77 to junction U.S. Highway 77 and Texas Highway 9, and thence over Texas Highway 9 to Corpus Christi, Tex., and return over the same route, (x) from Sinton, Tex., over U.S. Highway 181 to Corpus Christi, Tex., and return over the same route, serving all intermediate points in (1) (a) through (x) above and points in Harris, Montgomery, Liberty, San Jacinto, Polk, Angelina, Nacogdoches, Rusk, Galveston, Brazoria, Fort Bend, Waller, Brazos, Grimes, Burleson, Washington, Austin, Colorado, Wharton, Matagorda, Victoria, Jackson, Lavaca, Fayette, Lee, Bastrop, Travis, Caldwell, Gonzales, Guadalupe, Karnes, De Witt, Goliad, Refugio, Aransas, San Patricio, Calhoun, Nueces, Burleson, Robertson, Milam, Sam Houston, Bexar, Madison, Walker, Trinity, Jefferson, Orange, and

Chambers Counties, Tex., as off-route points, (2) between airports located in Bexar County, Tex., on the one hand, and, on the other, points in Texas over the route described as follows: From San Antonio, Tex., over U.S. Highway 90 to Houston, Tex., and return over the same route, serving all intermediate points on the above-described route, for 150 days. Supporting shippers: The application is supported by statements from 50 shippers which may be examined here at the Interstate Commerce Commission, Washington, D.C. Send protests to: District Supervisor John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 106398 (Sub-No. 342 TA), filed October 13, 1966. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Richard O. Battles, National Trailer Convoy, Inc., 1925 National Plaza, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Stanford, Ky., to points in Ohio, Tennessee, Virginia, West Virginia, Indiana, and Illinois, for 180 days. Supporting shipper: Stanford Mobile Homes, Inc., Eugene Manigold, North U.S. 27, Stanford, Ky. 40484. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 111785 (Sub-No. 26 TA), filed October 13, 1966. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box No. 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Rea, Cross, Knebel, and Kinnaird, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, on skids, on flatbed trailers, from Gassaway (Braxton County), W. Va., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Mr. Lee Green, West Virginia Forest Products Co., Gassaway, W. Va. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 112520 (Sub-No. 151 TA), filed October 13, 1966. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Schwartz, Proctor, and Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Dixie Pipe Line Terminals at or near Alma and Albany, Ga., to Madison, Tallahassee, and Quincy, Fla., for 180 days. Supporting shipper: Southern Propane Co., Post Office Drawer 427, Jesup, Ga. 31545. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 115322 (Sub-No. 49 TA), filed October 13, 1966. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from North East, Pa., and Westfield, N.Y., to points in Virginia, for 180 days. Supporting shipper: The Welch Grape Juice Co., Inc., Westfield, N.Y. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 115331 (Sub-No. 209 TA), filed October 13, 1966. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides*, liquid, in bulk, in tank vehicles, from Muskegon, Mich., to points in the Omaha, Nebr., commercial zone, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Ortho Way, Fort Madison, Iowa. J. L. Royce, Traffic Representative. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 115654 (Sub-No. 7 TA), filed October 13, 1966. Applicant: TENNESSEE CARTAGE CO., INC., 815 Ewing Street, Nashville, Tenn. 37207. Applicant's representative: Walter Harwood, Nashville Bank and Trust, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between Nashville, Tenn., and Greenville, Ky., from Nashville over U.S. Highway 41 to Springfield, Tenn., thence over U.S. Highway 431 to Drakesboro, Ky., thence over Kentucky Highway 176 to Greenville, Ky., and return over the same route, serving no intermediate points, for 180 days. Supporting shippers: Cowden Manufacturing Co., Cowden Building, Lexington, Ky. 40501, Marvel Industries, Inc., Sturgis, Mich. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 120800 (Sub-No. 2 TA), filed October 13, 1966. Applicant: CAPITOL

TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, moving on GBL, from Santa Susana, Calif., to Patrick Air Force Base, Fla., for 150 days. Supporting shipper: The Department of Defense, Washington, D.C. Send protests to: John E. Nance, District Supervisor, Federal Building, Room 7708, Interstate Commerce Commission, Bureau of Operations and Compliance, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124083 (Sub-No. 32 TA), filed October 12, 1966. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Steers, Klee, Jay, 45 North Pennsylvania Street, Suite 312, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unprocessed glass cullets*, from Indianapolis, Ind., to Cincinnati, Ohio, for 180 days. Supporting shipper: Barnett & Co., Inc., 124 West McCarty Street, Indianapolis, Ind. 46225. Send protest to: District Supervisor, R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124218 (Sub-No. 10 TA), filed October 13, 1966. Applicant: UNIT TRANSPORTATION, INC., Ford Boulevard and North Fifth Street, Post Office Box 86, Hamilton, Ohio. Applicant's representative: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.J. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Folding camping trailers in initial movements*, from New Haven, Mo., and Elm Grove and Milwaukee, Wis., to points in the United States except Alaska and Hawaii, and (2) *folding camping trailers in secondary movements*, from points in the United States except Alaska and Hawaii to New Haven, Mo., and Elm Grove and Milwaukee, Wis., for 180 days. Supporting shippers: The Coleman Co., Inc., Wichita, Kans. 67201; H. Wenzel Tent & Duck Co., 1280 Research Boulevard, Lindbergh-Warson Industrial Center, St. Louis, Mo. 63132. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 127329 (Sub-No. 3 TA), filed October 13, 1966. Applicant: C. T. STOVER, doing business as AIR CARGO, 1810 Koch Lane, Quincy, Ill. 62301. Applicant's representative: Robert T. Lawley, Routman and Lawley, 306-308 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air compressors, vacuum pumps, and parts thereof*, between Quincy, Ill., and Lambert Field, St. Louis, Mo., for the account of Colt Industries, Quincy Compressor Division, restricted to shipments having an immediately prior or

immediately subsequent movement by air, for 180 days. Supporting shipper: Colt Industries, Quincy Compressor Division, Quincy, Ill. 62301. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 127625 (Sub-No. 5 TA), filed October 13, 1966. Applicant: SANTEE CEMENT CARRIERS, INC., Post Office Box 597, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., 921 17th Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Columbia, S.C., to points in Florida, Georgia, North Carolina, and Virginia, for 150 days. Supporting shipper: Columbia Pipe Co., Columbia, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 509 Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 128631 (Sub-No. 1 TA), filed October 13, 1966. Applicant: CONARD L. DRISKELL, doing business as C. L. DRISKELL TRUCKING, 440 South Seventh Street, Monmouth, Ill. 61462. Applicant's representative: Robert T. Lawley, 308 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bag and bulk, from Muscatine, Iowa, to Monmouth, Altona, and Seaton, Ill., for 180 days. Supporting shippers: Monmouth Feed Service, 602 West Fourth Avenue, Monmouth, Ill.; Seaton Grain Co., Seaton, Ill.; Altona Co-Operative Grain Co., Altona, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11494; Filed, Oct. 20, 1966;
8:49 a.m.]

[Notice 1429]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 18, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition

will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69093. By order of October 11, 1966, the Transfer Board approved the transfer to Joe Lucchesi and Antionette Lucchesi, doing business as Reno Gerlach Stage Line, 835 Montana Drive, Reno, Nev. 89503, of certificate of registration No. MC-120429 (Sub-No. 1), issued November 25, 1963, to Hershel E. Rogers and Jeanne A. Rogers, doing business as Reno Gerlach Stage Line, 1835 O'Farrell Street, Reno, Nev. 89503, evidencing a right to engage in interstate or foreign commerce, in the transportation of passengers and express, between points in Nevada.

No. MC-FC-69095. By order of October 13, 1966, the Transfer Board approved the transfer to James E. Depeau Trucking Co., Inc., Lockport, N.Y., of the operating rights in permit No. MC-53978, issued June 26, 1963, to James E. Depeau, doing business as James E. Depeau Trucking Company, Lockport, N.Y., authorizing the transportation, over irregular routes, of foundry supplies from Buffalo, N.Y., to Erie, Meadville, Bradford, Clearfield, Ridgeway, and Saint Marys, Pa. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-69121. By order of October 10, 1966, the Transfer Board approved the transfer to William P. Cawley, doing business as Scranton Parcel Delivery, Scranton, Pa., certificate of registration No. MC-120353 (Sub-No. 1), evidencing a right to engage in interstate or foreign commerce in Pennsylvania, issued July 8, 1965, to Stanley A. Lukas, doing business as Lukas Parcel Delivery, Scranton, Pa., in the transportation of specified commodities, between designated areas in Pennsylvania. Daniel H. Jenkins, 309 Mears Building, Scranton, Pa. 18503, attorney for applicants.

No. MC-FC-69122. By order of October 10, 1966, the Transfer Board approved the transfer to Bertie Stinson, doing business as Stinson Transfer Co., Kinsley, Kans., of the certificates in Nos. MC-52351, MC-52351 (Sub-No. 1), MC-52351 (Sub-No. 2), and MC-52351 (Sub-No. 3), issued March 12, 1943, February 3, 1940, May 4, 1943, and July 18, 1947, respectively, to O.C. Stinson, doing business as Stinson Transfer Co., Kinsley, Kans., authorizing the transportation, over irregular routes, in MC-52351, of livestock, from Kinsley, Kans., and points and places within 25 miles thereof, to Kansas City, Mo.; in MC-52351 (Sub-No. 1), of livestock, between points and places within 40 miles of Kinsley, Kans., on the one hand, and, on the other, points and places in Colorado; in MC-52351 (Sub-No. 2), of household goods and emigrant movables, between Kinsley, Kans., on the one hand, and, on the other, points and places in Colorado; and in MC-52351 (Sub-No. 3), of household goods and emigrant movables, between points and places in Kansas, except Kinsley, on and west of U.S. Highway 81, on the one hand, and, on

the other, points and places in Colorado, and new and used farm machinery and implements and parts therefor, from Kansas City, Mo., to points and places in Edwards, Pawnee, Stafford, Kiowa, Ford, Gray, Finney, Kearney, Hamilton, and Hodgeman Counties, Kans. Jerome K. Wilson, Wilson and Frame, Kinsley, Kans. 67547, attorney for applicants.

No. MC-FC-69123. By order of October 11, 1966, the Transfer Board approved the transfer to M. I. Loker and Pauline Loker, a partnership, doing busi-

ness as Seaway Coach Lines, Erie, Pa., of the operating rights in certificate No. MC-3556, issued August 2, 1961, to Albert A. Prechtl, doing business as Elk-Cameron Bus Lines, St. Marys, Pa., authorizing the transportation of: Passengers and their baggage, over regular routes, between St. Marys, and Ridgeway, Pa., serving all intermediate points; between Johnsonburg and Emporium, Pa., serving all intermediate points; between St. Marys and Clearfield, Pa., serving all in-

termediate points, and, passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Johnsonburg, Pa., and Olean, N.Y., and between Smithport and Port Allegheny, Pa. David H. Lund, 332 East Sixth Street, Erie, Pa., attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11495; Filed, Oct. 20, 1966;
8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR

PROCLAMATIONS:

3749-----12935
3750-----12995
3751-----13197

EXECUTIVE ORDERS:

Sept. 24, 1847 (revoked by
PLO 4100)-----12950
April 17, 1926 (revoked in part
by PLO 4098)-----12950
10126 (superseded by 14 CFR
73.87)-----13422
10154 (superseded by EO
11313)-----13417
10558 (superseded by EO
11313)-----13417
10686 (superseded by EO
11313)-----13417
11122 (superseded by EO
11307)-----12917
11215 (amended by EO 11309)-----13075
11307-----12917
11308-----12919
11309-----13075
11310-----13199
11311-----13413
11312-----13415
11313-----13417
11314-----13419

4 CFR

Ch. II-----13381

5 CFR

213-----12833, 12937, 13113, 13465, 13521
351-----13521
534-----13521
1700-----13113

7 CFR

81-----13203, 13527
110-----13203
112-----13203
113-----13203
210-----13035
319-----12834
354-----13203
401-----13581, 13583-13588
402-----13588
403-----13588
406-----13588
407-----13588
408-----13589
409-----13589
701-----13035
719-----13204
722-----13035,
13036, 13132, 13168, 13205, 13303,
13465, 13529, 13530, 13589.
728-----13036
729-----12921, 12940
751-----13531
777-----13502
811-----13133, 13313
813-----13589
874-----12940
905-----12835, 13385
908-----12836, 13077, 13385
909-----13134
910-----12837, 13077, 13386

7 CFR—Continued

915-----13135, 13386
932-----13171
947-----13171
958-----12940
982-----13591
984-----13421
993-----13037
1038-----13037
1421-----13078
1443-----12837
1446-----13207
1475-----13532
1490-----12997

PROPOSED RULES:

52-----13551
725-----13242
730-----12952
909-----13174
929-----13136
948-----12953
971-----13551
972-----13394
982-----12954, 13346
984-----13005
989-----13244, 13552
991-----13394
993-----13136
994-----13090
1005-----12845, 13090
1006-----13272
1012-----13605
1038-----12954
1041-----13136
1067-----13395
1069-----13091
1102-----13395
1103-----13476
1106-----13607
1126-----13005, 13607
1205-----13478
Ch. XI-----12956

8 CFR

211-----13387
212-----13114

9 CFR

78-----13465
97-----13114

12 CFR

329-----12837
526-----13039
531-----13591
545-----12838, 12839, 13000
556-----13592
561-----13592
563-----13167
571-----13593

PROPOSED RULES:

222-----12965

13 CFR

107-----13532
121-----12840

PROPOSED RULES:

121-----12849, 12924, 13353

Page

14 CFR

21-----13387
37-----12941
39-----12921, 13167, 13521
47-----13313
61-----13522
63-----13522
65-----13522
71-----12840, 12921, 12943, 13038, 13039,
13115, 13207, 13314, 13315, 13389,
13390, 13421, 13422, 13466, 13525
73-----12922, 12944, 13115, 13422
91-----13525
95-----12944
97-----13116, 13316, 13594
121-----13078
143-----13522
151-----13423
208-----12947
295-----12948
378-----12948

PROPOSED RULES:

39-----12924, 13554
61-----13554
71-----12925, 13481
73-----12925
75-----13176
91-----13352

15 CFR

230-----13167, 13390
372-----13040
373-----13040
374-----13040
379-----13040
382-----13040
385-----13040
398-----13040
399-----13040

16 CFR

13-----12937,
12938, 13078-13080, 13208, 13209,
13337, 13423.
15-----13210, 13423

PROPOSED RULES:

303-----13353

17 CFR

200-----13533

18 CFR

141-----13593
204-----12840

PROPOSED RULES:

141-----13557
260-----13557

19 CFR

1-----12938, 13080, 13390
4-----13424

PROPOSED RULES:

12-----12964

20 CFR

404-----13126, 13533
405-----13424, 13456, 13534
602-----13466

Page

21 CFR	Page
3	13537
8	12840
17	12949
27	12949
51	12950
53	12840
120	13210
121	12841, 13128, 13474, 13475
146	12841
148k	13603
PROPOSED RULES:	
19	13005
121	12849
130	13347
191	13006

22 CFR	Page
41	13080
42	13080
50	13537
51	13540
52	13546
53	13546

23 CFR	Page
Ch. II	13128

24 CFR	Page
5	13081
203	13000
220	13000
221	13000
232	13000
234	13000
1000	13000

25 CFR	Page
PROPOSED RULES:	
131	13605
221	13242

26 CFR	Page
177	13443
507	13466
PROPOSED RULES:	
1	12843, 12845, 13091, 13242

28 CFR	Page
PROPOSED RULES:	
5	13343

29 CFR	Page
462	13001
512	13211
PROPOSED RULES:	
40	13174
1207	13176

31 CFR	Page
520	13001

32 CFR	Page
1	13326
2	13329
3	13329

32 CFR—Continued	Page
4	13330
7	13331
8	13332
11	13332
13	13336
15	13336
18	13337
855	13081
1001	13217
1002	13217
1003	13217, 13547
1004	13217
1007	13218, 13547
1010	13219
1012	13548
1013	13219
1017	13220
1018	13220
1030	13220
1053	13220
1054	13220

32A CFR	Page
Ch. XV:	
FRS Reg. V	13444
PROPOSED RULES:	
Ch. X	12924, 13050

33 CFR	Page
202	13129
204	13129, 13445

36 CFR	Page
311	13313
326	13172

37 CFR	Page
1	12922

38 CFR	Page
2	13548
3	13088, 13172, 13390, 13446
14	13548
36	13003

39 CFR	Page
822	13172
PROPOSED RULES:	
43	13394

41 CFR	Page
5-12	13337
9-1	13046
9-2	13046
9-3	13046
22-1	13001

42 CFR	Page
22	12939
52	13445

43 CFR	Page
5430	13446
PUBLIC LAND ORDERS:	
1195 (revoked in part by PLO 4099)	12950

43 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued	
3152 (revoked in part by PLO 4104)	12951
3584 (revoked in part by PLO 4104)	12951
4094 (corrected)	13473
4097	12950
4098	12950
4099	12950
4100	12950
4101	12951
4102	12951
4103	12951
4104	12951
4105	13549

45 CFR	Page
6	12842
7	12842
8	12842
170	13220

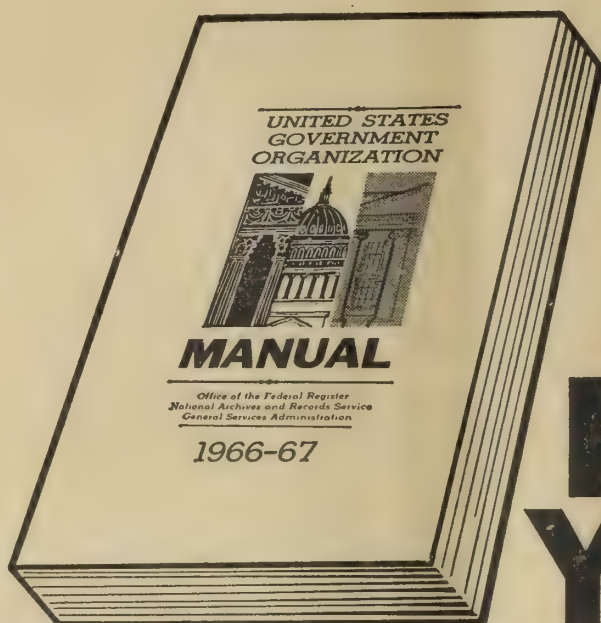
46 CFR	Page
PROPOSED RULES:	
2	12860
24	12860
30	12860
70	12860
90	12860
110	12860
175	12860
188	12860
189	12860
190	12860
191	12860
192	12860
193	12860
194	12860
195	12860
196	12860

47 CFR	Page
0	13473
1	13228, 13593
2	13230
15	13391
73	13234, 13237, 13474
91	13230
99	13230

PROPOSED RULES:	
31	13244
33	13244
73	12965, 13245, 13246, 13481

49 CFR	Page
7	13446
PROPOSED RULES:	
Ch. I	13392
95-97	13393

50 CFR	Page
32	12923, 12939, 13003, 13004, 13048, 13049, 13088, 13130, 13240, 13241, 13342, 13447, 13475, 13549, 13550
33	12939, 13391, 13447, 13475, 13550



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Saturday, October 22, 1966 • Washington, D.C.

Pages 13631-13689

Agencies in this issue—

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Federal Communications Commission
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Interstate Commerce Commission
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Council
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State Department
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Detailed list of Contents appears inside.



Volume 79

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[89th Cong., 1st Sess.]

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Contents

THE PRESIDENT

PROCLAMATION

Thanksgiving Day, 1966..... 13635

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation;
Consumer and Marketing Service.

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Blocked-space airfreight tariffs..... 13674
Service mail rates..... 13674
Signal Trucking Co., Ltd., et al. 13673

COAST GUARD

Rules and Regulations

Certification of seamen; deck engine mechanics and enginemen ratings..... 13649
Towing of barges; length of hawsers on inland waters..... 13647

COMMERCE DEPARTMENT

See Patent Office.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Loan pools; increase in interest rate:
Cotton..... 13641
Grains and related commodities..... 13641

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations:

Lemons grown in California and Arizona..... 13640
Valencia oranges grown in Arizona and designated part of California..... 13639
Milk in north Texas marketing area; order suspending certain provision..... 13641
Onions (other than Bermuda-Granex-Grano and Creole types); U.S. standards for grades..... 13637
Walnuts grown in California, Oregon, and Washington; expenses and rate of assessment..... 13640

Proposed Rule Making

Milk in southeastern Florida marketing area; decision..... 13655

Notices

Chino Stockyards Co., et al.; posted stockyards..... 13672
Roer Livestock Auction et al.; proposed posting of stockyards..... 13672

DEFENSE DEPARTMENT

See also Engineers Corps.

Rules and Regulations

Department of Defense civilian applicant and employee security program..... 13642

ENGINEERS CORPS

Rules and Regulations

Coos Bay, Oreg., and Chesapeake Bay, Md.; bridge and danger zone regulations..... 13647
Manistee River, Mich., and Mare Island Strait (Napa River), Calif.; bridge regulations..... 13647

FEDERAL AVIATION AGENCY

Rules and Regulations

Control zone; alteration..... 13641
Standard instrument approach procedures; correction..... 13642

Proposed Rule Making

Control zone and transition area; proposed designation..... 13669

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

FM broadcast stations, Rochester, Minn.; table of assignments..... 13653
Stations on shipboard in the maritime services; clock required..... 13653

Notices

Hearings, etc.:

BCU-TV..... 13677
Chapman Radio and Television Co., et al..... 13674
Cirilli, Arthur A., et al..... 13676
1400 Corp. (KMBI) et al..... 13676
Hutchens, James L..... 13676
Lorain Community Broadcasting Co., et al..... 13676
Martorell, Luis Prado and Augustine L. Cavallaro, Jr..... 13677
Royal Broadcasting Co., Inc. (KHAI) and Radio KHAI, Inc. (New)..... 13677
Sunset Broadcasting Corp., et al. (2 documents)..... 13677
Symphony Network Association, Inc., and Steel City Broadcasting Co..... 13681

FEDERAL MARITIME COMMISSION

Rules and Regulations

Licensing of independent ocean freight forwarders; duties and obligations..... 13650

Notices

Agreements filed for approval:
Delta Steamship Lines, Inc., et al..... 13682
Italy, South France/U.S. Gulf Conference..... 13682
Manaco International Forwarders; order to show cause..... 13682
Portwide exemption; notice of application filed..... 13682

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Gillespie, H. M., et al..... 13683
Phillips Petroleum Co..... 13684
Union Oil Company of California et al..... 13684

FISH AND WILDLIFE SERVICE

Notices

Notice of loan applications:

Glenn, Robert L..... 13671
Sandin, Jack R..... 13672

INTERIOR DEPARTMENT

See Fish and Wildlife Service;
Land Management Bureau; National Park Service.

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief..... 13687
Motor carrier transfer proceedings..... 13687

LAND MANAGEMENT BUREAU

Notices

Arizona:

Proposed classification of public
Filing of plat of survey..... 13671
lands..... 13671

NATIONAL AERONAUTICS AND SPACE COUNCIL

Notices

Sherman, Norman; notice of appointment as Special Assistant to Chairman..... 13686

NATIONAL PARK SERVICE

Notices

Muir Woods National Monument; notice of intention to issue concession permit..... 13672

PATENT OFFICE

Rules and Regulations

Forms for trademark cases; application for renewal..... 13648

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Continental Vending Machine Co..... 13686
First Standard Corp..... 13686

SMALL BUSINESS ADMINISTRATION

Notices

Declaration of disaster areas:

Florida..... 13686
Iowa..... 13686

(Continued on next page)

STATE DEPARTMENT**Rules and Regulations**

Passports invalid for travel to
restricted areas; correction----- 13654

TREASURY DEPARTMENT

See also Coast Guard.

Notices

White Portland cement from Ja-
pan; determination of sales at
not less than fair value----- 13672

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

3 CFR**PROCLAMATION:**

3752----- 13635

7 CFR

51----- 13637
908----- 13639
910----- 13640
984----- 13640
1126----- 13641
1421----- 13641
1427----- 13641

PROPOSED RULES:

1013----- 13655

14 CFR

71----- 13641
97----- 13642

PROPOSED RULES:

71----- 13669

22 CFR

51----- 13654

32 CFR

156----- 13642

33 CFR

84----- 13647
203 (2 documents)----- 13647
204----- 13647

37 CFR

4----- 13648

46 CFR

12----- 13649
510----- 13650

47 CFR

73----- 13653
83----- 13653

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3752

THANKSGIVING DAY, 1966

By the President of the United States of America

A Proclamation

They came in tiny wooden ships. On an unknown and alien shore, they planted and built, settled and survived. Then they gave solemn thanks to God for His goodness and bounty. America, well over 300 years ago, had its first Thanksgiving Day.

For many years your Presidents have had the opportunity to proclaim Thanksgiving Day, to address themselves to the American people, to remind us of the blessings we enjoy and the thanks that we owe.

If we consider the fervor with which those colonists in Virginia and Massachusetts gave thanks, when they had so little, we are taught how much deeper should our thanks be—when we have so much.

Never, in all the hundreds of Thanksgiving Days, has our nation possessed a greater abundance, not only of material things but of the precious intangibles that make life worth living.

Never have we been better fed, better housed, better clothed. Never have so many Americans been earning their own way, and been able to provide their families with the marvelous products of a momentous age.

Nor has America ever been healthier, nor had more of her children in school and in college. Nor have we ever had more time for recreation and refreshment of the spirit, nor more ways and places in which to study and to enrich our lives through the arts.

Never have our greatest blessings—our freedoms—been more widely enjoyed by our people. Nor have we ever been closer to the day when every American will have an equal opportunity and an equal freedom.

No, we do not yet have peace in the world. Our men are engaged again, as they have been on so many other Thanksgivings, on a foreign field fighting for freedom. But we can be thankful for their strength that has always kept our liberty secure. We can be thankful for our science and technology that helps to guard our America.

Thanks are better spoken by deed rather than word. Therefore, it behooves a grateful America to share its blessings with our brothers abroad, with those who have so little of the abundance that is ours.

Simple justice and a concern for our fellow man require that we be ready to offer what we can of our food, our resources, our talents, our energies, our skills, and our knowledge to help others build a better life for themselves.

We should thank God that we are able.

Let us, therefore, in this splendid American tradition, thank Him who created us and all that we have. Let us do so with a firm resolve to be worthy of His abundant blessings. Let us assemble in our homes and in our places of worship, each in his own way.

Let us thank God for the America we are so fortunate to know.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with Section 6103 of Title 5 of the United States Code designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 24, 1966, as a day of national thanksgiving.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of October in the year of our Lord nineteen hundred and sixty-six, and [SEAL] of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-11594; Filed, Oct. 20, 1966; 2:26 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) ¹

On August 6, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 10577) regarding a proposed revision of U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) (7 CFR, §§ 51.2830–51.2854).

Statement of considerations leading to the revision of the grade standards. The revised standards incorporate a new U.S. Export No. 1 grade. It was developed at the request of representatives of onion producers and shippers in New York State and of the National Onion Association. It is designed to reflect the preferences of European buyers with respect to quality, size and packing. Except for minor changes in wording no changes are made in the existing grades.

The U.S. Export No. 1 requires the onions to be dormant, meaning that at least 90 percent of the onions in any lot show no evidence of growth as indicated by distinct elongation or distinct change in color of the growing point. This requirement assumes that the onions would be treated with a sprout inhibitor and will greatly reduce the possibility of rejection because of sprouting during overseas shipment. The dormancy requirement was changed slightly from that published in the *FEDERAL REGISTER* August 6, 1966, under notice of proposed rule making in response to industry requests for an allowance for onions which are not dormant. At that time no allowance had been made for onions lacking dormancy. However, onions which are not dormant must be free from damage by sprouts.

The U.S. Export No. 1 grade requires size to be specified in connection with the grade. Any minimum diameter or range in diameter may be specified in lieu of the three size classifications—Export Small, Export Medium, and Export Large. Thus European buyers may designate size by one of these classifica-

tions rather than specifying diameter ranges for each shipment. The offsize tolerances are applied on a container basis to insure the high degree of uniformity required in European markets.

Onions specified as meeting Export Packing Requirements must be packed in containers having a net capacity of 25 kilograms (56 pounds). However, since this requirement may be otherwise specified, the use of containers having different weight capacities would be permitted.

The U.S. Export No. 1 grade and the Packing Requirements should benefit the shippers and importers who choose to make use of them, and would have no adverse effect upon others. The use of these standards is optional. Industry response to the proposal as published in the *FEDERAL REGISTER* of August 6, 1966 was generally favorable. Comments from European and United Kingdom importers indicated the belief that the Export Grade will help improve the competitive position of U.S. onions in their markets.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES	
Sec.	
51.2830	U.S. No. 1.
51.2831	U.S. Export No. 1.
51.2832	U.S. Commercial.
51.2833	U.S. No. 1 Boilers.
51.2834	U.S. No. 1 Picklers.
51.2835	U.S. No. 2.
UNCLASSIFIED	
51.2836	Unclassified.
SIZE CLASSIFICATIONS	
51.2837	Size classifications.
TOLERANCES	
51.2838	Tolerances.
APPLICATION OF TOLERANCES	
51.2839	Application of tolerances.
EXPORT PACKING REQUIREMENTS	
51.2840	Export packing requirements.
DEFINITIONS	
51.2841	Mature.
51.2842	Dormant.
51.2843	Fairly firm.
51.2844	Fairly well shaped.
51.2845	Wet sunscald.
51.2846	Doubles.
51.2847	Bottlenecks.
51.2848	Scallions.
51.2849	Damage.
51.2850	Diameter.
51.2851	Badly misshapen.
51.2852	Serious damage.
51.2853	One type.

METRIC CONVERSION TABLE

Sec.
51.2854 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.2830 U.S. No. 1.

“U.S. No. 1” consists of onions of similar varietal characteristics which are mature, fairly firm, fairly well shaped, and which are free from decay, wet sunscald, doubles, bottlenecks, scallions, and free from damage caused by seedstems, splits, tops, roots, dry sunscald, sunburn, sprouts, freezing, peeling, cracked fleshy scales, watery scales, dirt or staining, foreign matter, disease, insects, or other means. (See § 51.2838.)

(a) Size: Unless otherwise specified the diameter shall be not less than 1½ inches, and yellow, brown, or red onions shall have 40 percent or more, and white onions shall have 30 percent or more, by weight, of the onions in any lot 2 inches or larger in diameter.

(b) When a percentage of the onions is specified to be of any certain size or larger, no part of any tolerance shall be allowed to reduce the specified percentage, but individual packages in a lot may have as much as 25 percentage points less than the percentage specified, except that individual packages containing 10 pounds or less shall have no requirements as to the percentage of a certain size or larger: *Provided*, That any lot, regardless of package size, shall average within the percentage specified. (See §§ 51.2837 and 51.2838.)²

§ 51.2831 U.S. Export No. 1.

“U.S. Export No. 1” consists of onions of similar varietal characteristics which are mature, dormant, fairly firm, fairly well shaped, and which are free from decay, wet sunscald, doubles, bottlenecks, scallions, and free from damage caused by seedstems, splits, tops, roots, dry sunscald, sunburn, sprouts, freezing, peeling, cracked fleshy scales, watery scales, dirt or staining, foreign matter, disease, insects, or other means.

(a) Unless otherwise specified, the onions meet one of the size classifications set forth in § 51.2837(a) (4).

(b) Unless otherwise specified onions are packed in accordance with Export Packing Requirements set forth in § 51.2840. (See § 51.2838.)

§ 51.2832 U.S. Commercial.

“U.S. Commercial” consists of onions of similar varietal characteristics which

² Any lot of onions quoted as being of size smaller than 1½ inches minimum, such as “U.S. No. 1, 1½ inches min.”, is not required to meet the percentages which shall be 2 inches or larger as specified in the U.S. No. 1 grade.

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

are mature, not soft or spongy, not badly misshapen, and which are free from decay, wet sunscald, doubles, bottlenecks, scallions, and free from damage caused by seedstems, tops, roots, dry sunscald, sunburn, sprouts, freezing, cracked fleshy scales, watery scales, disease, insects, or other means, and from serious damage by staining, dirt, or other foreign matter. (See § 51.2838.)

(a) *Size.* Unless otherwise specified, the diameter shall be not less than 1½ inches. (See §§ 51.2837 and 51.2838.)

§ 51.2833 U.S. No. 1 Boilers.

"U.S. No. 1 Boilers" consists of onions which meet all requirements for the U.S. No. 1 grade except for size. (See § 51.2830.)

(a) *Size.* The diameter of onions of this grade shall be not less than 1 inch nor more than 1⅞ inches. (See § 51.2838.)

§ 51.2834 U.S. No. 1 Picklers.

"U.S. No. 1 Picklers" consists of onions which meet all the requirements for the U.S. No. 1 grade except for size. (See § 51.2830.)

(a) *Size.* The maximum diameter of onions of this grade shall be not more than 1 inch. (See § 51.2838.)

§ 51.2835 U.S. No. 2.

"U.S. No. 2" consists of onions of one type, which are mature, but not soft or spongy, and which are free from decay, wet sunscald, scallions, and which are free from serious damage caused by seedstems, dry sunscald, sprouts, freezing, watery scales, disease, insects, or other means. (See § 51.2838.)

(a) *Size.* Unless otherwise specified, the diameter shall be not less than 1½ inches. (See §§ 51.2837 and 51.2838.)

UNCLASSIFIED

§ 51.2836 Unclassified.

"Unclassified" consists of onions which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE CLASSIFICATIONS

§ 51.2837 Size classifications.

(a) The size of onions may be specified in accordance with one of the following classifications:

(1) "Small" shall be from 1 to 2¼ inches in diameter;

(2) "Medium" shall be from 2 to 3¼ inches in diameter, except that for onions grown in Minnesota, Iowa, and States east of the Mississippi River, "Medium" shall be 1½ to 3¼ inches in diameter with percentage of onions 2 inches and larger in diameter as specified in § 51.2830(a); or,

(3) "Large" or "Jumbo" shall be 3 inches or larger in diameter.

(4) Size classifications for onions destined for export:

(1) "Export Small" shall be 1½ to 2 inches (approximately 40 to 50 millimeters) in diameter;

(ii) "Export Medium" shall be 2 to 2¾ inches (approximately 50 to 70 millimeters) in diameter; or,

(iii) "Export Large" shall be 2¾ to 3½ inches (approximately 70 to 90 millimeters) in diameter.

TOLERANCES

§ 51.2838 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by weight, are provided as specified:

(a) *Defects*—(1) *U.S. No. 1, U.S. Export No. 1, U.S. No. 1 Boiler, and U.S. No. 1 Pickler grades.* 10 percent of the onions in any lot may be damaged by peeling, and not more than 5 percent may be below the remaining requirements of these grades, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald (see § 51.2839); and,

Size classification

Export Small-----	10 percent: <i>Provided</i> , That no tolerance is provided for onions less than 1¼ inches (approximately 30 millimeters), or more than 2¾ inches (approximately 70 millimeters) in diameter.
Export Medium-----	10 percent: <i>Provided</i> , That no tolerance is provided for onions less than 1½ inches (approximately 40 millimeters) or more than 3½ inches (approximately 90 millimeters) in diameter.
Export Large-----	10 percent: <i>Provided</i> , That no tolerance is provided for onions less than 2 inches (approximately 50 millimeters) or more than 4¼ inches (approximately 110 millimeters) in diameter.
Other specified minimum diameter or minimum and maximum diameters.	10 percent: <i>Provided</i> , That no tolerance is provided for onions with a diameter more than 20 percent less than the specified minimum, or more than 20 percent greater than the specified maximum diameter.

(ii) In applying the tolerances set forth in subdivision (i) of this subparagraph no package shall fail to meet the size requirement for Export No. 1 because of one onion which is below the specified minimum diameter or above the specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2839 Application of tolerances.

(a) Except for tolerances for off-size in the U.S. Export No. 1 grade, the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(1) Packages which contain more than 10 pounds shall have not more than one and one-half times a specified 10 percent tolerance and not more than double a specified tolerance of less than 10 percent, except that at least one defective and one off-size onion may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade; and,

(2) Packages which contain 10 pounds or less shall have not more than three times the tolerance specified, except that at least one defective and one off-size onion may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(b) The tolerances for off-size in the U.S. Export No. 1 grade apply to indi-

(2) *U.S. Commercial and U.S. No. 2 grades.* 5 percent of the onions in any lot may be below the requirements of these grades, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald. (See § 51.2839.)

(b) *Off-size*—(1) *U.S. No. 1, U.S. Commercial, U.S. No. 1 Boiler and U.S. No. 2 grades.* 5 percent of the onions in any lot may be below the specified minimum size, and 10 percent may be above any specified maximum size. (See § 51.2839.)

(2) *U.S. No. 1 Pickler grade.* 10 percent of the onions in any lot may be above maximum size specified for this grade. (See § 51.2839.); and,

(3) *U.S. Export No. 1 Grade.* (i) Tolerances for onions in any container which fail to conform to the specified sizes are set forth in the following table:

Tolerances

10 percent: <i>Provided</i> , That no tolerance is provided for onions less than 1¼ inches (approximately 30 millimeters), or more than 2¾ inches (approximately 70 millimeters) in diameter.
10 percent: <i>Provided</i> , That no tolerance is provided for onions less than 1½ inches (approximately 40 millimeters) or more than 3½ inches (approximately 90 millimeters) in diameter.
10 percent: <i>Provided</i> , That no tolerance is provided for onions less than 2 inches (approximately 50 millimeters) or more than 4¼ inches (approximately 110 millimeters) in diameter.
10 percent: <i>Provided</i> , That no tolerance is provided for onions with a diameter more than 20 percent less than the specified minimum, or more than 20 percent greater than the specified maximum diameter.

vidual containers and the application of tolerances set forth in paragraph (a) of this section does not apply to these tolerances.

EXPORT PACKING REQUIREMENTS

§ 51.2840 Export packing requirements.

Onions specified as meeting Export Packing Requirements shall be packed in containers having a net capacity of 25 kilograms (approximately 56 pounds).

DEFINITIONS

§ 51.2841 Mature.

"Mature" means well cured. Mid-season onions which are not customarily held in storage shall be considered mature when harvested in accordance with good commercial practice at a stage which will not result in the onions becoming soft or spongy.

§ 51.2842 Dormant.

"Dormant" means that at least 90% of the onions in any lot show no evidence of growth as indicated by distinct elongation of the growing point or distinct yellow or green color in the tip of the growing point.

§ 51.2843 Fairly firm.

"Fairly firm" means that the onion may yield slightly to moderate pressure but is not appreciably soft or spongy.

§ 51.2844 Fairly well shaped.

"Fairly well shaped" means having the shape characteristic of the variety, but onions may be slightly off-type or slightly misshapen.

§ 51.2845 Wet sunscald.

"Wet sunscald" means sunscald which is soft, mushy, or sticky.

§ 51.2846 Doubles.

"Doubles" means onions which have developed more than one distinct bulb joined only at the base.

§ 51.2847 Bottlenecks.

"Bottlenecks" are onions which have abnormally thick necks with only fairly well developed bulbs.

§ 51.2848 Scallions.

"Scallions" are onions which have thick necks and relatively small and poorly developed bulbs.

§ 51.2849 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the onions. The following specific defects shall be considered as damage:

(a) Seedstems which are tough or woody, or which are more than 1/4 inch in diameter;

(b) Splits when onions with two or more hearts are not practically covered by one or more outer scales;

(c) Tops when materially detracting from the appearance of the lot. As a guide, a lot shall be considered damaged if more than 20 percent of the tops are 3 inches in length and the remainder 2 inches;

(d) New roots when most roots on an individual onion have grown to a length of 1 inch or more;

(e) Dry roots when detracting from the appearance of the lot more than the presence of 20 percent of the onions having all roots 2 inches in length;

(f) Dry sunscald which is readily apparent without peeling the onion;

(g) Sunburn when it detracts from the appearance more than the presence of one-third of the onions in the lot showing sunburn of medium green color on one-third of the surface;

(h) Sprouts when visible, or when concealed within the dry top and more than three-fourths inch in length on an onion 2 inches or larger in diameter, or proportionately shorter on smaller onions;

(i) Peeling when more than one-half of the thin papery skin is missing, leaving the underlying fleshy scale unprotected;

(j) Cracked fleshy scales when one or more of the fleshy scales are cracked;

(k) Watery scales when more than the equivalent of the entire outer fleshy scale is affected by an off-color, watersoaked condition; and,

(l) Dirt or staining when materially detracting from the appearance of the

lot. Yellow, brown, or red onions are damaged when the appearance of the lot is affected more seriously than by the presence of 20 percent appreciably stained onions. White onions are damaged when the appearance of the lot is affected more seriously than by the presence of 15 percent appreciably stained onions. Onions with adhering or caked dirt shall be judged on the same basis as stained onions.

§ 51.2850 Diameter.

"Diameter" means the greatest dimension measured at right angles to a straight line running from the stem to the root.

§ 51.2851 Badly misshapen.

"Badly misshapen" means that the onion is so misshapen that its appearance is seriously affected.

§ 51.2852 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the onions. The following specific defects shall be considered as serious damage:

(a) Watery scales when more than the equivalent of two entire outer fleshy scales are affected by an off-colored, water-soaked condition;

(b) Dirt or staining when seriously detracting from the appearance of the lot. Onions are seriously damaged by dirt or staining when more than 25 percent of onions in the lot are badly stained. Onions with adhering or caked dirt shall be judged on the same basis as stained onions;

(c) Seedstems when more than one-half inch in diameter; and,

(d) Sprouts when the visible length is more than one-half inch.

§ 51.2853 One type.

"One type" means that the onions are within the same general color category.

METRIC CONVERSION TABLE

§ 51.2854 Metric conversion table.

Inches	Millimeters (mm)
1/8 =	3.2
1/4 =	6.4
3/8 =	9.5
1/2 =	12.7
5/8 =	15.9
3/4 =	19.1
7/8 =	22.2
1 =	25.4
1 1/4 =	31.8
1 1/2 =	38.1
1 3/4 =	44.5
2 =	50.8
2 1/2 =	63.5
2 3/4 =	69.9
3 =	76.2
3 1/2 =	88.9
4 =	101.6

The U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) contained in this subpart shall become effective December 15, 1966, and will thereupon su-

persede the U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) which have been in effect since May 15, 1961, as amended March 18, 1962 (§§ 51.2830-51.2850).

Dated: October 18, 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-11545; Filed, Oct. 21, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 184]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.484 Valencia Orange Regulation 184.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was

held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 20, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 23, 1966, and ending at 12:01 a.m., P.s.t., October 30, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 400,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 66-11630; Filed, Oct. 21, 1966;
11:30 a.m.]

[Lemon Reg. 237]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.537 Lemon Regulation 237.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid

unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 18, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 23, 1966, and ending at 12:01 a.m., P.s.t., October 30, 1966, are hereby fixed as follows:

- (i) District 1: 4,650 cartons;
- (ii) District 2: 79,050 cartons;
- (iii) District 3: 102,300 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 20, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 66-11604; Filed, Oct. 21, 1966;
8:49 a.m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of the Walnut Control Board and Rates of Assessment for the 1966-67 Marketing Year

Notice was published in the October 6, 1966, issue of the FEDERAL REGISTER (31 F.R. 13005) regarding proposed expenses of the Walnut Control Board for the 1966-67 marketing year and rates of assessment for that marketing year, pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Walnut Control Board, and other available information, it is found that the expenses of the Board and rates of assessment for the marketing year beginning August 1, 1966, shall be as follows:

§ 984.318 Expenses of the Walnut Control Board and rates of assessment for the 1966-67 marketing year.

(a) *Expenses.* The expenses in the amount of \$124,850 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, is fixed at 0.125 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the current marketing year began on August 1, 1966, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with that date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 19, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11546; Filed, Oct. 21, 1966;
8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the North Texas marketing area (7 CFR Part 1126), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of October 1966 through March 1967: The reference "described in paragraph (a) of this section" as it appears in § 1126.10(c), relating to the pool plant status of a plant operated by a cooperative association.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to assure consumers in the market of an adequate supply of pure and wholesome milk to meet the fluid milk needs in a period of an anticipated seasonal decline of production in relation to Class I uses. The suspension order will permit producer milk now constituting a part of the supply for fluid milk needs, plus the reserve, to be received at a pool plant with manufacturing product facilities, thereby insuring the continued pooling, efficient utilization, and availability of such milk for market needs.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (31 F.R. 13005). Views supporting this action were filed by a producer association representing more than two-thirds of the producers on the market. None were filed in opposition.

Therefore, good cause exists for making this order effective October 1, 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period October 1, 1966, through March 31, 1967.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. October 1, 1966.

Signed at Washington, D.C., on October 19, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11547; Filed, Oct. 21, 1966;
8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 9]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended by 29 F.R. 4991, 8396, 15281, and 18212, 30 F.R. 14310 and 15582, 31 F.R. 474 and 10179, containing the terms and conditions for participation of commercial banks in pools of CCC price support loans on certain commodities, are hereby further amended to change from 5.2 to 5.7 percent per annum, effective October 22, 1966, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, and 5.7 percent per annum thereafter.

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on October 21, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-11612; Filed, Oct. 21, 1966;
10:02 a.m.]

[Amdt. 5]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

INCREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 30 F.R. 7814, as amended by 30 F.R. 14310 and 15582, 31 F.R. 474 and 10179, containing the terms and conditions for

participation of financial institutions in pools of CCC price support loans on cotton are hereby further amended to change from 5.2 to 5.7 percent per annum, effective October 22, 1966, the rate of interest on certificates evidencing participation in financing price support loans.

• Section 1421.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, and 5.7 percent per annum thereafter.

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on October 21, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-11613; Filed, Oct. 21, 1966;
10:02 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-WE-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Burley, Idaho, control zone.

The Federal Aviation Agency has determined that the Burley, Idaho, radio beacon is no longer required for air traffic control purposes. The approach procedures based upon this facility will be canceled effective October 22, 1966, and assignment of controlled airspace protection for the procedure is no longer justified. Action is taken herein to revoke the control zone extension based upon the radio beacon.

Since the change effected by this amendment is less restrictive in nature than the present requirements and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth:

In § 71.171 (31 F.R. 2075) the Burley, Idaho, control zone is amended as follows:

BURLEY, IDAHO

Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 2 miles each

side of the Burley VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on October 13, 1966.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66-11522; Filed, Oct. 21, 1966;
8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7635; Amdt. 504]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Fort Dodge, Iowa

Correction

In F.R. Doc. 66-10635, appearing at page 13116 of the issue for Tuesday, October 11, 1966, the procedural instructions for Fort Dodge, Iowa, on page 13120, should read as follows:

Procedure turn W side of crs, 300° Outbnd, 120° Inbnd, 2800' within 10 miles.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DE- FENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

The Secretary of Defense approved the following on September 2, 1966:

- Sec.
- 156.1 Purpose.
- 156.2 Authority.
- 156.3 Applicability.
- 156.4 Responsibility.
- 156.5 Definitions.
- 156.6 Policy.
- 156.7 Standard and criteria.
- 156.8 Personnel security investigations.
- 156.9 Application of Public Law 733 authority to Department of Defense employees.
- 156.10 Reinstatement, restoration to duty or reemployment of terminated employees.
- 156.11 Referral of possible derogatory information.
- 156.12 Security determinations concerning applicants for sensitive positions.
- 156.13 Notice requirements.

AUTHORITY: The provisions of this Part 156 issued under 5 U.S.C. 3571, 5594, 7312, and 7532.

§ 156.1 Purpose.

This part prescribes policies and procedures to insure that the employment or retention in employment of any civilian officer or employee in a sensitive position in the Department of Defense is clearly consistent with the interests of national security.

§ 156.2 Authority.

This part is issued pursuant to the authority vested in the Secretary of Defense

by 10 U.S.C. 133, Public Law 733, 81st Congress (5 U.S.C. 3571, 5594, 7312, 7532),¹ hereafter referred to as Public Law 733, and Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953, as amended by Executive Orders 10491, 10531, 10548, 10550, hereafter referred to as Executive Order 10450.

§ 156.3 Applicability.

This part is applicable to employees and applicants for employment in sensitive positions with the Department of Defense. This part is not applicable to the National Security Agency. Policies and procedures which govern the civilian applicant and employee security program of that Agency are prescribed by Public Law 88-290, directives of the Executive Branch, directives of the Department of Defense, and regulations of the National Security Agency. The provisions of Public Law 733 apply to the Agency if the Director, NSA, proposes a suspension or termination of an employee in accordance with the said law. When the Director, NSA, elects to utilize the provisions of Public Law 733, he shall consult with the DoD General Counsel prior to preparations of a letter of charges.

§ 156.4 Responsibility.

The Secretaries of the Military Departments, the Assistant Secretary of Defense (Administration) for the Office of the Secretary of Defense and other assigned activities, and the Directors of Defense Agencies, except the National Security Agency, shall implement this part and apply the policies and procedures set forth in this part.

§ 156.5 Definitions.

(a) *National security.* As used in this part, the term "national security" refers to those activities which are directly related to the protection of the military, economic, and productive strength of the United States, including the protection of the Government in domestic and foreign affairs, against espionage, sabotage, subversion, and any other illegal acts which adversely affect the national defense.

(b) *Head of DoD Component.* As used herein, the term, "Head of DoD Component" means the Secretaries of the Military Departments, the Assistant Secretary of Defense (Administration) for the Office of the Secretary of Defense and assigned activities, and the Directors of Defense Agencies.

(c) *Sensitive position.* A "sensitive position" is any position within the Department of Defense the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security. Sensitive positions are of the following two categories:

(1) *Noncritical sensitive position.* Positions so designated by authority of the Head of a DoD Component, involving the following:

(i) Any position, the duties or responsibilities of which require access to

SECRET or CONFIDENTIAL defense information or material.

(ii) Any position involving education and orientation of DoD personnel.

(iii) Any other position so designated by authority of the Head of a DoD Component.

(2) *Critical sensitive position.* Positions so designated by authority of the Head of a DoD Component, involving the following:

(i) Access to TOP SECRET defense information or material.

(ii) Development or approval of war plans, plans, or particulars of future major or special operations of war, or critical and extremely important items of war.

(iii) Development or approval of plans, policies, or programs which affect the overall operations of the Department of Defense or of a DoD Component, i.e., policy-making or policy determining positions.

(iv) Investigative duties, the issuance of personnel security clearances, or duty on personnel security boards.

(v) Fiduciary, public contact, or other duties demanding the highest degree of public trust.

(vi) Any other position so designated by authority of the Head of a DoD Component.

§ 156.6 Policy.

(a) No civilian will be employed or retained in employment in a sensitive position of the Department of Defense unless his employment or retention in employment is clearly consistent with the interests of the national security.

(b) The use of the suspension and removal procedures authorized by Public Law 733 shall be limited to cases in which the interests of the national security are involved. Maximum use shall be made of normal Civil Service removal procedures where such procedures are adequate and appropriate.

(c) Nothing contained in this part shall be deemed to limit or affect the responsibility and authority of the Head of the DoD Component concerned, or his designee, to reassign persons to non-sensitive positions where the interests of national security so require.

(d) No classified defense information, nor any information which might compromise investigative sources or methods or the identity of confidential informants, shall be disclosed to any employee, his counsel, or representatives, or to any other person not clearly authorized to have access to such information.

§ 156.7 Standard and criteria.

(a) *Standard.* The standard for employment and retention in employment is that, based on all the available information, the employment or retention in employment of an individual is clearly consistent with the interests of national security.

(b) *Criteria for the application of standard.* In the application of the above standard, consideration will be given to, but not limited to, the following activities and associations, whether cur-

¹ Formerly 5 U.S.C. 22-1.

rent or past. As the following activities and associations are of varying degrees of seriousness, the ultimate determination must be made on the basis of an overall commonsense evaluation of all the information in a particular case.

(1) Depending on the relation of the employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or conspiring, aiding, or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of Government of the United States by unconstitutional means.

(5) Membership in, affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means. (These include, but are not limited to, those organizations, movements, or groups officially designated by the Attorney General of the United States pursuant to Executive Order 10450.)

(6) Intentional, unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by law.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Participation in the activities of an organization established as a front for an organization referred to in subparagraph (5) of this paragraph, when his personal views were sympathetic to the subversive purposes of such organization. (See Internal Security Act of 1950, as amended (50 U.S. Code 782), for a definition of Communist-front organizations.)

(9) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was part of, or sympathetic to, the infiltrating element or sympathetic to its purposes.

(10) Participation in the activities of an organization, referred to in subparagraph (5) of this paragraph, in a capacity where he would reasonably have had knowledge of the subversive aims or purposes of the organization.

(11) Sympathetic interest in totalitarian, Fascist, Communist, or similar subversive movements.

(12) Sympathetic association with a member or members of an organization referred to in subparagraph (5) of this paragraph. (Ordinarily, this will not include chance or occasional meetings, nor contacts limited to normal business or official relations.)

(13) Currently maintaining a close, continuing association with a person who has engaged in activities or associations of the type referred to in subparagraphs (2) through (11) of this paragraph. A close continuing association may be deemed to exist if the individual lives with, frequently visits, or frequently communicates with, such person.

(14) Close continuing association of the type described in subparagraph (13) of this paragraph, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(15) The presence of a spouse, parent, brother, sister, offspring, or any person with whom a close bond of affection exists in a nation whose interests may be inimical to the interest of the United States or in satellites or occupied areas of such a nation, under circumstances permitting coercion or pressure to be brought on the individual through such persons.

(16) Willful violation or disregard of security regulations.

(17) Acts of reckless, irresponsible, or wanton nature which indicate such poor judgment and instability as to suggest that the individual might disclose classified defense information to unauthorized persons, or otherwise assist such persons, whether deliberately or inadvertently, in activities inimical to the security of the United States.

(18) Refusal by the individual, upon the ground of constitutional privilege

against self-incrimination, to testify before a congressional committee or Federal or State Court, regarding charges of his alleged disloyalty or other misconduct relevant to his security eligibility.

(19) Any excessive indebtedness, recurring financial difficulties, unexplained affluence, or repetitive absences without leave, which furnish reason to believe that the individual may act contrary to the best interests of national security.

(20) Refusal by the individual on constitutional or other grounds, or intentional failure to complete required security forms or personal history statements, or otherwise failing or refusing, in the course of investigation, interrogation, or hearing, to answer any pertinent question regarding the matters described in subparagraphs (1) through (19) of this paragraph.

(c) *Certification.* Prior to employment, the applicant shall be required to certify in writing that he has seen, read, understood, and correctly answered the questions relating to the list of organizations designated by the Attorney General under Executive Order 10450, "Security Requirements for Government Employment."

§ 156.8 Personnel security investigations.

(a) *Investigative requirements—(1) General.* (i) The appointment of each civilian officer or employee in a sensitive position in the Department of Defense shall be made subject to investigation. The scope of the investigation shall be determined, in the first instance, according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a National Agency Check (including a check of the fingerprint and subversive files of the Federal Bureau of Investigation), and written inquiries to appropriate local law enforcement agencies, former employers, and supervisors, references, and schools attended by the person under investigation; *Provided*, That to the extent authorized by the Civil Service Commission, a lesser investigation may suffice with respect to per diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States.

(ii) Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, the investigation will be extended as necessary to enable the Head of the DoD Component concerned, or his designee, to determine whether the employment or retention of such person is clearly consistent with the interests of the national security, or whether further actions are necessary under Public Law 733, as implemented in this part.

(iii) Investigative reports shall be forwarded by the investigative agency to employing activities, under procedures established by the Head of the DoD Component concerned.

(iv) The employing activity will review the investigative reports to determine whether they contain derogatory information, and, if so, if the information is of a suitability nature as defined in Chapter 731, Federal Personnel Manual, or of a security nature, as defined in Chapter 732 or both. The employing activity will, if possible, make a decision as to employing or retaining in employment on the basis of the suitability information. If it cannot make a decision on the basis of suitability information alone and the decision requires resolution of the security information, the employing activity will refer the case to the Central Clearance Group for appropriate action, as provided in paragraph (e) of this section.

(2) *Noncritical sensitive positions.* Civilian applicants or appointees to noncritical sensitive positions shall be subject to the investigative requirements as prescribed in DoD Directive 5210.8, "Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information," February 15, 1962, but in no event shall these requirements include less than the investigation prescribed in subparagraph (1) of this paragraph: *Provided*, That as a minimum, a National Agency Check with satisfactory results shall be completed prior to appointment, although in case of an emergency, such position may be filled for a limited period by an individual with respect to whom such investigation, including the National Agency Check, has not been completed; *Provided*, The request for a National Agency Check has been made and the Head of the DoD Component concerned, or his designee, finds that the delay in appointment pending completion of the investigation would be harmful to the national interest, which finding shall be reduced to writing and be made a part of the records of the DoD Component concerned.

(3) *Critical sensitive positions.* No civilian shall be appointed to a critical sensitive position prior to the completion with satisfactory results of a background (full field) investigation as defined in DoD Directive 5210.8, "Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information," February 15, 1962; *Provided*, That in case of emergency, such positions may be filled for a limited period by an individual with respect to whom a background (full field) investigation has not been completed if a National Agency Check with satisfactory results has first been completed, and the request for a background investigation has been made and the Head of the DoD Component concerned, or his designee, finds that the delay which may be caused by completion of the investigation would be harmful to the national interest, which finding shall be reduced to writing and be made a part of the records of the DoD Component concerned.

(4) *Reinvestigation of incumbents of critical sensitive positions.* The incumbent of each critical sensitive position shall, 5 years after his appointment, and at least once each succeeding 5 years,

be required to submit an updated personnel security questionnaire to the appropriate security officer of his component, and the Head of the DoD Component concerned shall provide for a review of the personnel security questionnaire, together with the personnel file of the incumbent, previous reports of investigation concerning him, and other appropriate information. A determination then shall be made regarding what further action, if any, is appropriate; for example, whether a check of local police and credit records, a National Agency Check or an updated background investigation may be required.

(b) *Referral to Federal Bureau of Investigation.* Investigations which develop information indicating that an individual may be subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in § 156.7(b) (2) through (14), (16), and (18) shall be referred promptly to the Federal Bureau of Investigation for a full field investigation.

(c) *Security investigation index.* This index is maintained by the Civil Service Commission under section 9(a) of Executive Order 10450. In order to comply with section 9(b) of the said Executive Order, the investigative agencies which conduct personnel security investigations under this part, shall prepare and submit in triplicate, Standard Form 79 (Notice of Security Investigation) to the Bureau of Personnel Investigations, U.S. Civil Service Commission, Washington, D.C. 20415, on the same day the investigation is initiated. Additionally, appropriate information concerning each person who has been suspended or terminated under Public Law 733, will be furnished to the Civil Service Commission.

(d) *Custody of investigative information.* The reports and other investigative material and information developed by investigations conducted pursuant to Public Law 733, Executive Order 10450, or any other security or loyalty program relating to officers or employees of the Government, shall remain the property of the investigative agency conducting the investigations. Such reports and other investigative material and information shall be maintained in confidence, and access to them may be given to other departments, agencies, and components conducting security programs in accordance with Public Law 733, under appropriate safeguards established by the Head of the DoD Component concerned.

(e) *Central Clearance Group.* A Central Clearance Group shall be established by the Head of each DoD Component. The Group shall be composed of personnel who have been selected on the basis of maturity and demonstrated good judgment. The Central Clearance Group shall review all investigative files referred to it under this part and shall make determinations in such cases whether employment or retention in employment in a sensitive position is clearly consistent with the interests of national security. The Group may, in accordance with the policy of § 156.6(b), rec-

ommend to employing activities the use of normal Civil Service removal procedures. In the event such removal procedures are not feasible and the Central Clearance Group determines that continued employment in a sensitive position is not clearly consistent with the interests of national security, the Group shall recommend to the Head of DoD Component concerned that the case be processed under § 156.9. In the case of applicants, the Group shall process cases under § 156.12.

§ 156.9 Application of Public Law 733 authority to Department of Defense employees.

(a) *Suspension from employment.*

(1) The authority to suspend an employee under Public Law 733 is based upon a determination that such action is deemed necessary in the interests of national security. This determination is to be made solely by the Head of the DoD Component concerned, or, in the case of the Military Departments, by a statutory official designated by the Secretary concerned.

(2) Normally, suspension action will be accompanied by a letter of charges. However, in exceptional cases in which there is significant evidence of espionage, sabotage, sedition, treason, or subversion, and where the individual's continued employment would pose an immediate threat to the national security, emergency suspension action may be effected without issuing concurrently a letter of charges: *Provided*, That a letter of charges is issued to the employee within 30 days of the effective date of suspension, which shall be subject to amendment within 30 days thereafter. In such cases, emergency suspension action may also be exercised by subordinate commands. A copy of the suspension action by subordinate commands shall be forwarded directly and promptly to the Head of DoD Component concerned and a copy sent to the Assistant Secretary of Defense (Administration).

(3) Before issuing a letter of charges, the Head of the DoD Component concerned will forward the proposed action, together with all supporting information, to the General Counsel of the Department of Defense. The General Counsel will consult with representatives of the Department of Justice to assure that the rights of employees are fully considered, and to determine whether the proposed charges are fully supported, and the extent to which confrontation and cross-examination of witnesses will be required. Following such consultation, the General Counsel will advise the Head of the DoD Component regarding the procedure to be followed in the particular case.

(4) Employees will not be suspended under this authority while an investigation is pending when the available information indicates that retention in a duty status during such investigation would not pose an immediate threat to the national security. When considered necessary in order to provide the maximum protection to the security of the activity or of classified defense informa-

tion or material pending determination under Public Law 733, interim action other than suspension, such as withholding of access to classified defense information or material, temporary detail or reassignment will be used to the fullest practicable extent.

(5) Suspension from a sensitive position, together with temporary detail to a nonsensitive position without loss of pay, may be utilized in order to initiate action as prescribed in paragraph (b) of this section: *Provided*, The suspending authority notifies the employee that he may be suspended without pay at any time prior to the final decision of his case.

(b) *Right of employee to hearing.* A U.S. citizen employee of the Department of Defense having a permanent or indefinite appointment, irrespective of whether the employee has completed the probationary or trial period, whose termination under Public Law 733 is proposed shall be granted the following procedural benefits:

(1) The employee will be given a letter of charges in accordance with Public Law 733 which will be as specific as security considerations permit. Each charge will be directly related to one or more of the specific criteria set forth in § 156.7(b).

(2) The employee shall be informed in the letter of charges of his right (i) to a hearing, (ii) to be represented by counsel of his choice, (iii) to testify in his own behalf, (iv) to present witnesses and offer other evidence under oath or affirmation, and (v) to cross-examine any witnesses offered in support of the charges.

(3) The employee will be given 30 calendar days in which to answer the letter of charges and to request a hearing.

(4) The hearing by a duly constituted authority for this purpose provided for in Public Law 733 is construed to mean a hearing before a board established solely by the Head of the DoD Component concerned, and, in the case of the Military Departments, by a statutory official designated by the Secretary concerned. The board shall be composed of not less than three impartial and disinterested members, all or a majority of whom shall be civilians. One member shall be designated as Chairman, and, as such, is authorized to administer oaths. The members will be selected from DoD Components other than the one by which the individual is employed.

(c) *Hearing board counsel.* (1) A qualified attorney will be assigned to act as counsel for the hearing board. He will be responsible for assisting the hearing board in making certain that the record is as complete as practicable. He will question Department of Defense witnesses and cross-examine witnesses produced by the employee, although the hearing board may also question any witness.

(2) In order to reduce the issues in controversy and to simplify the hearing, the hearing board counsel is authorized to consult directly with the employee or his counsel, as appropriate, for the purpose of reaching mutual agreement on

such matters as the clarification of the issues, the taking of depositions and stipulations with respect to testimony, and the contents of documents and other physical evidence. Such stipulations shall be binding upon the employee and the Department of Defense for the purpose of these proceedings.

(d) *Reply to letter of charges.* (1) The letter of charges shall notify the employee to reply to each of the charges under oath or affirmation and specifically to admit, or deny, or expressly disclaim knowledge, as appropriate, of each of the charges. The employee shall be advised to make arrangements to produce witnesses and such information in support of his reply as may be required.

(2) The letter of charges shall advise that the employee is required to give complete information and testimony regarding the allegations, and that failure to do so will necessitate a determination being made in the light of the record as it stands.

(3) Should an employee not file a written request for a hearing within 30 calendar days, the employee shall be deemed to have relinquished the right to such a hearing. In the event the employee does not avail himself of a hearing, a final determination shall be made by the official designated in paragraph (f) of this section, based upon all available information, including the employee's reply to the letter of charges and all documents in support thereof.

(4) Where, after due notice of the time and place set for the hearing, the employee, without explanation, fails to appear for such hearing, the hearing board shall consider the case and make its recommendation on the basis of the information available to it.

(e) *Hearing procedure.* (1) Hearings before security hearing boards shall be conducted expeditiously in an orderly manner with dignity and decorum. Should the conduct of the employee or his counsel be such that the orderly and prompt disposition of the matters before the Board are impaired, or rulings ignored or flouted deliberately, the Chairman is authorized in his discretion to recess the hearing forthwith. Further proceedings may be held only after assurances satisfactory to the Chairman are made by the offending party that he is prepared to abide by the rulings of the Chairman.

(2) Testimony before hearing boards shall be given under oath or affirmation.

(3) The hearing board shall take whatever action is necessary to insure the employee of full and fair consideration of his case. The employee will be informed by the Chairman of his rights under this part.

(4) After the hearing has been convened the letter setting forth the charges against the employee shall be read, and the statements and affidavits by the employee in answer to such charges, unless such reading is waived by mutual consent of the Chairman and the employee. In any event, such material shall be incorporated as a part of the record of the hearing.

(5) The Department and the employee may introduce evidence responsive to the issues. Rules of evidence shall not be binding on the board, but the Chairman may impose reasonable restrictions as to the relevance, competency, and materiality of matters considered, so that the hearings shall not be unduly prolonged. Unclassified investigative information not made available to the employee whose removal is sought under Public Law 733 shall not be furnished to the Board. Investigative information not made available to the employee whose removal is sought under Public Law 733 shall not be furnished the Board subject to the following exception: If the investigative information constitutes classified information the Board may receive and consider such information, provided the employee is furnished as comprehensive and detailed an unclassified summary of the information as the national security permits.

(6) The employee shall have the right to control the sequence of witnesses called by him. Reasonable cross-examination of witnesses by the employee shall be permitted.

(7) The hearing board shall give due consideration to documentary evidence developed by investigation, including but not limited to, such matters as membership cards, petitions bearing the employee's signature, personnel and security forms executed by the employee, and transcripts of relevant testimony before other duly constituted authorities. The fact that such evidence has been considered shall be made a part of the transcript of the hearing, together with a complete identification of the document in question, including date, place, and other designative information.

(8) The Chairman, in his discretion, may invite any person to appear at the hearing and testify, and may cross-examine him. The employee may be called to testify. Where an employee's refusal to testify or to answer questions regarding the issues in his case prevents the board from reaching a determination that his employment is clearly consistent with the interests of national security, the board may adjourn the hearing and take action as provided in subparagraph (14) of this paragraph.

(9) The hearing board shall conduct the hearing proceedings in such manner as to protect information, the disclosure of which would adversely affect the national security or tend to disclose or compromise investigative sources or methods.

(10) Hearings shall be private. There shall be present at the hearing only the members of the hearing board, the hearing board counsel, the stenographer or stenographers, the employee, his counsel, Department of Defense officials concerned, and witnesses when actually testifying.

(11) Where the hearing board determines that further investigation is essential in order to arrive at a proper decision in the case, the board will specify the particular areas to be investigated on an expeditious basis through the DoD Components concerned.

(12) The hearing board, in making its recommendation, shall take into consideration the fact that the employee may have been handicapped by the nondisclosure to him of classified defense information, or the inability of the employee to attack the credibility and accuracy of any person furnishing information about the employee who fails to appear as a witness. Where such persons are not confidential informants, their failure to appear, together with the reason for their absence, shall be considered by the board, as well as the fact that the board cannot pay witness fees or reimburse them for their travel or other expenses. The board shall reach its conclusions and base its determination on the transcript of the hearing, together with such classified defense information as may be submitted to it. This classified information will be identified and included in the classified portion of the record for review by the official designated in paragraph (f) of this section, together with the information disclosed to the employee pursuant to subparagraph (5) of this paragraph. Where such information has been shown to the employee, the reasons for this action will be set forth.

(13) A complete verbatim stenographic transcript will be made of the hearing by qualified reporters, which will be made a permanent part of the record. The employee will be furnished a copy of the transcript without cost. The transcript shall not include classified information submitted to the board, but shall include an unclassified summary thereof.

(14) The hearing board will make findings of fact with respect to each allegation in the letter of charges, and a recommendation whether retention of the employee is clearly consistent with the interests of the national security. The report of the board will be in writing, and will be signed by all members of the board. If a determination is not unanimous, a signed minority report shall be submitted.

(15) The record of the case, including the findings and the recommendation of the hearing board, shall be reviewed by the official designated in paragraph (f) of this section. Following such review, the employee shall be notified in writing of the final determination, and if adverse, the hearing board's report and recommendations, except for any classified portions, shall be made available to the employee.

(f) *Termination of employment.* The authority to terminate the employment of an employee of a Military Department is vested solely in the Secretary of the Military Department concerned and in such other statutory official as he may designate. Action to terminate employees of the Office of the Secretary of Defense, and DoD Components other than those of the Military Departments, shall be submitted to the Assistant Secretary of Defense (Administration) for decision.

(g) *Resignations.* A resignation submitted by an employee after notice of suspension or other proposed adverse action under Public Law 733 has been communicated to him and before final action has been taken, will be accepted. However, the Standard Form 50 effecting the resignation will bear the following notation, "Resigned while action pending to separate for security reasons under Public Law 733."

(h) *Compensation.* In case an employee whose employment has been suspended or terminated under Public Law 733 is reinstated or restored to duty by appropriate authority, he shall be allowed compensation for the entire period of such suspension or termination in an amount not to exceed the difference between the amount such employee would normally have earned during the period of such suspension or termination at the rate he was receiving on the date of suspension or termination, as appropriate, and the interim net earnings of such employee: *Provided*, That the employee shall not be compensated for any extension of the period of suspension or termination caused by his voluntary action and not the result of the action of the DoD Component in suspending or terminating him.

§ 156.10 Reinstatement, restoration to duty or reemployment of terminated employees.

(a) Any person whose employment in the Department of Defense is terminated under Public Law 733, or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the Department of Defense unless the Secretary of Defense, or his designee for that purpose, finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the record.

(b) Any person whose employment in any other agency or department of the Government is terminated under Public Law 733, or any other security or loyalty program of the Government, shall not be employed in the Department of Defense unless the Civil Service Commission determines that such person is eligible for employment and the person's employment is approved by the Secretary of Defense, or his designee for that purpose, which determination and approval shall be made a part of the record.

§ 156.11 Referral of possible derogatory information.

Whenever there is developed or received any information indicating that the retention in employment of any officer or employee of the Department of Defense may not be clearly consistent with the interests of the national security, such information shall be forwarded to the Head of the DoD Component concerned or his designee. In such cases the Head of the DoD Component concerned or his designee, after

such investigation as shall be appropriate, shall review, and, where necessary, adjudicate or readjudicate, in accordance with Public Law 733, the case of such officer or employee.

§ 156.12 Security determinations concerning applicants for sensitive positions.

Applicants being considered for a sensitive position should, whenever appropriate, have an opportunity to explain or refute derogatory security information (as distinct from derogatory suitability information) developed in an investigation before being rejected or nonselected on security grounds. The Central Clearance Group shall perform this function, by permitting the individual concerned to have an option either to appear personally and informally before a member or designee of the Group or to respond to written interrogatories to be furnished to the individual by the Group. The purpose of this provision is to prevent errors which might otherwise result from mistakes in identity or mitigating circumstances which are unknown to the prospective employing DoD Component. In the event the Central Clearance Group determines that employment of the applicant is not clearly consistent with the interests of national security, the Group shall recommend to the Head of the DoD Component concerned that the applicant be denied employment.

§ 156.13 Notice requirements.

Pursuant to Executive Order 10450, as amended, and in order to assist the Civil Service Commission in discharging its responsibilities under Executive Order 10450, Department of Defense Components will, as soon as possible and in no event later than thirty (30) days after the receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of Executive Order 10450, notify the Civil Service Commission of the action taken with respect to such officer or employee. Such notice shall be in accordance with and conform to the requirements of the Civil Service Commission as stipulated in Chapter 736, Appendix B-1, Federal Personnel Manual. The Assistant Secretary of Defense (Administration) shall be notified with regard to each suspension and/or termination under provision of Public Law 733, and of reinstatement, restoration to duty or reemployment following any suspension or termination. Such notice shall be made no later than 10 days after each such action has occurred and will include the full name, date and place of birth, grade, type of action, and the date the action was taken with respect to such employee.

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Administration).

[F.R. Doc. 66-11536; Filed, Oct. 21, 1966;
8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 66-59]

PART 84—TOWING OF BARGES

Length of Hawser on Inland Waters

A notice of proposed rule making was published in the *FEDERAL REGISTER* of July 22, 1966 (31 F.R. 9996), in which the Commandant, U.S. Coast Guard requested written comments on a proposal amending 33 CFR 84.10(a) regarding hawser lengths for all tows on inland waters. The proposal and comments received were considered by the Merchant Marine Council and one change was made in the proposal. The words "or otherwise" were inserted after the phrase "whether on account of the state of weather or sea" in the proviso. The master of a towing vessel has the primary responsibility for the safety of his vessel and tow, as well as a further responsibility to navigate the tug and tow in such a manner that other vessels and property are not endangered or embarrassed in their operation. The general limitation on the length of hawser between vessels of a tow is necessary, but the master needs additional discretionary authority to determine the proper length of a towing hawser under a particular set of conditions of wind, weather, traffic, etc. The proposal, as revised, is adopted and set forth in this document. The actions of the Merchant Marine Council with respect to comments received are approved.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Order 120, July 31, 1950 (15 F.R. 6521) and the statute cited with the regulations below, the following amendments are prescribed:

1. The authority note for Part 84 is amended to read as follows:

AUTHORITY: The provisions of this Part 84 issued under sec. 14, 35 Stat. 428, as amended, 33 U.S.C. 152. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

§ 84.01 [Amended]

2. Section 84.01 *Application* is amended by canceling paragraph (c).

3. Section 84.10(a) is amended to read as follows:

§ 84.10 Hawser lengths for all tows on inland waters.

(a) The length of hawsers between vessels shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit: *Provided*, That where, in the opinion of the master of the towing vessel, it is danger-

ous or inadvisable, whether on account of the state of weather or sea or otherwise, to limit hawser lengths, the 450-foot limitation need not apply.

Effective date. A finding is hereby made that delay in the effective date of the amendments in this document is unnecessary as they modify restrictions in the regulations (5 U.S.C. 1003(c)). Accordingly, the amendments in this document shall become effective immediately upon date of publication in the *FEDERAL REGISTER*.

Dated: October 19, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66-11539; Filed, Oct. 21, 1966;
8:46 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Manistee River, Mich., and Mare Island Strait (Napa River), Calif.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.641 is hereby amended with respect to paragraph (f), by adding a new subparagraph (4-a) to govern the operation of bridges across Manistee River, Mich., effective 30 days after publication in the *FEDERAL REGISTER*, as follows:

§ 203.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *
(4-a) Manistee River at Manistee, Mich.; All drawbridges across Manistee River from its mouth at Lake Michigan upstream to Manistee Lake. During the winter months from January 1 to April 1, at least 24 hours' advance notice required.

[Regs., Oct. 5, 1966, 1507-32 (Manistee River, Mich.)—ENGW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.712 is hereby amended with respect to paragraph (i) (1) governing the operation of the Department of the Navy and the State of California highway bridges across Mare Island Strait, Napa River, Calif., effective 30 days after publication in the *FEDERAL REGISTER*, as follows:

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(i) *Mare Island Strait, Napa River, and their tributaries.*—(1) *Department of the Navy bridge (Mare Island Causeway) and State of California highway bridge (Sears Point Cutoff Bridge) at Vallejo.* From 6:30 a.m. to 7:30 a.m. and from 3:45 p.m. to 4:45 p.m. daily, except

Saturdays, Sundays, and holidays, the draws need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.

* * * * *
[Regs., Oct. 7, 1966, 1507-32 (Napa River, Mare Island Strait, Calif.)—ENGW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11520; Filed, Oct. 21, 1966;
8:45 a.m.]

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Coos Bay, Oreg., and Chesapeake Bay, Md.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.720 governing the operation of certain bridges across South Slough and Coalbank Slough, Coos Bay, Oreg., is hereby amended in its entirety effective 30 days after publication in the *FEDERAL REGISTER*, as follows:

§ 203.720 Coos Bay, Oreg.

(a) *Highway bridge across South Slough.* (1) The bridge shall open for passage of vessels or other watercraft of any description upon verbal request to the authorized representative of the owner of or agency controlling the bridge.

(2) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

(b) *Bridge of Southern Pacific Railroad Co. below North Bend.* (1) The drawspan of the bridge shall be kept open at all times except while actually required for the necessary passage of trains over the drawspan.

(2) During foggy weather a fog bell installed in the center of the drawspan shall be rung continuously, striking every 10 seconds.

(3) Any time during foggy weather, when the draw is closed and the passage is not clear for boats, there shall be sounded continuously a siren which may be heard at a distance of 1 mile from the drawspan. When the bridge is again opened the siren shall be stopped, indicating that the way is clear for the passage of boats.

(c) *Railroad bridge across Coalbank Slough.* (1) The drawbridge shall open for the passage of vessels or other watercraft of any description upon verbal request to the authorized representative of the owner of or agency controlling the bridge.

(2) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

(d) *Highway bridge across Coalbank Slough.* (1) Whenever a vessel or other watercraft unable to pass under the

closed bridge desires to pass through the draw, at least 24 hours' advance notice shall be given to the authorized representative of the owner of the bridge.

(2) Upon receipt of such advance notice, the authorized representative shall in compliance therewith arrange for opening the draw at a time designation (within the 24-hour period) which will not coincide with a period of peak highway traffic.

(3) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

[Regs., Oct. 5, 1966, 1507-32 (Coos Bay, Oreg.)-ENG CW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 204.42 governing the use and navigation of a danger zone in waters of the Chesapeake Bay, Md., is hereby amended in its entirety, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.42 Chesapeake Bay, Point Lookout to Cedar Point; aerial firing range and target areas, U.S. Naval Air Test Center, Patuxent River, Md.

(a) *Aerial firing range*—(1) *The danger zone.* The waters of Chesapeake Bay within an area described as follows: Beginning at the easternmost extremity of Cedar Point; thence easterly to the southern tip of Barren Island; thence southeasterly to latitude 38°01'15", longitude 76°05'33"; thence southwesterly to Chesapeake Channel Buoy 50 (approximately latitude 37°59'25", longitude 76°10'54"); thence northwesterly to latitude 38°02'20", longitude 76°17'26"; thence northerly to Point No Point Light; thence northwesterly to the shore at latitude 38°15'45"; thence northeasterly along the shore to the point of beginning. Aerial firing and dropping of nonexplosive ordnance will be conducted in this area throughout the year, Monday through Saturday, except national holidays.

(2) *The regulations.* (i) Through navigation of surface craft outside the target areas will be permitted at all times. Vessels shall proceed on their normal course and shall not delay their progress.

(ii) Prior to firing or ordnance drops, the range will be patrolled by naval surface craft or aircraft to warn watercraft likely to be endangered. Surface craft so employed will display a square red flag. Naval aircraft will use a method of warning consisting of repeated shallow dives in the area, following each dive by a sharp pullup.

(iii) Any watercraft under way or at anchor, upon being so warned, shall immediately vacate the area and shall remain outside the area until conclusion of firing practice.

(iv) Nothing in this section shall prevent the taking of shellfish or the setting of fishing structures within the range outside target areas in accordance

with Federal and State regulations; *Provided*, That no permanent or temporary fishing structures or oyster ground markers shall be placed on the western side of the Chesapeake Bay between Point No Point and Cedar Point without prior written approval of the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md.

(v) Naval authorities will not be responsible for damage caused by projectiles, bombs, missiles, or Naval or Coast Guard vessels to fishing structures or fishing equipment which may be located in the aerial firing range immediately adjacent to the target areas.

(b) *Target areas*—(1) *Prohibited area.* A circular area with a radius of 1,000 yards having its center at latitude 38°13'00", longitude 76°19'00" identified as Hooper Target.

(2) *Restricted area.* A circular area with a radius of 600 yards having its center at latitude 38°02'18", longitude 76°09'26", identified as Hannibal Target.

(3) *The regulations.* Nonexplosive projectiles and bombs will be dropped at frequent intervals in the target areas. Hooper Target shall be closed to navigation at all times and Hannibal Target during daylight hours, except for vessels engaged in operational and maintenance operations as directed by the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md. No person in the waters, vessel, or other craft shall enter or remain in the closed area except on prior written approval of the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md.

(c) The regulations in this section shall be enforced by the Commander, Naval Air Test Center, and such agencies as he may designate.

[Regs., Oct. 6, 1966, 1507-32 (Chesapeake Bay, Md.)-ENG CW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11521; Filed, Oct. 21, 1966; 8:45 a.m.]

Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 4—FORMS FOR TRADEMARK CASES

Application for Renewal

In the April 1, 1966 edition of the FEDERAL REGISTER (31 F.R. 5261) the phrase reading:

Subscribed and sworn to before me this ____ day of _____, 19____,

Notary Public (6)

was deleted from the illustrative form for a trademark application by an in-

dividual for registration on the Principal Register using an oath (§ 4.1). A substitute note was provided reading:

(The acknowledgment shall be in the form prescribed by the law of the jurisdiction where executed, and the notary's seal or stamp or other evidence or authority in the jurisdiction of execution must be affixed.)

This substitution was to be made in other forms using oaths, and a direction was included for the use of the substitute phrase in illustrative forms §§ 4.5, 4.6, 4.13, 4.17, 4.21, and 4.22.

In the same publication in the FEDERAL REGISTER (31 F.R. 5263), illustrative form § 4.13, application for renewal, as modified, was set forth. The substitute note was omitted in § 4.13 as published and, to avoid any misunderstanding, the form is set forth in its entirety, as follows:

§ 4.13 Application for renewal.

Mark -----

(Identify the mark)

Reg. No. -----

Class No. -----

To the COMMISSIONER OF PATENTS:

(Insert appropriate identification of registrant in accordance with rule 4.1, 4.5, or 4.6.)

The above identified registrant requests that Registration No. _____ granted to

_____ on _____

(Name of original (Date of

registrant) issuance)

which he now owns as shown by records in the Patent Office be renewed in accordance with the provisions of section 9 of the act of July 5, 1946.

The renewal fee is presented herewith. (1) State of _____ } ss.
County of _____ }

(Name of registrant or person authorized to sign for it)

being sworn, states that -----

(Insert "he" or name of registrant) owns Registration No. ____; that the mark shown therein is in use in -----

(Type ----- (2) commerce on each of commerce)

of the following goods recited in the registration -----, the attached specimen (or facsimile) showing the mark as currently used. (4)

(Signature, and if a corporation or other organization, the official title)

(The acknowledgement shall be in the form prescribed by the law of the jurisdiction where executed, and the notary's seal or stamp or other evidence or authority in the jurisdiction of execution must be affixed.)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See rules 4.2 and 4.3) (3)

NOTE: (1) The fee for renewal sought prior to expiration is \$25.00 for each class; and for delayed renewal filed within 3 months after expiration, an additional \$5.00 for each class.

(2) Type of commerce should be specified as "interstate," "foreign," "territorial," or such other specified type of commerce as may be regulated by Congress. Foreign registrants must specify: "commerce with the United States."

(3) If applicant for renewal is not domiciled in the United States, a domestic rep-

representative must be designated. See rule 4.4.

(4) If the mark is not in use in commerce at the time of filing the application for renewal, but there is no intention to abandon the mark, sufficient facts must be recited to show that the nonuse is due to special circumstances which excuse the nonuse.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6; sec. 1, 78 Stat. 171; 35 U.S.C. 25)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: October 14, 1966.

J. HEBERT HOLLOMAN,
Assistant Secretary
for Science and Technology.

[F.R. Doc. 66-11519; Filed, Oct. 21, 1966;
8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 66-46]

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 12—CERTIFICATION OF SEAMEN

Subpart 12.15—Qualified Member of the Engine Department

DECK ENGINE MECHANICS AND ENGINEMAN RATINGS

The ratings of "deck engine mechanic" and "engineman" are established and endorsements with respect thereto may be placed on merchant mariner's documents to authorize the holders to serve in such capacities as qualified members of the engine department. Pursuant to notices of proposed rule making published in the FEDERAL REGISTER of September 9, 1964 (29 F.R. 12732-12734), and February 18, 1965 (30 F.R. 2219, 2220), and the Merchant Marine Council Public Hearing Agenda dated March 22, 1965 (CG-249), the Merchant Marine Council held a public hearing on March 22, 1965, for the purpose of receiving comments, views, and data regarding proposals for automated or partially automated steam-propelled vessels, designated Item IVg.

The proposals published on September 9, 1964, were designated as 46 CFR, Part 155 and entitled "temporary requirements for automated or partially automated steam-propelled cargo or tank vessels" (29 F.R. 12732-12734) and are withdrawn. The certificates of inspection for those vessels which show the manning to include the ratings of deck engine mechanic and engineman will continue in effect until such certificates expire. However, in the future, the ratings of deck engine mechanic and engineman will not be required by certificates of inspection issued by the Coast Guard. If the owner, operator, agent, or master of an automated or partially automated vessel requests that the manning of the vessel include a deck engine mechanic or engineman, the certificate of inspection will carry the requirement

as "oilers" and a notation in the body of the certificate that "junior engineers, deck engine mechanics, or enginemen may be substituted for one or more oilers."

The proposals considered at the public hearing held March 22, 1965, were commented on extensively and the Merchant Marine Council recommended that the problem be reconsidered. The Coast Guard conducted in-person observation of automated vessels over an extended period of time and has consulted with the affected labor unions, management, and operators of automated vessels. The proposals, as revised, are approved and set forth in this document. The actions of the Merchant Marine Council with respect to comments received regarding these proposals are approved. As reflected by the regulations in this document, these actions are:

a. The ratings of "deck engine mechanic" and "engineman" are established. For seamen who meet the qualifications for such ratings their merchant mariner's documents may be appropriately endorsed except when holding the rating "QMED—any rating," or "any unlicensed rating in the engine department," which include these new ratings. No merchant mariner's document will be issued with the rating of "deck engine mechanic" or "engineman" alone, but such a document will also show the other ratings held. Such seaman may sign on a vessel in any category which is authorized by his document.

b. The ratings of "deck engine mechanic" and "engineman" as such will not be required by any certificate of inspection issued by the Coast Guard after November 30, 1966. The minimum manning requirements will be prescribed by the Officer in Charge, Marine Inspection, in accordance with 46 CFR 157.15-1 in Subchapter P (Manning) of this chapter. The minimum requirements for the engineroom will include the number of oilers needed and a notation that junior engineers, deck engine mechanics or enginemen may be substituted for one or more oilers.

c. Seamen who hold temporary letters issued by Officers in Charge, Marine Inspection, certifying to their qualifications as "deck engine mechanic" or "engineman" may continue to "sign on" under such letters until December 1, 1966.

d. The regulations for the new ratings of "deck engine mechanic" and "engineman" are added to the requirements in 46 CFR Subpart 12.15 governing qualified members of the engine department.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and others specifically listed with the various amendments to regulations below, the following amendments are prescribed and shall be effective December 1, 1966: *Provided*, That the requirements in this document may be complied with during the period prior to the effective date specified in lieu of existing requirements.

1. Section 12.15-7 is amended to read as follows:

§ 12.15-7 Service or training requirements.

(a) An applicant for a certificate of service as qualified member of the engine department other than as deck engine mechanic or engineman shall furnish the Coast Guard proof that he possesses one of the following requirements of training or service:

(1) Six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required to have such certificated men, or in the engine department of tugs or towboats operating on the high seas or Great Lakes, or on the bays or sounds directly connected with the seas; or,

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commandant; or,

(3) Satisfactory completion of a course of training approved by the Commandant, and served aboard a training vessel; or,

(4) Graduation from the U.S. Naval Academy or the U.S. Coast Guard Academy.

(b) For the requirements for deck engine mechanic see § 12.15-13 and for engineman see § 12.15-15.

2. Section 12.15-9 is amended by revising paragraph (c) and by adding a new paragraph (d), which read as follows:

§ 12.15-9 Examination requirements.

(c) Applicants for certification as qualified member of the engine department in the ratings of boilermaker and pumpman shall, by written or oral examination, demonstrate sufficient knowledge of the subjects peculiar to those ratings to satisfy the Officer in Charge, Marine Inspection, that they are qualified to perform the duties of the rating.

(d) Applicants for certification as qualified members of the engine department in the rating of deck engine mechanic or engineman, who have proved eligibility for such endorsement under either § 12.15-13 or § 12.15-15, will not be required to take a written or oral examination for such ratings.

3. Section 12.15-11 is amended by adding at the end thereof the ratings designated (k) and (l) which read as follows:

§ 12.15-11 General provisions respecting merchant mariner's documents endorsed as qualified member of the engine department.

- (k) Deck engine mechanic.
- (l) Engineman.

4. Subpart 12.15 is amended by adding after § 12.15-11 the following new sections which read as follows:

§ 12.15-13 Deck engine mechanic.

(a) An applicant for a certificate as "deck engine mechanic" shall be a person holding a merchant mariner's document endorsed as "junior engineer". The applicant shall be eligible for such certification upon furnishing one of the following:

(1) Presentation of a temporary letter that was issued to the holder to serve as "deck engine mechanic" by an Officer in Charge, Marine Inspection, dated prior to December 1, 1966; or,

(2) Satisfactory documentary evidence of sea service of 6 months in the rating of "junior engineer" on steam vessels of 4,000 horsepower or over; or,

(3) Documentary evidence from an operator of an automated vessel that he has completed satisfactorily at least 4 weeks indoctrination and training in the engine department of an automated steam vessel of 4,000 horsepower or over; or,

(4) Satisfactory completion of a course of training for "deck engine mechanic" acceptable to the Commandant.

(b) The Officer in Charge, Marine Inspection, who is satisfied that an applicant for the rating of "deck engine mechanic" meets the requirements specified in this section, will endorse this rating on the current merchant mariner's document held by the applicant.

(c) Any holder of a merchant mariner's document endorsed for "any unlicensed rating in the engine department" or "QMED—any rating" is qualified as a "deck engine mechanic" and that endorsement will not be entered on his document.

§ 12.15-15 Engineman.

(a) An applicant for a certificate as "engineman" shall be a person holding a merchant mariner's document endorsed as "fireman/watertender" and "oiler", or "junior engineer". The applicant shall be eligible for such certification upon furnishing one of the following:

(1) Presentation of a temporary letter that was issued to the holder to serve as "engineman" by an Officer in Charge, Marine Inspection, dated prior to December 1, 1966; or,

(2) Satisfactory documentary evidence of sea service of 6 months in any one or combination of "junior engineer", "fireman/watertender" or "oiler" on steam vessels of 4,000 horsepower or over; or,

(3) Documentary evidence from an operator of a "partially automated" steam vessel that he has completed satisfactorily at least 2 weeks indoctrination and training in the engine department of a "partially automated" steam vessel of 4,000 horsepower or over; or

(4) Satisfactory completion of a course of training for "engineman" acceptable to the Commandant.

(b) The Officer in Charge, Marine Inspection, who is satisfied that an applicant for the rating of "engineman" meets the requirements specified in this section, will endorse this rating on the current merchant mariner's document held by the applicant.

(c) Any holder of a merchant mariner's document endorsed for "any unlicensed rating in the engine department", "QMED—any rating" or "deck engine mechanic" is qualified as an "engineman" and that endorsement will not be entered on his document.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S.

4417a, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 7, 49 Stat. 1544, 1545, as amended, 1936, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 672, 367, 689, 1333, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-9, Aug. 3, 1954, 19 F.R. 5195; 167-14, Nov. 26, 1954, 19 F.R. 8026)

Dated: October 19, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 66-11540, Filed, Oct. 21, 1966;
8:47 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 10; Docket
No. 66-31]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

MISCELLANEOUS AMENDMENTS

On May 6, 1966, the Commission published a notice of proposed rule making in the captioned proceeding in the FEDERAL REGISTER (31 F.R. 6792-6793) and invited comments from interested persons. The purpose of this proceeding is the consideration of proposed amendments of paragraphs (a) of § 510.22; paragraphs (a), (f), and (j) of § 510.23; and paragraphs (a) and (f) of § 510.24 contained in its General Order 4 regulating licensed independent ocean freight forwarders. The Commission also invited comments on §§ 510.5(g) and 510.21(l) of this order, although it did not propose changes in these rules. Comments on the present rules and proposed amendments were submitted on behalf of carriers, conferences, forwarders, and forwarder associations. Replies to these comments were filed by Hearing Counsel on behalf of the Commission's staff, and several persons filed replies to these replies.

On September 7, 1966, the Commission, pursuant to notice, heard oral argument on the proposed amendments to §§ 510.22(a), 510.23(f) and (j), 510.24(a) and (f), and on present § 510.21(l). The proposed amendment to § 510.23(a) and present § 510.5(g) were considered without oral argument.

The Commission has carefully considered the comments and arguments on the proposed amendments and the present rules and in light thereof herewith adopts its final amendments. No changes have been made in present §§ 510.5(g) or 510.21(l) at this time for reasons noted below. Comments and arguments not discussed or reflected herein have been considered and found not justified or not material.

The contention was made at oral argument that the Commission is without authority to amend the forwarder rules in a proceeding like the present one in which there has been no showing that forwarders' present practices result in

violations of substantive provisions of the Shipping Act, 1916 (the Act). It has further been suggested that our recent decision in Docket 65-5—Proposed Rule Covering Time Limit On The Filing of Overcharge Claims, served June 28, 1966, supports this contention. The contention is incorrect. Section 44(c) of the Act requires that "The Commission shall prescribe reasonable rules and regulations to be observed by independent ocean freight forwarders * * *", and this provision has been interpreted by the Court of Appeals for the Second Circuit in New York Foreign Frgt. F. & B. Ass'n v. Federal Maritime Com'n, 337 F. 2d 289, 294, 295 (2d Cir. 1964), cert. den. 380 U.S. 910, 914 (1965), in upholding the Commission's prior promulgation of rules regulating the activities of independent ocean freight forwarders, as a "mandate" for the creation of forwarder rules by the Commission. The Court, moreover, in considering the argument that "if a practice sought to be regulated is not contrary to a substantive provision of the 1916 Act, then * * * the regulation is invalid," explicitly stated "we do not agree with this restrictive view of the agency's powers."

Nor does Docket No. 65-5, supra, support this restrictive view of our authority. In that proceeding, the Commission decided not to promulgate a rule with respect to certain carriers' practices of refusing to consider claims presented to them after the expiration of time intervals less than the 2-year period provided in section 22 of the Act for the bringing of action for reparation before the Commission. The Commission stated that the rule could not be promulgated as the carriers' present practices had not been shown to violate a substantive provision of the Act. It went on to state, however, that "a distinction must be made between a rule of this sort and rules implementing certain statutory provisions, which need no such basis * * *"

Forwarders, forwarder associations, and Waterman Steamship Corp. oppose the amendment to § 510.22(a) which would require that carriers performing any forwarding services on cargo carried under their own bills of lading free of charge specify such services in their tariffs, alleging that the amendment will damage the forwarding industry and increase freight rates.

The sole purpose of the amendment is to insure equal treatment of shippers, it is not to encourage carriers to perform forwarding services or to force them to perform such services free of charge. Carriers generally have not desired to engage in forwarding activities, and there has been no indication in this proceeding that they are now anxious to do so, although carriers occasionally file executed shippers' export declarations with customs' authorities for validation. Generally, large shippers have either their own export departments at the ports from which they ship or they make use of independent forwarders on all shipments and thus will be little affected by the amendment. Small shippers, however, could be disadvantaged if the Com-

mission forced carriers to charge for the services they do perform. On the other hand, we will not force carriers to perform such services free of charge. Thus, the only alteration we will make in existing practice is to require publication of the particular practice in the appropriate tariff so as to insure that all shippers are apprised of the services offered and may take advantage of them. In short, any carrier who wants to include one or more forwarder services in its line-haul rate may do so and all shippers via that carrier will have an equal opportunity to procure such services.

The first sentence of § 510.22(a), which is unaffected by the amendment, was, as noted at the oral argument, inadvertently omitted when this amendment was first proposed and published. No change is made in this sentence.

The purpose of the amendment to § 510.23(a) is to insure the presence of competent personnel in forwarders' branch offices and separate forwarding establishments. It is also designed to guarantee that the Commission will have regulatory power over agents of non-vessel operating common carriers who perform forwarding services to the same extent that it does over other forwarders and to prevent abuses which occur when an individual purports to be operating a branch office for a licensed forwarder but is, in fact, carrying on a separate forwarding business without a license. It is not intended to require separate licensing of bona fide branch offices of licensed forwarders. As so interpreted, it is unopposed by any party in this proceeding.

The purpose of the amendment to § 510.23(f) is to fix a time limit within which sums advanced the licensee by its principal for freight and transportation charges must be paid over to the carrier.

The proposed amendment was opposed by forwarders who argue that the rule works an undue hardship upon forwarders by requiring them "to keep track of the day of receipt for hundreds of shipments a week and issue a multiplicity of checks in payment of ocean freight"; that the time limitations of the proposed rule are insufficient; and that the rule is unnecessary in the light of "Shipper's Credit Agreements." Suggestions have also been made that the amendment be applied only to individual shipments where the freight due exceeds a certain amount and that the proposed amendment be altered to require pay over within "business days" rather than "calendar days."

The contention that the amendment will require close track of date of receipt for hundreds of shipments and demand the issuance of a multiplicity of checks is partially incorrect, and even to the extent it is correct is without merit. The amendment allows a forwarder to pay over monies received within 7 days after receipt or 5 days after departure of the vessel, whichever is later. One check could be issued for all monies received as of the time the vessel sails. As far as monies received after the vessel has sailed are concerned, it is to be expected

that such can be paid over promptly. Such monies are held in trust for the carriers and the fact that close track must be kept of their date of receipt is necessitated not by the proposed amendment but by the forwarder's fiduciary duty as a "trustee."

The purpose of "Shipper's Credit Agreements" is to require that a shipper pay over to the ocean carrier the ocean freight due within 15 days after a vessel has sailed or lose his credit status. The extent of the use of such agreements by carriers is uncertain. Moreover, they apply both to situations where shippers have advanced funds to forwarders and where they have not. The credit rule thus cannot be a substitute for the prompt payover rule even if it is widely used.

We can see no reason for a distinction between large and small shipments. The necessity that carriers be paid monies due them and that shippers' funds are delivered for the purpose for which they were intended is the same in both cases. It is for these two objectives that the change has been made in § 510.23(f). Although insolvencies may be rare, the failure to make prompt payovers has been more common, and for this reason, specific time limits for payover have been set.

It has been brought out, however, that the time limitations of the proposed rule may in some cases be insufficient for clearance of the checks from shippers which are to be used by forwarders for payments to the carriers. But as the term "business days" suggested by several parties in this proceeding to extend the payover period is somewhat ambiguous, the Commission will require payover within 7 days after receipt of monies or 5 days after departure of the vessel, "excluding Saturdays, Sundays, and legal holidays".

The purpose of the amendment to § 510.23(j) is to allow licensees maintaining and adhering to uniform fee schedules for arranging for insurance and performing other accessorial services to utilize them and to require such schedules to be filed with the Commission and posted in the forwarder's office. Under the former rule, forwarders were required to state their costs separately and hence disclose their "mark-up" (margin of profit). The amendment provides them with an alternative. Objections have been made to the filing and posting requirements of the amendment. Posting is necessary to insure that fee schedules, if adopted, are adhered to, and filing is necessary in order that shippers have one convenient location in which to inspect these schedules.

The purpose of the amendment to § 510.24(a) is to require disclosure of shippers' names on ocean bills of lading by denying compensation to forwarders who act as agents for undisclosed principals.

Rule 510.24(a), as adopted today, reflects the actual wording originally proposed by the Commission in Docket No. 973, on February 19, 1962. The rule was designed to enable carriers and the Com-

mission to determine promptly whether direct or indirect rebates were being made to shippers through freight forwarders. In Docket No. 973, as here, contentions were raised by forwarders that valid business reasons exist for not disclosing the name of the actual shipper. None were identified or documented. In Docket No. 973 the original proposal was modified to permit the carrier to pay, and the forwarder to collect, brokerage where the name of the shipper is disclosed on the "line copy" of the bill of lading which is retained by the carrier. In such a case, the Commission could determine whether or not an unlawful rebate has been paid and received only after an individual search. The absence of valid reasons for the true shipper's nondisclosure, coupled with the Commission's positive duty to prevent unlawful rebating authorized by sections 43 and 44(c) of the Act, dictate the adoption of a rule which authorizes the payment and receipt of brokerage only where the identity of the actual shipper is fully disclosed. The purpose of the rule was clearly recognized by a forwarder's representative at oral argument: "one, to see to it people are not in the forwarding business who are shippers, and two, to see that people didn't receive compensation who are true shippers." Counsel respect this as a lawful regulatory purpose. In short, the rule adopted today does this with efficiency.

In addition to preventing the payment of illegal rebates to shippers, the rule adopted here would lend a measure of integrity to lawful dual rate contracts. Counsel for one forwarder group acknowledged that there are some instances where a shipper has been able to evade his contractual obligations, but that in such cases the forwarder was "in the middle" and has no responsibility to police dual rate agreements. While this may be true, dual rate contracts are quasi-public contracts which are valid only so long as they have Commission approval. Our action, moreover, releases forwarders from enforcing or policing dual rate contracts, takes them out of the "middle" as they themselves have stated, and places some degree of contract policing on the Commission itself which is discharged by the adoption of the rule.

The purpose of the amendment to § 510.24(f) is to require the filing of forwarding compensation rates in tariffs filed by conferences and carriers pursuant to section 18(b)(1) of the Act. This amendment is opposed by forwarders and independent carriers which allege that the Commission lacks the statutory authority to promulgate it; that it defeats efforts of independent carriers, who do not publish rates of compensation, to compete successfully with conference carriers, who do; and that it compels payment of brokerage. Various suggestions were also made that only certain minimum rates of compensation or rates on certain cargoes be required to be filed. Only one conference is opposed to the amendment, arguing that the Commission is without authority to

regulate forwarding activities of conferences or carriers.

It is plain from a reading of the legislative history of the freight forwarder amendment to the Act, P.L. 87-245 (75 Stat. 523), that the Congress intended that the Commission "oversee the reasonableness of brokerage in the light of services rendered". (H. Rept. No. 1096 to accompany H.R. 2488, 87th Cong., 1st sess. (1961)). Moreover, the House hearings on the forwarder amendment indicate that the Congress recognized that a requirement that the amount of brokerage appear in a tariff would be a reasonable and proper means of maintaining this surveillance. (See Hearings before the Subcommittee on Merchant Marine of the House Committee on Merchant Marine and Fisheries on H.R. 2488, 87th Cong., 1st sess., 95-97 (1961).) One matter of concern to the Congress at that time was the problem of the attempts of independent carriers to secure cargo by the payment of excessive brokerage. This practice may not be limited to independent carriers. In any case, such practice is, as we have had occasion to observe, "a pernicious practice, inimical to the best interest of shipping in our foreign trade and oppressive to the shipper who must eventually bear the loss". *Grace Line, Inc. v. Skips A/S Viking Line, et al.*, 7 F.M.C. 432 451 (1962). The amendment will allow us to keep ourselves informed of any possible malpractices with respect to payment of compensation to forwarders, including the practice of paying excessive brokerage. No one is compelled under this amendment to pay brokerage for services not performed nor is it designed to defeat attempts by carriers to compete with one another by paying different levels of brokerage or varying such levels according to the services performed. All the Commission desires is that the levels of compensation be ascertainable and it be in a position to insure that such levels not be unjustly discriminatory, excessive, or otherwise unlawful.

The requirement that the compensation rates be filed pursuant to section 18 (b) (1) of the Act is appropriate, inasmuch as that section provides for the filing of all charges "under the control of the carrier or conference of carriers which [are] granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of [transportation] rates." Certainly, the level of compensation paid to forwarders in some wise affects or determines the level of ocean freight charges. Moreover, a rule like the present one is particularly appropriate to accomplish the filing of such rates of compensation as section 18(b) (4) specifically requires that "the Commission shall by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed * * *." It should be noted in this regard, however, that the requirement of 18(b) (2) that changes and new or initial rates may only be instituted upon 30 days' notice absent special permission

from the Commission does not apply to forwarder compensation rates.

No changes will be made at this time in § 510.5(g), the bonding requirement provision, or § 510.21(l), the definition of "beneficial interest". No change in the former can be made upon our present knowledge, and a change in the latter would require legislation by the Congress. The Commission will consider the appropriateness and need for requesting such legislation.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 18(b), 43, and 44 of the Shipping Act, 1916 (46 U.S.C. 817b, 841a, and 841b), Part 510 of Chapter IV of Title 46 CFR is hereby amended as follows:

1. Section 510.22 *Oceangoing common carriers and persons shipping for own account*, is amended by revising the second sentence of paragraph (a) and by inserting thereafter a new sentence. The affected portion reads as follows:

§ 510.22 *Oceangoing common carriers and persons shipping for own account.*

(a) * * * An oceangoing common carrier may perform freight forwarding services without a license only with respect to cargo carried under its own bill of lading, in which case the charge(s) for each forwarding service the carrier is willing to perform shall be assessed, in accordance with the carrier's published tariffs on file with the Commission. Any forwarding service on cargo carried under its own bill of lading which the carrier is willing to perform free of charge, including presentation of executed Shipper's Export Declarations to customs authorities, shall be specified in its tariffs. * * *

2. In § 510.23, paragraph (a) is amended by adding three new sentences at the end thereof, paragraph (f) is revised, and paragraph (j) is amended by adding a further proviso to the end thereof. The affected portions of § 510.23 read as follows:

§ 510.23 *Duties and obligations of licensees.*

(a) No licensee shall permit his license or name to be used by any person not employed by him for the performance of any freight forwarding service. No licensee may provide freight forwarding services through an unlicensed branch office or other separate establishment without written approval of the Federal Maritime Commission. Such approval may be granted only when it is found that qualified personnel competent to perform complete ocean freight forwarding services are employed in the branch office or other separate establishment. Applications for approval of branch offices or other separate establishment in existence on the date of adoption of this rule must be submitted within 3 months of such date.

(f) Each licensee shall promptly pay over to the oceangoing common carrier

or its agent within seven (7) days after the receipt thereof, excluding Saturdays, Sundays, and legal holidays, or within five (5) days after departure of the vessel from each port of loading, excluding Saturdays, Sundays, and legal holidays, whichever is later, all sums advanced the licensee by its principal for freight and transportation charges, and shall disburse to other person(s) when due all sums advanced by its principal for the payment of any charges, debts, or obligations in connection with the forwarding transaction, and shall promptly account to its principal for overpayments, adjustments of charges, reductions in rates, insurance refunds, insurance money paid to the forwarder as the result of claims, proceeds of c.o.d. shipments, drafts, letters of credit, and any other sums due such principal.

(j) * * * *Provided further*, That a licensee who maintains and adheres to a uniform schedule of fees to be charged for arranging insurance and for performing other accessorial services (stated by dollar amount and/or percentage of mark-up) need not state separately the components of the charges for such insurance and for such other accessorial services. A licensee who elects to maintain such schedules must make the current schedule and every superseded schedule available upon request. A licensee shall not assess different fees than those specified in the effective schedules. Such schedules shall be filed with the Federal Maritime Commission and posted in a conspicuous place in the forwarder's office, and shall be mailed upon request.

3. In § 510.24, paragraph (a) is amended by deleting material from the end thereof and paragraph (f) is amended by adding a new sentence to the end thereof. As amended § 510.24 (a) and (f) read as follows:

§ 510.24 *Compensation and freight forwarder certifications.*

(a) No oceangoing common carrier shall pay to a licensee, and no licensee shall charge or receive from any such carrier, either directly or indirectly, any compensation or payment of any kind whatsoever, whether called "brokerage," "commission," "fee," or by any other name, in connection with any cargo or shipment wherein the licensee's name appears on the ocean bill of lading as shipper or as agent for an undisclosed principal.

(f) An oceangoing common carrier may compensate a licensee to the extent of the value rendered such carrier in connection with any shipment forwarded on behalf of others when, and only when, such carrier is in possession of a certification in the form prescribed in paragraph (e) of this section. Every tariff filed pursuant to section 18(b) (1), Shipping Act, 1916, shall specify the rate or rates of compensation to be paid licensed forwarders certifying in accord-

ance with paragraph (e) of this section, and the conditions of payment.

Effective date. These rules shall become effective 30 days after date of publication of this notice in the FEDERAL REGISTER.

By order of the Commission.¹

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-11562; Filed, Oct. 21, 1966; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16715; FCC 66-873]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Rochester, Minn.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Rochester, Minn.), Docket No. 16715, RM-965.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 66-541, issued in this proceeding on June 16, 1966, and published in the FEDERAL REGISTER on June 22, 1966, 31 F.R. 8639, inviting comments on a proposal to assign Channel 269A to Rochester, Minn. This action was taken in response to a joint petition filed on May 19, 1966, (RM-965) and amended on June 13, 1966, by Olmsted County Broadcasting Co. and North Central Video, Inc. These parties are the licensees of Station KOLM(AM) and KWEB(AM), Rochester, Minn., respectively. The proposal was to assign a fourth FM channel to Rochester as follows:

City	Channel No.	
	Present	Proposed
Rochester, Minn.-----	244A, 248, 295	244A, 248, 269A, 295

2. Rochester has a population of 40,663 (1960 U.S. Census) and its county has a population of 65,532. It has three AM stations, two of which are daytime-only stations^{1a} and the third is a Class IV station. The two Class C FM assignments are in operation. Two applications have been filed by the petitioners for the remaining Class A channel (244A). These applications, BPH-5145 and 5192, are mutually exclusive and have been designated for comparative hearing. Petitioners state that the two remaining AM

stations without an FM outlet would like "to contribute to the general diversity of program sources for their community," that they are anxious to avoid a lengthy and expensive comparative hearing, and that the proposed additional assignment will meet all the minimum mileage requirements of the rules. With respect to the city of Rochester, petitioners submit that its population has increased 17.5 percent in the last 5 years, that approximately 450,000 persons visit it each year, a large portion of this number attributable to Mayo Clinic, and that it is a very important industrial, medical, educational, and cultural center. Petitioners assert that a special 1965 census showed Rochester to have a population of nearly 48,000, and that its growth is continuing. For the above stated reasons, petitioner urges that the addition of another FM channel to the city of Rochester would serve the public interest.

3. Our notice invited comments additionally on the extent to which the proposed assignment would affect possible alternative uses of the proposed and adjacent channels in this general area. In response, petitioners submit that the proposed assignment can be used in a limited area in which only two cities of over 10,000 persons (Winona, Minn., and La Crosse, Wis.) are located and that both of these already have FM assignments. They state that the assignment in Winona has not been applied for while that at La Crosse is in use. In addition, they point out that Channel 269A could be used at La Crosse as well as Rochester if a site a few miles out of the city of La Crosse is used. No oppositions to the proposed assignment in Rochester were filed.

4. The proposal in question would provide the large and growing community of Rochester with two additional FM services at an early date, would result in the elimination of a lengthy and costly comparative hearing, and provide the area with a diversity of radio broadcast programming, without precluding future needed assignments in the general area. We are of the view, therefore, that it would serve the public interest and should be adopted.

5. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective November 25, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City	Channel No.
Rochester, Minn.-----	244A, 248, 269A, 295

7. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: September 28, 1966.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,²
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11549; Filed, Oct. 21, 1966; 8:47 a.m.]

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Clock Required

In the matter of amendment of Part 83, § 83.114, of the Commission's rules for the purpose of making certain editorial changes therein.

1. The Commission in this proceeding has under consideration certain editorial changes in Part 83, § 83.114, of its rules.

2. Docket 15034, released November 5, 1963, amended Part 83 of the rules to implement the radio provisions of the International Convention for the Safety of Life at Sea, London, 1960. This docket also made a number of editorial revisions in the rules to clarify them. As a result, § 83.114, the requirement that ship stations be provided with a reliable clock, was made applicable for voluntarily equipped vessels rather than all vessels.

3. Although § 83.114 was editorially amended to eliminate apparent redundancies in the rules, it appears that such amendment has deleted the clock requirements for compulsory equipped vessels subject to the Great Lakes Agreement and Title III, Part III of the Communications Act of 1934, as amended. This was not intended.

4. Accordingly, § 83.114 is editorially amended to require each ship station except those subject to Title III, Part II of the Communications Act of 1934, as amended, to be equipped with a reliable clock.

5. The amendments adopted herein are editorial in nature, and, hence, the public notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act are not applicable. The authority for this action is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules.

6. In view of the foregoing: *It is ordered*, Effective October 25, 1966, that § 83.114 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 19, 1966.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

² Commissioners Bartley and Lee absent; dissenting statements of Commissioners Cox and Johnson filed as part of original document.

¹ Chairman Harlee's dissent as to Rule 510.24(a) and Commissioner George H. Hearn's dissent as to Rules 510.22(a), 510.24(f), 510.21(1), and 510.5(g) (3) filed as part of original document.

^{1a} One of these (KWEB) has a construction permit for nighttime operation.

A. Part 83, Stations on Shipboard in the Maritime Services is amended as follows:

1. Section 83.114 is amended to read:

§ 83.114 Clock required.

(a) Except as provided in §§ 83.468 and 83.497, each ship station which is licensed to operate on frequencies below 515 kc/s, shall be provided with a reliable clock equipped with a seconds hand, preferably a sweep seconds hand. This clock shall be securely mounted in such a position that the entire dial can be easily and accurately observed by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international radiotelegraph alarm signal by hand, and from the position used for testing the radiotelegraph auto alarm (if installed) for response to signals from the testing device.

(b) Except as provided in §§ 83.468 and 83.497, each ship station which is licensed to operate on frequencies above 1500 kc/s, shall have available to the operator a reliable clock or timepiece, preferably equipped with a seconds hand.

[F.R. Doc. 66-11550; Filed, Oct. 21, 1966; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

PART 51—PASSPORTS

Passports Invalid for Travel to Restricted Areas; Correction

In F.R. Doc. 66-11421, appearing at page 13544 of the issue for Thursday, October 20, 1966, § 51.72 should read as follows:

§ 51.72 Passports invalid for travel to restricted areas.

Upon determination by the Secretary that a country or area is:

- (a) A country with which the United States is at war or
- (b) A country or area where armed hostilities are in progress or
- (c) A country or area to which travel must be restricted in the national interest because such travel would seriously impair the conduct of U.S. foreign affairs,

U.S. passports shall cease to be valid for travel to, in or through such country or area unless specifically validated therefor: *Provided, however,* That restrictions existing as of the effective date of these regulations on the validity of passports for travel to certain countries or areas shall remain in effect for a period of 60 days from the effective date of the regulations in this part. Any determination made under this section shall be published in the **FEDERAL REGISTER** along with a statement of the circumstances requiring the restriction. Any such restriction shall expire at the end of 1 year from the date of publication of such notice in the **FEDERAL REGISTER**, unless extended by the Secretary by public notice.

PHILIP B. HEYMANN,
*Acting Administrator, Bureau of
Security and Consular Affairs.*

OCTOBER 20, 1966.

[F.R. Doc. 66-11632; Filed, Oct. 21, 1966; 11:59 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1013]

[Docket No. AO-286-A8]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Lauderdale, Fla., on March 3-4, 1966, pursuant to notice thereof issued on February 10, 1966 (31 F.R. 2730).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 30, 1966 (31 F.R. 11669; F.R. Doc. 66-9689) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 11669; F.R. Doc. 66-9689) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Class prices.
3. Butterfat differentials.
4. Location differentials.
5. Classification.
6. Enabling a cooperative to be the handler on bulk tank milk.
7. Diversion of producer milk.
8. Miscellaneous and conforming changes.

A portion (Class I price) of Issue 2 was considered in a separate decision issued June 24, 1966 (31 F.R. 8956). The remainder of that issue and all other issues at the hearing are considered in this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. **Expansion of the marketing area.** The Southeastern Florida marketing area, which now contains four counties (Broward, Dade, Monroe, and Palm Beach), should be expanded by adding the counties of Glades, Hendry, Indian River, Martin, Okeechobee, and St. Lucie. The expanded marketing area comprises

a contiguous area in which routes of milk handlers doing business in the area are interspersed.

The marketing area expansion was proposed by Independent Dairy Farmers' Association (IDFA), the principal cooperative in the Southeastern Florida market. It was supported at the hearing by the major handlers in the market. There was no opposition to the addition of the six counties to the marketing area.

The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products. The minimum sanitary requirements applicable to Grade A milk throughout the area are those of the State of Florida, which requirements are patterned after the U.S. Public Health Ordinance and Code.

The present marketing area does not constitute the proper marketing area under current marketing conditions. The 10-county area herein proposed as the marketing area represents more appropriately the sales area of the handlers now regulated by the Southeastern Florida order than the present 4-county area.

The total Class I distribution in Glades, Hendry, and Okeechobee Counties is by handlers presently regulated by the Southeastern Florida order. Martin, Indian River, and St. Lucie Counties are supplied from the plants of Southeastern Florida handlers and a presently unregulated plant in Indian River County. The latter plant, in addition to its Class I distribution in these three counties, has a minor amount of Class I sales in Brevard County, immediately to the north of Indian River County.

The operator of the plant in Indian River County obtains milk from four dairy farmers, all of whom are IDFA members. Settlement with the cooperative for these purchases is on the basis of Southeastern Florida order class prices. The operator of this plant indicated no opposition to the proposed expansion of the marketing area.

The present Class I distribution in the six counties proposed to be added to the marketing area is relatively small. However, their population is increasing at a much faster rate than that for the State as a whole. If these counties were excluded from the marketing area, an expanded population could provide an incentive for unregulated handlers to establish routes in the area at the expense of the regulated Southeastern Florida handlers now supplying the market. Such an unregulated handler, absent an order in the proposed area, would have a competitive advantage over the regulated handlers who would be required to pay the minimum order class prices based on their utilizations.

The proposed 10-county marketing area is the basic sales area for the oper-

ator of the plant in Indian River County and handlers presently regulated by the Southeastern Florida order. A number of such handlers, however, do have some Class I distribution outside the newly designated marketing area. All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition. Further, the level of class price should be identical on Class I sales inside and outside the marketing area.

The essentials of the classified pricing plan for the Southeastern Florida order, and generally applicable to all Federal orders issued by the Secretary, are to establish one level of price to be paid by handlers for milk which is sold as milk or specified milk products for fluid consumption and other prices for the necessary surplus of the market which is disposed of in lower valued fluid products and in manufactured products.

It is necessary that the class prices effective under the Southeastern Florida order be established at levels which will bring forth a sufficient supply to meet the demands of milk for the particular marketing area but not necessarily to fulfill the requirements of outside markets. Nevertheless, handlers who are regulated by virtue of their sales in the marketing area may have varying proportions of their sales outside the regulated area. This is a situation normally unavoidable even in the establishment of a new marketing area. Sales areas of regulated and unregulated handlers may overlap, and it would be rarely possible,

if at all, to find a line of demarcation around an entire marketing area such that no overlapping occurs. Other considerations in establishment of a marketing area may also preclude inclusion of all sales areas of fully regulated handlers.

The problem of establishing a price to supply adequately the marketing area is thus affected by the activity of handlers in selling milk outside the regulated area and in procuring milk for such sales. There is no basis in this price determination for discrimination between milk sold inside and outside the marketing area. The milk sold outside by a regulated plant is processed in the same plant and is produced under similar conditions as milk sold in the marketing area. Thus, the milk moving through the regulated handler's plant, whether it is sold inside or outside the marketing area, is part of the same supply and demand situation upon which proper price level determination must be made.

If the price to farmers were higher for milk sold inside than for milk sold outside the marketing area, returns for disposition in the area would be bearing the greater burden of providing the incentive for milk production for both. To the extent such discrimination in pricing at the procurement level is reflected in higher prices to consumers inside than outside the marketing area, consumers in the marketing area will be subsidizing consumers outside the marketing area.

Further, it is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by unregulated distributors in such markets. Such action would tend to lower blended returns to dairy farmers supplying the unregulated handlers.

2(b). *Class II and Class III prices.* The Class II price should be established by adding \$1, and the Class III price by adding 15 cents, to the basic formula price (Minnesota-Wisconsin manufacturing milk price).

The Southeastern Florida Class II and Class III prices are now determined by separate formulas, both based on the market prices of butter and nonfat dry milk. For the 24 months ending December 1965, the Class II price herein proposed would have averaged \$4.225; the average Southeastern Florida Class II price in this period was \$4.18. In the same 2-year period, the proposed Class III price averaged \$3.375; the effective Class III price was \$3.29.

The revised Class II and III formulas were proposed by producers and supported by the major handlers in the market. There was no opposition to the proposals.

The Minnesota-Wisconsin price series reflects the value of ungraded milk used in the production of a wide variety of manufactured dairy products in the major milk production areas of the United States as a basis for establishing Class II and

Class III prices than the market prices States. As such, it is a more appropriate for butter and nonfat dry milk. It is now used in establishing class prices other than Class I in 33 Federal orders. Utilizing it in the Southeastern Florida order will tend to obtain a Class II and Class III price level consistent with that prevailing in other markets and will insure an equitable return to producers for Class II and Class III milk.

The proposed Class II and Class III price formulas are the same as those in the Tampa Bay order. Southeastern Florida and Tampa Bay handlers have substantial overlapping in both their supply and sales areas. Providing for the same Class II and Class III prices in these markets will contribute to orderly marketing in these areas where the handlers regulated by these two orders compete for supplies and sales.

When local supplies are short, handlers obtain concentrated dairy products from other sources for further processing into Class II products in their plants. The cost of such supplies are affected by transportation over long distances. Local producer milk supplies used in Class II compete directly with these concentrated products delivered to Southeastern Florida. The proposed Class II formula will tend to obtain a Class II price in close alignment with the cost of these alternative supplies.

Negligible quantities of milk for Class III uses are produced in Southeastern Florida where handlers depend primarily on shipments of products in manufactured form for their Class III requirements. On these manufactured products, they incur transportation charges, although at relatively low rates in terms of dollars per hundredweight of milk equivalent.

The proposed Class III formula will tend to obtain a price at which handlers will accept and market the limited quantities of milk in excess of Class I and Class II needs that may arise from time to time. On the other hand, the proposed formula will not tend to obtain a level of price that would encourage handlers to seek milk supplies solely for the purpose of converting them into Class III products.

3. *Butterfat differentials.* Provisions for a specified butterfat differential for each class and a weighted producer butterfat differential, the same as in the Tampa Bay order, should be incorporated into this order.

The Southeastern Florida order presently makes no provision for a separate butterfat differential for each class of milk. The only butterfat differential specified in the order is the 7.5-cent differential applicable to the uniform price in paying producers.

The Southeastern Florida producers' proposal that the Tampa Bay butterfat differential provisions be adopted in the order was supported by handlers at the hearing.

As proposed, the Class I and Class II butterfat differentials would be established at 7.5 cents for each one-tenth of 1 percent variation in butterfat above or below 3.5 percent. The Class III and

Class IV butterfat differentials would be determined by multiplying the Chicago butter price by 0.115.

The 7.5-cent differential on Class I and Class II milk is, in effect, the same differential that is now applicable to all milk classified under the order. There was no support for any other Class I or Class II differential.

The Class III and Class IV butterfat differential of 11.5 percent of the Chicago butter price will vary from month to month as the price of butter varies, thereby facilitating the movement of butterfat in the reserve supply of milk to manufacturing outlets. The Class III and Class IV butterfat differential, because it is based on current month prices, will not be announced until after the end of the month.

The butterfat differential to producers would be calculated on the average of the Class I, Class II, Class III, and Class IV butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Returns to producers will thus reflect the actual value of their butterfat at the class prices provided by the order.

4. *Location differentials.* The location differentials should be revised to give consideration to the current procurement and distribution practices of handlers in the proposed enlarged marketing area. The current location differentials have not been changed since the order was promulgated in 1957.

The Class I and uniform prices are now reduced 13 cents for milk received at plants from 60 to 70 miles from Boca Raton and by an additional 1.5 cents for each 10 miles or fraction thereof at plants beyond 70 miles. As proposed herein, the U.S. Post Office at West Palm Beach would replace Boca Raton's Post Office as the point from which location differential mileages are determined. The 13-cent initial rate would be retained but would be applicable at points 80 to 90 miles from the basing point instead of 60 to 70 miles as now provided. The 1.5-cent rate for each 10 miles beyond the initial 13-cent rate would be continued.

The changes herein provided are the same as those proposed by producers, with one exception. Producers proposed that the initial location differential rate be 10 cents instead of 13 cents.

West Palm Beach is 26 miles north of Boca Raton and 64 miles north of Miami, the largest city in the marketing area. Using West Palm Beach instead of Boca Raton as the basing point will result in no location adjustment at plants within approximately 106 miles of Boca Raton instead of within 60 miles as at present. This will generally reduce the location differential 6 to 7.5 cents at the various locations from which milk might be shipped to the marketing area.

The location differential is now applicable at only one pool plant, in Martin County. The relatively small quantity of producer milk received at this plant is obtained through IDFA. Although a 13-cent differential is applicable to the Class I price at this loca-

tion, the handler pays the cooperative the same Class I price that would be applicable if no location adjustment applied.

If the location differential provisions were not changed, the plant (which would become a pool plant by expansion of the marketing area) in Indian River County would be eligible for a location differential credit of 17.5 cents. However, the actual price paid by the operator of the plant, who is now unregulated, is the same as the Southeastern Florida Class I price without the application of any location differential. His producer milk supply is obtained through IDFA.

Location differentials applicable at the various plants should reflect the efficiency resulting from technological changes in the marketing of milk in recent years. The rates proposed herein to both handlers and producers more appropriately reflect the cost of efficiently moving milk in the Southeastern Florida market under present economic conditions than do the location differentials incorporated into the order in 1957.

Technological improvements such as better roads and larger tank trucks have tended to reduce unit hauling costs for both producers and handlers. The proposed location differentials are in line with the hauling charges currently in effect. The rates now charged by a major hauler in the area for a distance of 925 miles is \$1.22 per hundredweight in 5,300 gallon tankers and \$1.40 per hundredweight in 4,300 gallon tankers. The location differential rate proposed in this decision would result in a location adjustment of \$1.29 for a plant 925 miles from Miami, the principal city in the marketing area.

It is not intended that the Class I price should be dependent on the type of plant receiving the milk. Transportation costs are involved whether supplemental supplies of milk are moved in tank trucks from faraway plants to the marketing area or whether packaged fluid milk products from processing plants at relatively closer locations are distributed on routes in the marketing area.

There was no opposition to replacing Boca Raton with West Palm Beach as the point for measuring location differential mileages. West Palm Beach is one of the larger cities in the marketing area and is more centrally located with respect to the enlarged marketing area. As such, it is a more practicable basing point for determining location differentials under current marketing conditions in the Southeastern Florida marketing area than is Boca Raton.

The producer proposal to reduce from 13 to 10 cents the initial location differential adjustment is denied. The 13-cent rate more nearly approximates the cost of hauling milk the 80 to 90 miles represented by the initial adjustment. The proposed location differential at plants more than 90 miles from West Palm Beach is an additional 1.5 cents for each 10 miles beyond 90. The 1.5-cent rate applied to the midpoint (85 miles) of the 80-90-mile range is 12.75 cents. It was not shown that there is

any justification in this market for applying a location adjustment at a lower rate for the initial 80 to 90 miles than for distances beyond 90 miles.

The Southeastern Florida marketing area extends to the southernmost tip of the State. There are no plants in the proposed expanded marketing area to which a location differential as herein provided would be applicable. It would be appropriate, therefore, to specify that the location differentials be applicable only at plants north of West Palm Beach, the basing point for determining such differentials.

The location differential rates herein provided are economically sound and are representative of the cost of transporting milk to market by efficient means. They are comparable with those contained in other Federal milk orders, including the adjoining Tampa Bay order. Moreover, their compatibility with location differential rates in the Tampa Bay order will insure a reasonable alignment of prices between the two orders at the various locations in which handlers under the Southeastern Florida and Tampa Bay orders compete.

5. *Classification.* (a) Producers proposed including in Class I the skim milk and butterfat disposed in the form of Class II products. They asserted that Florida statute requires that Class II products be made from Grade A milk. In practice, however, regulatory authorities permit the use of milk products other than Grade A fluid milk products in the preparation of Class II products.

Historically, Class II products have been included in a separate classification in Florida and priced significantly below the Class I price. This has been the case not only in the Southeastern Florida order since its inception but also under the Florida Milk Commission's regulations. The Tampa Bay order, which became effective at the beginning of this year, also provides a separate classification for Class II products.

No change has taken place in the application of the State statute to require any different classification of Class II products in the Southeastern Florida order than what has been effective in the order since its inception or what has been historically the practice in all Florida markets. The producer proposal to include Class II products in the Class I classification is therefore denied.

(b) Both producers and handlers proposed that the present method of classifying in Class II all skim milk and butterfat "used to produce" Class II products be changed. In its place, they propose that the Class II classification be based on the skim milk and butterfat actually disposed of by a handler in the form of Class II products. At the present time, the skim milk and butterfat used to produce a Class II product (e.g., cream) is classified as Class II even though the ultimate disposition of such product may be in a Class III classification, such as ice cream or butter.

The method herein proposed for establishing the Class II classification at a plant, on the basis of the actual disposi-

tion of the Class II product by the handler, is the same as that provided in the Tampa Bay order. Its adoption in the Southeastern Florida order provides a more equitable and appropriate basis for establishing a handler's Class II classification.

The changed basis for establishing the classification of skim milk and butterfat used to produce Class II products requires various revisions in the order. These are necessary since a handler must not only account for the Class II products produced in his plant but also must establish his actual disposition and month-end inventories of such products. The necessary changes in this regard are provided in the attached order.

In order to implement the changed basis for establishing the classification of Class II products on the basis of their disposition, a revised "other source milk" definition is necessary. Such a definition, as proposed by producers and handlers, is the same as that provided in the Tampa Bay order and is equally appropriate under this order.

As proposed and adopted herein, other source milk would include all skim milk and butterfat contained in or represented by (a) fluid milk products and Class II products utilized by the handler in his operation (except producer milk and fluid milk products and Class II products from pool plants and in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced in the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of nonfluid milk products in a form in which they may be converted into Class I products and which are not otherwise accounted for under the order.

So that he may verify the actual utilization of milk received from producers, the market administrator must be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as the result of the discrepancy between the records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly account for all milk and other dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid milk products, similarly would gain a competitive advantage over other handlers in the market.

(c) The shrinkage provisions should be revised to recognize current methods of handling milk in the market and to provide equitable division of shrinkage among handlers.

A handler should be permitted a Class III classification as shrinkage on quanti-

ties of skim milk and butterfat that are not in excess of 2 percent of producer milk (except that diverted to a nonpool plant), plus 1.5 percent of bulk fluid milk products received from (1) other pool plants, and (2) other order plants and unregulated supply plants (exclusive of the quantity for which a Class II or Class III utilization is requested by the handler), and less 1.5 percent of bulk fluid milk products transferred to other plants. Shrinkage assignable to any remaining receipts of other source milk would continue to be allowed a Class III classification without limit.

The order now provides a Class III shrinkage up to 2 percent of producer receipts and receipts of milk and skim milk in bulk from other order plants and unregulated supply plants (exclusive of the quantity for which a Class II or Class III utilization is requested by the handler). No provision is now made for the division of the shrinkage allowance on interhandler movements of fluid milk products.

The shrinkage provisions herein provided, which were proposed by producers, are patterned after those in the Tampa Bay order and are contained in the great majority of Federal orders. There was no opposition at the hearing to the adoption of the proposed shrinkage provisions.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to effectuate equitably the classified pricing plan.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class III as shrinkage since these types of receipts are allocated pro rata to class uses with the receipts from pool plants and producers. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated to Class III uses. The allocation procedures assure assignment of such milk to Class III in an amount at least equal to the shrinkage that may be associated with it.

As provided in this decision, a cooperative is required to be the handler for milk of its member-producers if delivered from the farm to the pool plant in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is the handler under such conditions, the operator of the pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full two percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and the market administrator has been so notified. Otherwise, the maximum shrinkage in Class III allowed the handler on

such milk would be 1.5 percent and the cooperative would be responsible for any difference between the gross weight of producer milk received in a tank truck at the farm and that delivered to pool plants. This procedure, which is followed in a number of Federal orders, provides a reasonable basis for the allocation of shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

(d) The skim milk and butterfat in fluid milk products and in Class II products in inventory at the end of the month should be classified in Class II. At the present time, only the fluid milk products in inventory are classified in Class II. This is because the skim milk and butterfat in Class II products were considered as having been disposed of in the Class II classification when used to produce a Class II product. As provided elsewhere in this decision, the skim milk and butterfat in Class II products would be classified in Class II only when disposed of from the plant as a Class II product. This change makes it necessary to consider the month-end inventories of such products in determining the classification of milk handled at that plant. This manner of handling inventories is identical with that provided in the Tampa Bay order. In urging its adoption, handlers stressed the desirability of having inventories handled in this same manner in these adjacent orders.

Producers proposed that ending inventories be classified in Class I and that the differences between the Class I prices in each month be taken into account when pricing inventories classified in Class I in the following month. As outlined at the hearing, it was not shown that application of the order would be facilitated or that producers would realize any significant advantage by classifying inventories in Class I.

The fluid milk products and Class II products contained in inventory and classified in Class II might be used in the following month in a Class I, Class II, or Class III classification. On any such inventory used in Class I in the following month, handlers must pay the difference between the applicable Class I price in the month it was utilized and the Class II price at which it was priced in the preceding month. Under the three-classification system in the Southeastern Florida order, this method of handling inventories will tend to work out more practicably and equitably than classifying closing inventories in Class I in the manner proposed by producers. The producer proposal, therefore, is denied.

(e) The order should specify that skim milk and butterfat used to produce milkshake mix be classified in Class III.

Including milkshake mix in Class III was proposed by a regulated handler who recently began producing and distributing this product. Because the order does not now specify another classification for milkshake mix, it is currently classified in Class I.

Milkshake mix is a product more nearly comparable to ice cream mix, a Class III product, than to flavored milk or any other Class I product. The ingredients used in its manufacture are butterfat, nonfat dry milk, sugar, flavoring and stabilizer. The total solids in the end product are in excess of 25 percent. There is no requirement that milkshake mix be made from Grade A milk. It is free from any regulation by local health authorities other than as a food product.

Milkshake mix is generally considered in the same category as frozen dessert and ice cream mixes. As such, it is classified in the same class as such products in a number of other Federal orders. Milkshake mix is sold in Florida in competition with soft frozen desserts, which are readily available in retail food stores. Ice cream manufacturers, who are not subject to order regulation and who handle no Grade A fluid milk products, may and do market milkshake mix in the marketing area. The regulated handler is at a disadvantage in competing with these handlers when he is required to pay the Class I price for skim milk and butterfat used in the production of the milkshake mix. There was no opposition to classifying milkshake mix in Class III in the Southeastern Florida order.

(f) The order now provides a Class IV classification for that milk, the skim milk portion of which is disposed of for livestock feed or dumped. The order does not, however, make any provision for the reclassification from Class I and Class II to a lower-priced class of fluid milk products (other than milk) and Class II products, respectively, that are disposed of for livestock feed or dumped.

Handlers proposed that (except as now provided in the Class IV classification) skim milk and butterfat in fluid milk products and Class II products dumped or disposed of by a handler for livestock feed be classified in Class III.

Class III outlets often represent not only an efficient, but also at times the only, means of disposing of surplus milk and spoiled fluid milk products and Class II products. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat, which is not salvable, should be classified as Class III when dumped or disposed of for livestock feed under the conditions in which a Class IV classification would not be applicable. It is equally appropriate that the skim milk in fluid milk products and Class II products dumped or disposed of for livestock feed be classified in Class III when its disposition does not meet the conditions for a Class-IV classification.

A Class III classification of the skim milk and butterfat in fluid milk products and Class II products under the conditions herein proposed is comparable with that provided in Tampa Bay and other Federal milk orders.

6. *Enabling a cooperative to be a handler on farm tank milk.* A cooperative association should be required to be a handler for milk delivered from the farm to a pool plant in a tank truck owned

and operated by or under contract to such association.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay the producers. Once milk from a producer has been commingled with milk from other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity only to determine the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. Handlers have no control and generally take no part in determining the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms the milk is shipped.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed earlier in this decision, differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Requiring a cooperative to be a handler on its member-producers' bulk tank milk as herein provided will afford a practicable basis of accounting for such milk. In addition, it will provide flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers and facilitate the diversion of such milk to nonpool plants by the cooperative when it is not needed at regulated plants.

7. Diversion of producer milk. Diversion of producer milk by a cooperative to a nonpool plant should be limited to 25 percent of the milk physically received from its producer-members at pool plants during the month. Similarly, milk diverted by the operator of a pool plant for his account would be limited to 25 percent of the quantity of producer milk physically received at his plant during the month. Unlimited diversion of producer milk is now permitted under the order.

The proposed diversion provisions are the same as those in the Tampa Bay

order. They were proposed for inclusion in the Southeastern Florida order by IDEFA, the principal cooperative under both orders. There was no opposition to the inclusion of the proposed diversion provisions in the order.

Milk from the farms of producers shipping regularly to Southeastern Florida pool plants may on occasion be shipped to Tampa Bay pool plants. It would be inappropriate to consider such milk received at a Tampa Bay plant as producer milk under the Southeastern Florida order. Such milk's eligibility under a Federal order would more appropriately be determined at the Federal order plant where actually received. In fact, if the Southeastern Florida order permitted the diversion of producer milk to other order plants, it could result in the pricing and pooling of the same milk under two orders.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant should be facilitated. It is necessary, however, to provide reasonable limitations on the amount of milk which may be diverted so that only that milk genuinely associated with the market will be diverted and only when it is not needed in the Southeastern Florida market for Class I purposes.

On a monthly basis, Southeastern Florida producers do not produce large quantities of milk in excess of the market's fluid requirements. Diversion provisions are for the purpose of enabling handlers and cooperatives to divert producer milk on such occasions as weekends and holidays, when it is not needed in the market for Class I purposes. The limitations herein proposed will be sufficient to accommodate diversion under current marketing conditions and will facilitate the orderly disposition of producer milk.

It is important that only milk genuinely associated with the market should be eligible for diversion to nonpool plants. The order now provides such a safeguard. At least 8 days' production of a dairy farmer must be physically received at a pool plant during either the current or preceding month to qualify him as a producer. A dairy farmer shipping on an every-other-day basis would, under this standard, be required to ship only 4 days.

Milk diverted to nonpool plants in excess of the limitation provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. In such instances, the diverting handler would specify which milk is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be made ineligible as producer milk.

A high proportion of milk produced for the Southeastern Florida market is utilized for Class I purposes. Hence, it is not likely that it will be necessary to divert producer milk to nonpool plants

for extended periods or that such milk will move great distances from the market. To facilitate the pricing of such milk, therefore, it is appropriate to consider it as having been received at the plant from which diverted for the purpose of applying location pricing under the order.

8. Miscellaneous and conforming changes. The entire order should be re-drafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

(a) Producers proposed that various terms be explicitly defined in the order. The definitions added pursuant to the producer proposal, and to which there was no opposition, are commonly provided in Federal orders. The definitions for "distributing plant," "supply plant," "fluid milk product," and "Class II product" incorporated into the attached order are similar to those in the Tampa Bay order. Their inclusion in the Southeastern Florida order will be helpful in the administration of the order.

(b) The changes in the reporting provisions in the attached order were proposed by producers and supported by handlers. The most significant changes in this regard are those providing for reports to the market administrator by pool plant operators and cooperatives in those instances in which the cooperative elects to be the handler on farm tank milk. These reporting provisions are commonly provided in Federal orders in which a cooperative may be the handler on farm tank milk. They are equally appropriate and necessary under this order.

Another change would require reports by cooperatives and handlers to the market administrator of milk diverted to nonpool plants. Such information is necessary in determining whether the milk moved from dairy farms regularly supplying the market to nonpool plants may be included in the pool.

(c) Elsewhere in this decision, provision is made for replacing Boca Raton with West Palm Beach as a point from which location differential mileages are determined. It is likewise appropriate, therefore, to replace Boca Raton with West Palm Beach as a point from which the surplus disposal area under the transfer provisions of the order would be based. Accordingly, a classification other than Class I or Class II would, under certain conditions, be permitted on fluid milk products or Class II products transferred or diverted from a pool plant to nonpool plants within 500 miles of West Palm Beach (instead of Boca Raton as is now provided).

(d) A dairy farmer who has shipped less than 8 days' production during the month to a pool plant does not qualify as a producer under the Southeastern Florida order. Hence, such milk received at a pool plant is not producer milk and may not be pooled. Instead, it is considered the receipt of other source milk at the pool plant. Under the present allocation provisions, such milk is subtracted from a handler's utilization in series beginning with Class IV in the same manner as are receipts of ungraded

fluid milk products. On any of such milk allocated to Class I, the handler must pay the difference between the Class I and Class III price.

Receipts at a pool plant from a dairy farmer who fails to qualify as a producer are now treated differently than if first received at an unregulated plant and then moved to a pool plant. Under the conditions in the Southeastern Florida order, it is more appropriate that such milk be treated the same as milk received at a pool plant from unregulated supply plants. In this manner, such milk would be allocated pro rata to a handler's overall utilization to the extent that not less than 80 percent of regulated milk at the handler's plants would be assigned to Class I. All additional unregulated milk would then be allocated in series beginning with Class IV. Any dairy farmer milk allocated to Class I would be subject to a payment to the pool of the difference between the Class I and uniform price.

(e) The order should provide that a dairy farmer may deliver milk to a nonpool plant during the month without losing his producer status. This was temporarily achieved by a suspension action effective April 9, 1966 (31 F.R. 5611). Prior to that time, any such delivery to a nonpool plant (except by diversion) caused a dairy farmer to lose his producer status for the month.

Until January 1, 1966, Southeastern Florida producer milk could be diverted to the unregulated Tampa Bay area plants without losing its producer milk status. This is because the milk so moved was considered as producer milk diverted to a nonpool plant. The status of such milk received at Tampa Bay area plants changed when the Tampa Bay order became effective January 1, 1966. Such milk no longer qualifies for diversion under the Southeastern Florida order because the order does not permit diversion to an other order plant. Thus, any such milk delivered by a dairy farmer to Tampa Bay pool plants is considered producer milk under the Tampa Bay order and is priced and pooled under that order. The provision under consideration, however, precludes milk delivered during the same month to a Southeastern Florida pool plant by the same dairy farmer from being producer milk under the Southeastern Florida order.

IDFA is the principal cooperative in both the Southeastern Florida and Tampa Bay orders. The marketing of its members' milk is facilitated when it can move unneeded supplies in temporary periods of shortage in the Tampa Bay market from the farms of its producers under the Southeastern Florida order. The removal of the provision in the Southeastern Florida order that causes a dairy farmer to lose his producer status under that order by a delivery to a nonpool plant will contribute to the efficient marketing of milk under the two orders.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclu-

sions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions to the findings and conclusions were received.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern Florida Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby pro-

posed to be amended, regulating the handling of milk in the Southeastern Florida marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 19, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

ORDER ¹ AMENDING THE ORDER REGULATING THE HANDLING OF MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

DEFINITIONS

Sec.	
1013.1	Act.
1013.2	Secretary.
1013.3	Department.
1013.4	Person.
1013.5	Cooperative association.
1013.6	Southeastern Florida marketing area.
1013.7	Fluid milk product.
1013.8	Distributing plant.
1013.9	Supply plant.
1013.10	Pool plant.
1013.11	Nonpool plant.
1013.12	Route.
1013.13	Handler.
1013.14	Producer-handler.
1013.15	Producer.
1013.16	Producer milk.
1013.17	Other source milk.
1013.18	Chicago butter price.
1013.19	Class II product.
1013.20	Cream.

MARKET ADMINISTRATOR

1013.25	Designation.
1013.26	Powers.
1013.27	Duties.

REPORTS, RECORDS AND FACILITIES

1013.30	Report of sources and utilization.
1013.31	Other reports.
1013.32	Records and facilities.
1013.33	Retention of records.

CLASSIFICATION OF MILK

1013.40	Skim milk and butterfat to be classified.
1013.41	Classes of utilization.
1013.42	Shrinkage.
1013.43	Responsibility of handlers and reclassification of milk.
1013.44	Transfers.
1013.45	Computation of skim milk and butterfat in each class.
1013.46	Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1013.50	Basic formula price.
1013.51	Class prices.
1013.52	Butterfat differentials to handlers.
1013.53	Location adjustments to handlers.
1013.54	Use of equivalent prices.

APPLICATION OF PROVISIONS

1013.60	Producer-handler.
1013.61	Plants where other Federal orders may apply.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

- Sec.
1013.62 Obligations of handler operating a partially regulated distributing plant.
1013.63 Person producing milk.

DETERMINATION OF UNIFORM PRICES
TO PRODUCERS

- 1013.70 Computation of the net pool obligation of each pool handler.
1013.71 Computation of uniform price.
1013.72 Butterfat differential to producers.
1013.73 Location differentials to producers and on nonpool milk.
1013.74 Notification of handlers.

PAYMENTS

- 1013.80 Time and method of payment for producer milk.
1013.81 Producer-settlement fund.
1013.82 Payments to the producer-settlement fund.
1013.83 Payments out of the producer-settlement fund.
1013.84 Adjustment of accounts.
1013.85 Marketing services.
1013.86 Expense of administration.
1013.87 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

- 1013.100 Effective time.
1013.101 Suspension or termination.
1013.102 Continuing obligations.
1013.103 Liquidation.

MISCELLANEOUS PROVISIONS

- 1013.110 Agent.
1013.111 Separability of provisions.

AUTHORITY: The provisions of this Part 1013 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1013.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order

as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundred-weight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1013.46(a) (3), (4), and (10) and the corresponding steps of § 1013.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 30, 1966, and published in the FEDERAL REGISTER on September 3, 1966 (31 F.R. 11669; F.R. Doc. 66-9689), shall be and are the terms and provisions of this order and are set forth in full herein:

DEFINITIONS

§ 1013.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1013.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1013.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to per-

form the price reporting functions specified in this part.

§ 1013.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

1013.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1013.6 Southeastern Florida marketing area.

The "Southeastern Florida marketing area," hereinafter called the "marketing area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all Government reservations and incorporated municipalities within this territory:

Broward.	Martin.
Dade.	Monroe.
Glades.	Okeechobee.
Hendry.	Palm Beach.
Indian River.	St. Lucie.

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milkshake mix.

§ 1013.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1013.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) are moved to a pool plant during the month.

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk receiving or processing plant.

§ 1013.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this

paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month: (a) Produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

§ 1013.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk (as described in § 1013.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption), and not less than 8 days' production of such person is physically received at a pool plant during the current month or was so received during the preceding month.

§ 1013.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1013.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1013.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1013.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at

a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1013.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1013.32.

§ 1013.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1013.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

§ 1013.20 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

MARKET ADMINISTRATOR

§ 1013.25 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1013.26 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To make rules and regulations to effectuate its terms and provisions;
- (c) To receive, investigate, and report to the Secretary complaints of violations; and
- (d) To recommend amendments to the Secretary.

§ 1013.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of the funds received pursuant to § 1013.86:
 - (1) The cost of his bond and the bonds of his employees;
 - (2) His own compensation; and
 - (3) All other expenses, except those incurred under § 1013.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;
- (f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1013.30 through 1013.32, or payments pursuant to §§ 1013.80 through 1013.86;
- (g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;
- (h) Verify all reports and payments of each handler, by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

and by such other means as are necessary;

- (i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;
- (j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

- (1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II price, Class III price, Class IV price, and the corresponding butterfat differentials, all for the preceding month; and
- (2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;
- (k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

- (l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1013.46(a) (11) and the corresponding step of § 1013.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

- (m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and
- (n) Furnish to each handler operating a pool plant who has shipped skim milk and butterfat in the form of milk products designated as Class I milk pursuant to § 1013.41(a) to an other order plant, the classification to which such skim milk and butterfat was allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

- (o) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

- (p) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

REPORTS, RECORDS, AND FACILITIES**§ 1013.30 Report of sources and utilization.**

On or before the 7th day after the end of each month, each handler, except a

handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator with respect to each plant at which milk is received for such month, and for each accounting period in each month, in detail and on forms prescribed by the market administrator, as follows:

- (a) The quantities of skim milk and butterfat contained in or represented by receipts of:

- (1) Producer milk (or, in the case of handlers pursuant to § 1013.13(b) Grade A milk received from dairy farmers);
- (2) Fluid milk products and Class II products received from pool plants;
- (3) Other source milk;
- (4) Milk diverted to nonpool plants pursuant to § 1013.16; and
- (5) Inventories of fluid milk products and Class II products at the beginning and end of the month or accounting period;

- (b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;
- (c) Such other information with respect to receipts and utilization as the market administrator may request; and
- (d) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46 (d), shall submit a summary report of the same information for the entire month.

- (e) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46 (d), shall submit a summary report of the same information for the entire month.

- (f) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46 (d), shall submit a summary report of the same information for the entire month.

§ 1013.31 Other reports.

- (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

- (b) Each handler pursuant to § 1013.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator:

- (1) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

- (2) On or before the first day other source milk—as defined pursuant to § 1013.17(a)—is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

- (3) Such other information with respect to his sources and utilization of butterfat and skim milk and at such times as the market administrator shall prescribe.

- (c) Each handler making payments pursuant to § 1013.62(a) shall report the information required pursuant to paragraph (b) of this section. In such reports receipts of Grade A milk from

dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

(d) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler pursuant to § 1013.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1013.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items or products on hand at the beginning and end of each month; and

(d) Payments to producers and co-operative associations including any deductions, and the disbursement of money so deducted.

§ 1013.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1013.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1013.30(a) shall be classified pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2), (c) (2), (3), and (4), and (d) of this section; and

(2) Not accounted for as Class II, Class III or Class IV milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraphs (c) (2), (3), and (4), and (d) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;

(2) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the non-fat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1013.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1013.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b) (2).

(d) *Class IV milk.* Class IV milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed, or

(2) Dumped after such prior notification as the market administrator may require.

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(c) (5); and

(2) Other source milk exclusive of that specified in § 1013.41(c) (5).

§ 1013.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that such skim milk and butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a) (11) and the corresponding step of § 1013.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a) (3) and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a) (10) or (11) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler

plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product or a Class II product to a nonpool plant that is neither another order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim

milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product or Class II product to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.41.

(e) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

§ 1013.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1013.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk and Class IV milk at each pool plant: *Provided*, That the skim milk

contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1013.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III, the pounds of skim milk in other source milk as specified in § 1013.17(b);

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(6) Subtract from the pounds of skim milk remaining in Class II, Class III and Class IV, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (5) of this paragraph;

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph);

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting

from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(9) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers that were not subtracted pursuant to subparagraphs (4) and (7) (i) of this paragraph;

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (7) (ii) of this paragraph;

(i) In series beginning with Class IV and thereafter from Class III and Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II, Class III, and Class IV utilization of skim milk announced for the month by the market administrator pursuant to § 1013.27(1) or the percentage that Class II, Class III, and Class IV utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44(a); and

(13) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class IV. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section; and

(d) A handler may account for receipts of milk, utilization of milk and

classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

MINIMUM PRICES

§ 1013.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. However, for the purpose of computing the Class I price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than \$4.

§ 1013.51 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be the basic formula price for the preceding month plus \$3.20.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus \$1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

(d) *Class IV price.* The Class IV price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

§ 1013.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I and Class II prices, 7.5 cents; and

(b) Class III and Class IV prices, 0.115 times the Chicago butter price for the month.

§ 1013.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of, and 80 miles or more from, the U.S. Post Office in West Palm Beach, Florida, shall be reduced 13 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 90 miles from the U.S. Post Office in West Palm Beach.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and

unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the U.S. Post Office in West Palm Beach.

§ 1013.54 Use of equivalent prices.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 Producer-handler.

Sections 1013.50 through 1013.54, 1013.61, 1013.62, 1013.70 through 1013.74, and 1013.80 through 1013.86 shall not apply to a producer-handler.

§ 1013.61 Plants where other Federal orders may apply.

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b), and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(b) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

(c) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to

§§ 1013.30 and 1013.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82 (b) (2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1013.30 and 1013.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1013.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, there will be deducted the sum of: (i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph and (ii) any payments to the producer-settlement fund of an other order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one

total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1013.63 Person producing milk.

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a) (13) and the corresponding step of § 1013.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a) (8) and the corresponding step of § 1013.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a) (3) and (4) and the corresponding steps of § 1013.46 (b); and

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a) (10) and the corresponding step of § 1013.46(b).

§ 1013.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to §§ 1013.80 and 1013.82 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 per-

cent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1013.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1013.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1013.70(e); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1013.72 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1013.46 by the respective butterfat differential for each class.

§ 1013.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1013.53; and

(b) For purposes of computations pursuant to §§ 1013.82 and 1013.83, the uniform price shall be adjusted at the rates set forth in § 1013.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1013.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price for producer milk computed pursuant to § 1013.71 and the butterfat differential to producers;

(c) The amount and value of his producer milk at the uniform price; and

(d) The amounts to be paid by such handler pursuant to §§ 1013.82, 1013.85, and 1013.86, and the amount due such handler pursuant to § 1013.83.

PAYMENTS

§ 1013.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an

amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed \$6, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed \$6, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.71 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1013.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1013.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section

shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month; and

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1013.84.

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.62, 1013.82 and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1013.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

(a) The net pool obligation computed pursuant to § 1013.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.80(a)(3); and

(2) The value at the uniform price pursuant to § 1013.71 at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1013.70(e).

§ 1013.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1013.82(b) exceeds the amount computed pursuant to § 1013.82(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market admin-

istrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1013.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1013.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1013.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1013.86 Expense of administration.

(a) As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (1) producer milk (including such handler's own production), (2) other source milk allocated to Class I pursuant to § 1013.46(a)(3), (4), and (10) and the corresponding steps of § 1013.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1013.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The months during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to

be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1013.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1013.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.110 Agent.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1013.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 66-11548; Filed, Oct. 21, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WE-54]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

In the early part of 1967, the Federal Aviation Agency proposes to commission an air traffic control tower for the Palm Springs Municipal Airport, Palm Springs, Calif. Therefore, the Agency is considering amendments to Part 71 of the Federal Aviation Regulations and proposes the following airspace actions:

1. Designate the Palm Springs, Calif., control zone as that airspace within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles each side of the Palm Springs VOR 120° and 300° radials, extending from 3.5 miles SE to 3 miles NW of the VOR. This control zone will be effective from 0600 to 2200 hours, local time, daily.

2. Designate the Palm Springs, Calif., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles NE and 6.5 miles SW of the Palm Springs VOR 120° and 300° radials, extending from 3 miles NW to 8.5 miles SE of the VOR.

The proposed control zone and 700 foot transition area are required to protect aircraft executing prescribed instrument procedures at Palm Springs Airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by

contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 13, 1966.

LEE E. WARREN,

Acting Director, Western Region.

[F.R. Doc. 66-11523; Filed, Oct. 21, 1966;
8:45 a.m.]

Notices

[Group Nos. 364, 427]

ARIZONA

Notice of Filing of Plat of Survey

OCTOBER 18, 1966.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective 10 a.m., on November 23, 1966:

GILA AND SALT RIVER MERIDIAN

T. 38 N., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 38 N., R. 13 W.,
Secs. 1 to 36, inclusive.

The areas described aggregate 46,027.01 acres of public land.

2. The land in T. 38 N., R. 11 W., varies about 800 feet in elevation. The higher area in the northeast is broken hills and flat topped mesas; the remainder is low rolling hills cut by numerous small washes and draws. Scattered junipers, buck brush, black brush, and cactus are found at the higher elevations with sagebrush the dominant vegetation throughout the township. A fair growth of native grass over most of the area affords graze and water for livestock.

The land in T. 38 N., R. 13 W., is gently rolling in the eastern portion becoming progressively more rough and broken in the area to the west. The elevation ranges from 4,500 feet to 5,500 feet. The soil is shallow clay loam and limestone cut by numerous gullies and draws. Scattered juniper and pinon is found throughout the township. Sagebrush, cacti, and brigham tea are the predominating undergrowth.

3. All rights of the State of Arizona to sections 2, 16, 32, and 36 have been conveyed to the United States for each township. Therefore, all surface and mineral rights are vested in the United States.

4. The lands described in paragraph 1 are opened to petition, application, and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition-application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications, selections

and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on November 23, 1966, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 66-11533; Filed, Oct. 21, 1966;
8:46 a.m.]

Fish and Wildlife Service

[Docket No. C-252]

ROBERT L. GLENN

Notice of Loan Application

Robert L. Glenn, 189 Alma Avenue, Rohnert Park, Calif. 94928, has applied for a loan from the Fisheries Loan Fund to aid in financing construction of a new 48-foot steel vessel to engage in the fishery for salmon, albacore, and crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Proposed Classification of Public Lands

Notice is hereby given that it is proposed to classify, pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751), the public lands described below for disposal in satisfaction of valid scrip rights. This publication is made pursuant to section 2 of the act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1412). For a period of 60 days from the date of this publication, interested parties may submit comments to the Director, Bureau of Land Management, Washington, D.C. 20240.

Regulations (43 CFR 2221.0—2221.2-4) governing selection of classified lands were published August 24, 1966 (31 F.R. 11178, 11179). As stated therein, scrip claimants may submit recommendations of areas to be classified for satisfaction of claims, specifying the type of claim for which the land should be classified. Recommendations should be sent to the State Director, Bureau of Land Management, of the State in which the recommended lands are located (see 43 CFR 1821.2-1).

The lands affected by this proposal are described as follows:

For Satisfaction of Valid Soldiers Additional Homestead, Isaac Crow, Merritt W. Blair, and Forest Lieu Claims.

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 11 E.,
Sec. 27, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
Sec. 28, E $\frac{1}{2}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, S $\frac{1}{2}$;
Sec. 33, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, lots 1 through 8 and lot 11;
Sec. 34, lots 1 through 4 and lots 6 and 7, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 13 S., R. 11 E.,
Sec. 5, lots 1 through 4, S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$.
T. 15 S., R. 10 E.,
Sec. 25, NE $\frac{1}{4}$;
Sec. 35, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 15 S., R. 11 E.,
Sec. 31, lots 1 through 5, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 16 S., R. 10 E.,
Sec. 1, lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and SW $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$;
Sec. 11, N $\frac{1}{2}$;
Sec. 12, NW $\frac{1}{4}$.

The areas described aggregate approximately 5,021.33 acres.

JOHN O. CROW,
Associate Director.

OCTOBER 18, 1966.

[F.R. Doc. 66-11524; Filed, Oct. 21, 1966;
8:45 a.m.]

be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 19, 1966.

[F.R. Doc. 66-11531; Filed, Oct. 21, 1966;
8:46 a.m.]

[Docket No. A-404]

JACK R. SANDIN

Notice of Loan Application

James R. Sandin, Box 1223, Kodiak, Alaska 99615, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 24-foot vessel to engage in the fishery for salmon and halibut.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 19, 1966.

[F.R. Doc. 66-11532; Filed, Oct. 21, 1966;
8:46 a.m.]

National Park Service MUIR WOODS NATIONAL MONUMENT

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Director of the National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1967, through December 31, 1967, the concession permit under which Mrs. Katherine W. Clever as Conservator of the person and Estate of Viola H. Montgomery provides concession facilities and services for the public in Muir Woods National Monument.

The foregoing concessioner has performed her obligations under a prior per-

mit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: October 14, 1966.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 66-11525; Filed, Oct. 21, 1966;
8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3-W]

WHITE PORTLAND CEMENT FROM JAPAN

Determination of Sales at Not Less Than Fair Value

OCTOBER 17, 1966.

On July 30, 1966, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that white portland cement imported from Japan, manufactured by Onoda Cement Co., Tokyo, Japan, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

White cement is used instead of gray cement where the purity of color is a paramount consideration.

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until August 30, 1966, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

The complainant submitted a written request for an opportunity to present views in person in opposition to the tentative determination. The opportunity was afforded to the complainant, and all interested parties of record were notified and were represented at the hearing.

After consideration of all written and oral arguments presented, I hereby determine that white portland cement imported from Japan, manufactured by Onoda Cement Co., Tokyo, Japan, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Certain contentions of the complainant with regard to adjustments for packing costs due to the use of smaller bags in some instances, even if proved, would not affect this determination. Therefore, the reasons for this determination are those stated in the tentative determination with the exception of the adjustment for such packing costs.

This determination is published pursuant to section 201(c) of the Antidump-

ing Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11544; Filed, Oct. 21, 1966;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service CHINO STOCKYARDS CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

CALIFORNIA

Chino Stockyards Company, Chino, Oct. 12, 1966.

MISSOURI

M.F.A. Livestock Association, Inc., Cole Camp Concentration Point, Cole Camp, Sept. 16, 1966.

M.F.A. Livestock Association, Inc., Eldon Concentration Point, Eldon, Sept. 22, 1966.

M.F.A. Livestock Association, Inc., Mansfield Concentration Point, Mansfield, Oct. 4, 1966.

Merrigan Brothers Livestock, Auction Market, Inc., Maryville, Oct. 12, 1966.

NEBRASKA

Aurora Livestock Market, Aurora, Oct. 8, 1966.

TEXAS

Trinity County Auction, Groveton, Sept. 29, 1966.

Done at Washington, D.C., this 18th day of October 1966.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11529; Filed, Oct. 21, 1966;
8:45 a.m.]

ROER LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Roer Livestock Auction, Phoenix, Ariz.
Valley Livestock Auction, Casa Grande, Ariz.
Stutz Arena, Alton, Ill.

Centerville Sale Company, Centerville, Iowa.
Golden Rule Auction Service, Crocker, Mo.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such time and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 18th day of October 1966.

CHARLES G. CLEVELAND,
*Chief, Registrations, Bonds and
Reports Branch, Packers and
Stockyards Division, Con-
sumer and Marketing Service.*

[F.R. Doc. 66-11530; Filed, Oct. 21, 1966;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 17171, 17172]

SIGNAL TRUCKING SERVICE, LTD. ET AL.

Notice of Proposed Approval

Application of Signal Trucking Service, Ltd., for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 17171.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 19, 1966.

[SEAL] J. W. ROSENTHAL,
*Director,
Bureau of Operating Rights.*

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority.

Application of Signal Trucking Service, Ltd.; Docket No. 17171; for approval under section 408 of the Federal Aviation Act of 1958, as amended, of its acquisition of Honolulu Air Cargo, Inc.; application of John E. Carroll, Michael D. Carroll, Signal Trucking Service, Ltd., and Honolulu Air Cargo, Inc.; Docket No. 17172; for approval of interlocking relationships under section 409 of the Federal Aviation Act of 1958, as amended.

Signal Trucking Service, Ltd. (Signal) has requested approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its acquisition of Honolulu Air Cargo, Inc., doing business as Aero Forwarding (Honolulu), a domestic and international air freight forwarder. The application discloses that Signal, a common carrier by motor vehicle, is 88 percent owned by the Estate of John E. Carroll.¹ Said Estate also wholly owns Signal Equipment Rental Co. (Rental) and Signal Terminals, Inc. (Terminals). Signal, in turn, wholly owns Paxton Trucking Co. (Paxton Trucking), Paxton Truck Lines, Inc. (Truck Lines), and The Carroll Co., and seeks approval herein of its proposed 100 percent ownership of Honolulu.²

In a related application Signal, Honolulu, John E. Carroll, and Michael D. Carroll have requested approval under section 409 of the Act of interlocking relationships involving certain of the foregoing companies. Specifically, John E. Carroll is chairman of the board of directors and chief executive officer of Signal, and a director of Signal's subsidiaries, Paxton Trucking and Truck Lines. It is proposed that he will become a director of Honolulu. Michael D. Carroll, president and a director of Signal, is vice president and a director of Paxton Trucking and Truck Lines, and it is proposed that he become a vice president and director of Honolulu.³

According to applicants, Signal is engaged in surface transportation wholly within the State of California as a motor carrier under authority issued by the Interstate Commerce Commission (ICC) and the California Public Utilities Commission (PUC). In addition, it derives a portion of its revenues from the rental of equipment without drivers and from "unit vehicle leasing in which Signal leases equipment with drivers with which its customers transport their own commodities."⁴

All such leases except one specifically restrict the use of the equipment to the State of California. The one exception arises from historical reasons, but Signal understands that the lessee in that instance does not use any of the leased equipment outside of the State of California. Further, while Signal has authority from the ICC to enter into interline exchange agreements with interstate motor vehicle carriers, it has not done so as its other ICC authorities are restricted in area and do not extend to state lines. And, according to the application, "Signal does not propose to enter into interline agreements with interstate motor vehicle carriers in the future nor to seek business requiring such agreements."

Paxton Trucking operates as a motor carrier wholly within the State of California under ICC and PUC authorities. The freight it transports consists principally of iron and

steel products, certain nonferrous metal and clay products, heavy equipment, junk and scrap, and commodities which because of size, weight, or shape require the use of special equipment. Paxton Trucking also from time to time enters into interline arrangements with interstate motor vehicle carriers for the movement of freight between California and points in other States.⁵ The commodities which can be transported in such shipments are limited, by the interstate authority of Paxton Trucking, to those which the company is permitted to carry in its intrastate service.⁶ Much of the interstate freight carried by Paxton Trucking is, according to applicants, shipped to a destination which is incompatible with rail and air transportation, e.g., direct to a construction project or to the warehouse of a consignee.⁷

Applicants further state: "Paxton has the legal authority under this certificate to operate on a regularly scheduled basis, over regular routes and between fixed points. Paxton does not so operate. The nature of the freight carried by Paxton results in spasmodic and irregular traffic flow so that the maintenance of regular schedules is impossible. In practice, Paxton, and all other trucking companies in the heavy haul area of the industry, operates at irregular times over irregular routes and does not maintain any regular services between any two fixed points."

Truck Lines is authorized to engage in transportation as a motor carrier operating wholly within the State of California under authorities issued by the Public Utilities Commission of that State. According to the application, it has no ICC authorities and can only engage in operations as a common carrier "so long as it does not operate between fixed termini or over regular routes."⁸ Rental acts only as a lessor of equipment without driver, holding, itself, no operating authority. Terminals is wholly inactive and holds no authorities whatever. The Carroll Co.'s sole present business is the ownership of Signal's principal terminal in Los Angeles, which it leases to Signal.

Signal indicates that it proposes to operate Honolulu as a separate business except that it will offer the forwarder financial and managerial assistance and, if desirable, space in its trucking terminals in Los Angeles County and the San Francisco Bay area. Signal believes its capabilities as a whole are such that it can be of assistance to Honolulu in expanding its forwarding services and in discovering new markets not now served by Honolulu. By the same token, Signal sees no conflict between its operations, including those of its affiliates, and the type of services rendered by air freight forwarders. Also, it states that it has no plans to enter the long haul, multiple State field for the carriage of general commodities either directly or through present or future subsidiaries. And Signal has indicated a willingness to have approval of the relationship made subject to a condition limiting its operations to the

⁵ Drivers and equipment are leased by one participant in the haul to other participants. Approximately 30 percent of Paxton Trucking's revenue is derived from such arrangements.

⁶ Interline shipments move on a through bill of lading under joint rates filed by the participating carriers.

⁷ The company's equipment consists of tractors and flat rack or low bed, open trailers and special equipment. The lowest minimum weight on which freight charges are assessed on tariffs for interstate hauls in which Paxton Trucking participates is 10,000 pounds.

⁸ Truck Lines has no authority to engage in interline arrangements involving freight moving in interstate commerce.

¹ Pending probate of the late Mr. Carroll's will, Bank of America National Trust & Savings Association holds his shares as Trustee for distribution to Lenore Carroll, widow, John E. and Michael D. Carroll, sons, and Nancy Carroll Lawrence, daughter of Mr. Carroll. John E. Carroll, Michael D. Carroll, and Nancy Carroll Lawrence hold, independently, 5,000 shares, or 4 percent each.

² On Jan. 31, 1966, an agreement was executed between Signal and the two stockholders of Honolulu, Messrs. Paul Beidleman and Herbert H. Pierce, under which Signal was given an option within 1 year to purchase all of the issued and outstanding stock of Honolulu, i.e., 150 shares from each of the named individuals. The cash purchase price is \$64,856.67, subject to tax adjustments.

³ Both applications were filed on Mar. 31, 1966.

⁴ In 1965 revenues from such activities were, respectively, \$1,753,327 (16%) and \$175,514 (1.6%).

type presently conducted.⁹ In sum, Signal considers the air freight forwarding business to be a potentially profitable area of diversification and believes that the acquisition of Honolulu provides an appropriate entrance. No comments with respect to the joint applications or requests for a hearing have been received.

Notice of intent to dispose of the joint application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Signal, Paxton Trucking and Truck Lines are common carriers within the meaning of section 408, that Honolulu is an air carrier, and that the acquisition of Honolulu by Signal is subject to section 408 of the Act. However, it has been further concluded that such acquisition does not affect an air carrier directly engaged in air transportation, does not result in creating a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing.

It is found that the activities of Paxton Trucking are confined to the specialized transportation of heavy bulk commodities in motorized equipment specifically designed for such purposes, and in part involve enabling deliveries to construction sites. Accordingly, no present or reasonably foreseeable conflicts of interest with Honolulu are evident. Also, approval of the proposed relationships involving Signal itself is deemed appropriate in the light of its activities vis-a-vis those of Honolulu. We shall, however, impose the condition suggested by Signal.

It is also concluded that interlocking relationships within the scope of section 409 of the Act will exist between the last above-named companies as the result of the holding by Messrs. Carroll of the positions described above. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is Ordered:

1. That the control by Signal Trucking Service, Ltd. of Honolulu Air Cargo, Inc. doing business as Aero Forwarding be and it hereby is approved.

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by John E. Carroll and Michael D. Carroll of the positions set forth above be and they hereby are approved;

3. That the foregoing approvals shall remain in effect only so long as the operations of Signal are restricted to the State of California and the general character of the freight presently authorized to be carried by Paxton Trucking Co. in interstate commerce remains unchanged; and

⁹ The condition Signal suggests is as follows:

"The approval granted herein shall be effective only so long as the operations of Signal Trucking Service, Ltd., are restricted to the State of California and the general character of the freight presently authorized to be carried by Paxton Trucking Co. in interstate commerce remains unchanged."

4. That jurisdiction over this proceeding is retained pursuant to sections 408 and 409 of the Act for the purpose of imposing such other terms and conditions as may be reasonable.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days from the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

By J. W. Rosenthal,
Director, Bureau of
Operating Rights

[SEAL]

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-11541; Filed, Oct. 21, 1966;
8:47 a.m.]

[Docket No. 15419]

BLOCKED-SPACE AIRFREIGHT TARIFFS

Notice of Postponement of Prehearing Conference

Counsel for Flying Tiger has advised that he will file a motion to dismiss this proceeding within the next 10 days and will also request postponement of procedural dates until the Board acts on the dismissal motion. A 2-week postponement pending receipt of these motions and of answers thereto is appropriate. Accordingly, the prehearing conference is postponed to 10 a.m., November 22, 1966, in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., and the date for submission of statements concerning issues, requests for evidence, and procedural dates is postponed to November 10, 1966.

Dated at Washington, D.C., October 18, 1966.

[SEAL]

RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 66-11542; Filed, Oct. 21, 1966;
8:47 a.m.]

[Docket No. 16222 etc.]

SERVICE MAIL RATES

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 31, 1966, is postponed to November 7, 1966, at 2 p.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

The date for submission to the examiner and the other parties of (1) proposed statements of issues, (2) proposed stipulations, (3) requests for information, (4) statements of positions of the parties, and (5) proposed procedural dates, is hereby postponed to November 1, 1966.

Dated at Washington, D.C., October 18, 1966.

[SEAL]

MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-11543; Filed Oct. 21, 1966;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15461 etc.; FCC 66R-408]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William A. Chapman and George K. Chapman doing business as Chapman Radio & Television Co., Homewood, Ala.; Docket No. 15461, File No. BPCT-3282; Tele-Mac of Birmingham, Inc., Birmingham, Ala.; Docket No. 16759, File No. BPCT-3705; Alabama Television, Inc., Birmingham, Ala.; Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala.; Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station Birmingham Television Corp. (WBMG), Birmingham, Ala.; Docket No. 16758, File No. BPCT-3663; for modification of construction permit.

1. Birmingham Television Corp. (WBMG), one of five competing applicants in this proceeding, has petitioned for the addition of six hearing issues.¹ The applications were designated for hearing by the Commission on July 20, 1966 (FCC 66-636).

2. The first issue requested is: To determine the reasonableness of Birmingham Broadcasting Co.'s estimated construction costs and its estimated cost of operations for the first year.

The bases for addition of this issue are allegations that there are uncertainties surrounding Birmingham's proposed lease arrangements and remodeling costs; that although a letter from RCA refers to \$500,000 worth of equipment, the application calls for \$473,000; and that Birmingham's estimate of \$150,000 to operate for an entire year is "thought-provoking" and "surprising," especially since another of the applicants expects these costs to be about \$380,000. The request for this issue is based upon no significant factual allegations and is plainly inadequate. Mere doubt and surmise do not satisfy the requirements of § 1.229 of the rules.

¹ The pleadings before the Board are: Petition to enlarge issues filed Aug. 8, 1966, by WBMG; opposition filed Aug. 29, 1966, by Birmingham Broadcasting Co.; opposition and support filed Aug. 29, 1966, by Alabama Television, Inc.; opposition filed Aug. 18, 1966, by Chapman Radio & Television Co.; comments filed Aug. 26, 1966, by the Broadcast Bureau; reply to oppositions filed Sept. 7, 1966, by WBMG; reply to opposition of Chapman filed Aug. 30, 1966, by WBMG.

3. The second issue requested by WBMG proposes: To determine the reasonableness of Chapman Radio & Television Co.'s estimated cost of operations for the first year.

Petitioner contends Chapman's estimate of \$50,000 "is unbelievable and absurd." For supporting factual allegations, reliance is placed on statements made in three affidavits executed in 1965 by the president and the secretary of petitioner and by an "experienced UHF broadcaster." The president of petitioner points to the experience of WBMG, as a UHF station in Birmingham, in obtaining film programing. He asserts that the lowest price WBMG has secured is \$25 an hour, and he states that even if Chapman were able to obtain film for \$20 an hour, the cost for the year based on the hours of film programing proposed in the application would be \$52,000, an amount exceeding the total budgeted for programing material (\$10,000) and operating costs (\$50,000) for the first year. He also estimates that costs for live programing would exceed \$30,000, showing further the inadequacies of Chapman's estimates. The secretary of petitioner, based on his experience operating a UHF television in Winston-Salem, N.C., and a television station in Puerto Rico, asserts that Chapman's hourly cost of operation figures out to \$7.95 which is "totally unrealistic" based on his experience in Winston-Salem where hourly costs in a market smaller than that of Birmingham were \$41.15 per hour. He also declares that Chapman's program costs of \$1.59 an hour would not be possible in a major market such as Birmingham. The third affiant refers to his experience operating a television station in Raleigh, N.C., and in Erie, Pa., and challenges Chapman's first year operating expense estimate. He avers that at the Erie station, using the most rigid economy, cash operating expenses were always more than three times the Chapman figure and that with rare exceptions film programing could not be obtained for less than \$25 per half hour. The Broadcast Bureau joins in the request to add an issue inquiring into the reasonableness of Chapman's first year cost estimates. Chapman's opposition challenges the affidavits because they were made a year ago and contends they contain no facts pertinent to the issue and are contrary to the facts found by the Hearing Examiner in an initial decision disposing of Chapman's application before the instant comparative proceeding was begun.¹

4. The affidavits supporting the request for the issue directed to Chapman's first year costs contain sufficient factual allegations based on experience in the operation of television stations to satisfy the requirements of § 1.299 of the rules. The prior initial decision having

been set aside by the Commission, the findings and conclusions therein provide no bases for the resolution of the petition now before the Board. This issue will be added.

5. The third issue requested by WBMG seeks: To determine the adequacy of the staff proposed by Chapman Radio & Television Co. to effectuate its proposed program schedule.

WBMG bases its request for this issue on the three affidavits previously referred to. In these, the proposal for integrated operation of the television, AM and FM stations of Chapman using 18 employees is attacked as grossly inadequate for a television schedule of 121 hours a week. It is asserted that automation and detailed staff scheduling will not be sufficient to assure adequate staffing, with 28.3 percent live programing, and comparison is made with experience in Winston-Salem where, despite automation and doubling-up on duties, an integrated AM and TV operation required a minimum of 29 full-time employees. Comparison is also made with experience in an Erie, Pa., station where a minimum of 18 employees was required to operate the television station for less hours than proposed by Chapman. The Broadcast Bureau joins in the request for a staffing issue.

6. The factual allegations supporting addition of a staffing issue are not as persuasive as those relating to the previous issue. However, enough has been alleged to cast serious doubt on the ability of Chapman to operate with the limited staff proposed. Substantial live programing is planned and no network affiliation is anticipated. Moreover, Chapman has made no effort to refute the factual allegations upon which the request is based or to challenge the inferences drawn from them as a basis for the inquiry. As noted earlier, it is insufficient to say that in the earlier proceeding the Examiner found in Chapman's favor on this issue. Thus, the staffing issue will also be added.

7. Issue (d) requested by WBMG reads: To determine whether there are differences between operation on Channel 21 and 42, by reason of technical capabilities, operating costs, advertiser preference, or otherwise, that would warrant granting Channel 21 to the pioneer UHF station in the Birmingham market.

WBMG argues that Channel 21, for which the applicants are applying, being a lower frequency, is preferable for technical and psychological reasons to Channel 42, on which WBMG operates, and that "it would be wise and equitable for the Commission to recognize and reward the efforts that WBMG has made to pioneer a UHF facility in Birmingham in competition with prefreeze VHF competitors." An engineering affidavit is submitted which purports to show that there would be an "apparent gain" in Grade B service from using 21 instead of 42; that there "tends to be" some advantages in receiver sensitivity, and that operation on 21 "is expected to

provide savings in transmitter operating costs." The other parties and the Bureau oppose addition of issue (d). WBMG also desires a preference for its efforts in pioneering a UHF facility in Birmingham.

8. The request to add issue (d) will be denied. There is no Commission precedent cited for the proposition that an existing station should be given, automatically, a decisive preference over newcomers in the field. Moreover, as Chapman notes in its opposition, WBMG has been on the air less than a year, having commenced operation after Chapman received a favorable initial decision in the Homewood proceeding, Docket No. 15461. Therefore, the basis of its claim for a preference derived from its service in Birmingham is further diluted. Adoption of the requested issue would constitute a departure from existing policy which only the Commission can put into effect.

9. Proposed new issue (e) is requested: To determine on a comparative basis the areas and populations that the applicants would serve within their respective Grade B contours.

WBMG has submitted an engineering affidavit purporting to establish that there would be substantial variations, from a high of 10,177 square miles to a low of 2,444, in areas enclosed in the respective Grade B contours of the applicants. No population estimates are given.

10. The Broadcast Bureau supports the enlargement request, as does Alabama Television which also notes that comparative coverage can be investigated under the comparative issue. Birmingham Broadcasting opposes enlargement on the ground that the question can be explored under existing issues. Chapman opposes enlargement because, without population data, "area comparison as requested by WBMG will serve no useful purpose in 'developing comparative aspects of the applications' in respect to the population to be served."

11. The Commission Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 398, 5 RR 2d 1901, 1913 (1965) makes it clear that more efficient utilization of a frequency "can and should be considered in determining which of the applicants should be preferred." Where, as here, a showing of substantial disparity in coverage has been made, the Examiner may permit the adduction of evidence under the standard comparative issue. Harriscope, Inc., 2 FCC 2d 223 (1965). Therefore, enlargement of the issues is unnecessary.

12. Finally, WBMG seeks an issue: To determine on a comparative basis the efforts, if any, made by the applicants to ascertain community and area needs.

In support, petitioner describes steps it has taken to ascertain and keep current on community needs and interests. No facts are alleged concerning the survey efforts of the other applicants.

13. The Broadcast Bureau opposes enlargement because all WBMG has done is list its own efforts and has failed to

¹ In Docket No. 15461, an initial decision favorable to Chapman was released on Aug. 27, 1965 (FCC 65D-39). At that time, Chapman was the only applicant. Thereafter, by order released Nov. 29, 1965 (FCC 65-1052), the initial decision was set aside.

demonstrate that significant differences exist which would be useful in resolving the proceeding. Chapman opposes on the ground that the inquiry can be made under existing issues. Alabama Television and Birmingham Broadcasting support the enlargement. In its replies, WBMG counters the Bureau's argument by asserting that "the application form does not require facts as to community surveys, and it was therefore impossible for WBMG to make a comparison on this matter."

14. As the Board reads the policy statement, *supra*, enlargement of issues to permit inquiry into this aspect of program planning will be permitted when an applicant has shown in a petition to amend the issues enough facts to indicate the likelihood of being able to establish significant differences (pp. 397, 398). The statement declares that "no comparative issue will ordinarily be designated on program plans and policies, or on staffing plans or other planning elements * * * WBMG has not alleged sufficient allegations of fact (§ 1.299(b)) to warrant enlargement of the issues. Although WBMG attempts to excuse this failure in respect to the efforts of the other applicants to ascertain needs because such information is not required by the application form, this does not justify the total lack of factual allegations tending to show significant differences among the applicants. Thus, enlargement will not be granted.

In view of the foregoing: *It is ordered*, This 18th day of October 1966, that the petition to enlarge issues, filed on August 8, 1966, by Birmingham Television Corp., is granted to the extent indicated by addition of the following issues, and denied in all other respects:

To determine the reasonableness of Chapman Radio & Television Co.'s estimated cost of operations for the first year.

To determine the adequacy of the staff proposed by Chapman Radio & Television Co. to effectuate its proposed program schedule.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 66-11551; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket Nos. 16476-16478; FCC 66M-1404]

ARTHUR A. CIRILLI ET AL.

Further Continuance of All Procedural Dates

In re applications of Arthur A. Cirilli, Trustee in Bankruptcy (WIGL), Superior, Wis.; Docket No. 16476, File No. BR-4080, BRRE-7740, for renewal of license of station WIGL; Quality Radio, Inc. (WAKX), Superior, Wis.; Docket No. 16477, File No. BP-16497, for construction permit; Arthur A. Cirilli, Trustee in Bankruptcy (Assignor), and D.L.K. Broadcasting Co., Inc. (As-

signee); Docket No. 16478, File No. BAL-5627, BALRE-1336, for assignment of license of station WIGL.

The Hearing Examiner having under consideration a "Petition for Continuance of Dates" filed by the above applicants on October 11, 1966, requesting the continuance indefinitely of certain heretofore scheduled procedural dates specified below, pending Commission action on a joint request for approval of an agreement looking toward dismissal of the Cirilli and D.L.K. applications, with the resultant elimination of the hearing;

It appearing, that counsel for the Broadcast Bureau has informally indicated that he interposes no objection to grant of the subject petition, and that "good cause" has been shown for deferring indefinitely any further procedural steps in this matter since favorable Commission action on the aforementioned joint request could moot all the hearing issues including Issue 1 on which issue Quality Radio, Inc., states it is prepared to proceed to hearing now;

Accordingly, it is ordered, This 18th day of October 1966, that applicants' "Petition for Continuance of Dates" filed October 11, 1966, is granted, and the heretofore scheduled procedural dates for exchange of exhibits, notification as to witnesses, and the commencement of hearing (October 19, November 3, and November 10, 1966, respectively) are all continued indefinitely, with the understanding that the continued dates will be rescheduled in a further prehearing conference to be convened promptly after Commission action on the pending joint request, if the need therefor arises.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11552; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket Nos. 16813-16815; FCC 66M-1402]

1400 CORP. (KBMI) ET AL.

Order Continuing Hearing

In re applications of 1400 Corp. (KBMI), Henderson, Nev.; Docket No. 16813, File No. BR-2937; for renewal of license of station KBMI; Joseph Julian Marandola, Henderson, Nev.; Docket No. 16814, File No. BP-16411; for construction permit; 1400 Corp. (Assignor); Thomas L. Brennen (Assignee); Docket No. 16815, File No. BAL-5158; for assignment of license of station KBMI, Henderson, Nev.

The Hearing Examiner having under consideration the status of the above-styled proceeding, including the prehearing conference held on this date; and

It appearing that there are presently pending before the Commission en banc certain pleadings which raise questions having a very material bearing upon this overall proceeding, the resolution of which may shorten the proceeding;

It is, therefore, ordered, This 18th day of October 1966, that, pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in this proceeding presently scheduled for October 25, 1966, is hereby continued to a date to be fixed at a further prehearing conference to be held within approximately 10 days after action by the Commission on the pleadings now pending before it; the exact date of such prehearing conference to be fixed by further order.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11553; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket No. 16525; FCC 66M-1407]

JAMES L. HUTCHENS

Order Continuing Prehearing Conference

In re application of James L. Hutchens, Central Point, Oreg., Docket No. 16525, file No. BP-16640; for construction permit.

The Hearing Examiner having under consideration a request for extension of the date for prehearing conference, filed on October 14, 1966, by James L. Hutchens; and,

It appearing that counsel for the applicant and for the Broadcast Bureau are both committed to a hearing before another Examiner which commences on the same date and time as the presently scheduled prehearing conference, but that the respective counsel would be able to appear for a prehearing conference in this proceeding on October 26, 1966;

It is, therefore, ordered, This 18th day of October 1966, that the request is granted and the prehearing conference now scheduled for October 19, 1966, is hereby continued to October 26, 1966, at 10 a.m. in the offices of the Commission, Washington, D.C.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11554; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket Nos. 16876-16878; FCC 66M-1403]

LORAIN COMMUNITY BROADCAST- ING CO. ET AL.

Order Regarding Procedural Dates

In re applications of Lorain Community Broadcasting Co., Lorain, Ohio; Docket No. 16876, File No. BP-16940; Allied Broadcasting, Inc., Lorain, Ohio; Docket No. 16877, File No. BP-17297; Midwest Broadcasting Co., Lorain, Ohio; Docket No. 16878, File No. BP-17302; for construction permits.

To formalize the agreements and rulings made on the record at a prehear-

ing conference held on October 18, 1966, in the above-entitled matter concerning the future conduct of this proceeding; *It is ordered*, This 18th day of October 1966 that:

Exchange of exhibits is scheduled for November 28, 1966;

Notification of witnesses is scheduled for December 8, 1966; and

Hearing presently scheduled for November 7, 1966, is continued to December 14, 1966.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11555; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket Nos. 16890, 16891; FCC 66M-1406]

LUIS PRADO MARTORELL AND AUGUSTINE L. CAVALLARO, JR.

Order Continuing Hearing

In re applications of Luis Prado Martorell, Lolza, P.R.; Docket No. 16890, File No. BP-16000; Augustine L. Cavallaro, Jr., Bayamon, P.R.; Docket No. 16891, File No. BP-16182; for construction permits.

Pursuant to action taken during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 18th day of October, 1966, that the hearing in this proceeding now scheduled to be held on November 22, 1966, is hereby continued to December 19, 1966, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11556; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket No. 16895; FCC 66M-1401]

BCU-TV

Continuance of Procedural Date

In re application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, Battle Creek, Mich.; Docket No. 16895, File No. BPCT-3654; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a "Motion for Continuance" filed on behalf of the applicant on October 17, 1966, requesting that the prehearing conference heretofore scheduled for October 20 be continued to November 15, 1966;

It appearing, that counsel for the other parties have informally consented to grant of the subject motion and have also waived the "4-day rule" otherwise applicable so as to permit immediate consideration thereof, and that "good cause" has been stated in support of applicant's pleading even though inclusion of the

reference to the distance between the principals and Washington counsel does not present a persuasive consideration in this respect;

Accordingly, it is ordered, This 18th day of October 1966, that the "Motion for Continuance" filed on applicant's behalf on October 17, 1966 is granted, and the prehearing conference heretofore scheduled for October 20 is continued to November 15, 1966, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11557; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket Nos. 16676, 16677; FCC 66M-1410]

ROYAL BROADCASTING CO., INC. (KHAI) AND RADIO KHAI, INC.

Order Scheduling Hearing Conference

In re applications of Royal Broadcasting Co., Inc. (KHAI), Honolulu, Hawaii; Docket No. 16676, File No. BR-4120; for renewal of license; Radio KHAI, Inc. (New), Honolulu, Hawaii; Docket No. 16677, File No. BP-16294; for construction permit.

It is ordered, This 19th day of October 1966, that David I. Kraushaar, in lieu of Sol Schildhouse, shall serve as Presiding Officer in the above-entitled proceeding; and that a hearing conference in the proceeding shall be convened in the offices of the Commission, Washington, D.C., on October 25, 1966, commencing at 9 a.m.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11558; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket Nos. 16924-16926; FCC 66M-1400]

SUNSET BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Sunset Broadcasting Corp., Yakima, Wash.; Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash.; Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash.; Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station (Channel 35).

It is ordered, This 14th day of October 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 12, 1966, at 10 a.m.; and that a prehearing conference shall be held on

November 8, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11559; Filed, Oct. 21, 1966;
8:48 a.m.]

[Docket Nos. 16924-16926; FCC 66-913]

SUNSET BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of Sunset Broadcasting Corp., Yakima, Wash.; Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash.; Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash.; Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications of Sunset Broadcasting Corp., Apple Valley Broadcasting, Inc., and Northwest Television & Broadcasting Co. (a joint venture), each requesting a construction permit for a new television broadcast station to operate on Channel 35, Yakima, Wash. The applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission also has before it for consideration petitions to deny filed against each of the applications and various pleadings filed in connection therewith.¹

2. The petitioners herein are licensees of the only two television broadcast stations authorized and operating in Yakima, Wash., and the applicants seek a construction permit to construct the third UHF television broadcast station in Yakima. The petitioner, Columbia Empire Broadcasting Corp. (Columbia), is the licensee of Television Broadcast Station KNDO-TV, Channel 23, Yakima, Wash. (ABC and NBC), and its satellite, Television Station KNDU, Channel 25, Richland, Wash. Petitioner Cascade Broadcasting Co. (Cascade) is the licensee of Television Broadcast Station KIMA-TV, Channel 29, Yakima, Wash. (CBS); Television Broadcast Station KEPR-TV, Channel 19, Pasco, Wash.; Television Broadcast Station KLEW-TV, Channel 3, Lewiston, Idaho; and Standard Radio Broadcast Stations KIMA, Yakima, Wash., and KEPR, Kennewick-Richland-Pasco, Wash. Stations

¹ The numerous pleadings filed in this proceedings are listed in the Appendix hereto. The pleadings designated (g), (i), and (j), filed in connection with the Sunset application, are not authorized by § 1.45(d) of the Commission's rules and they will be dismissed.

KEPR-TV and KLEW-TV are operated by Cascade as satellites of Station KIMA-TV.

3. Petitioners allege standing in this proceeding as "parties in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the basis that a grant of one of the applications would result in the diversion of viewership and advertising revenues from their respective stations and would cause them economic injury. The standing of the petitioners is not disputed and we find that the petitioners have standing. Federal Communications v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 603, 9 RR 2008. For clarity, the questions raised with respect to each application will be considered application-by-application.

4. The Sunset application (BPCT-3478): Petitioners request the specification of issues relating to the applicant's financial qualifications, the reasonableness of the estimated costs of operation for the first year and the estimated revenues in the first year, and whether the staff proposed is adequate to effectuate the type of operation proposed. In addition to these questions raised by both petitioners, Cascade alleges that the economy of the area is such that it cannot support a third television station without degradation of service to the public, thus raising a Carroll question.² Cascade also alleges that the applicant has not shown that it has made any efforts to ascertain the programing tastes, needs, and interests of the area it proposes to serve nor how it proposes to meet those tastes, needs and interests, raising a Suburban question.³

5. Subsequent to the filing of the petitions to deny, Sunset twice amended the financial portion of its application. In its present posture, the applicant will require cash of approximately \$156,000 for the construction and operation of the station for the first year,⁴ based upon operating costs of \$100,000. To meet these cash requirements, the applicant relies upon the availability of cash on hand of approximately \$34,000, a bank loan of \$25,000, stock subscriptions of \$84,100 from subscribers who have bank loans available to them to enable them to meet their commitments to the applicant, and a loan of \$20,000 from Mr. David Z. Pugsley.⁵ The applicant, therefore, appears to have approximately \$163,000 available to it. In addition, the applicant has demonstrated that it can rely upon advertising commitments during the first year totaling \$31,000. We

conclude, therefore, that if the applicant's estimate of operating expenses during the first year is reasonable, the applicant would be financially qualified. The applicant, however, has not furnished any details with respect to the basis for its estimate of first year operating costs, notwithstanding the fact that the question was specifically raised in the petitions to deny. In its amendment October 12, 1965, the applicant increased its estimate of first year operating costs from \$60,000 to \$90,000 and in its amendment of July 6, 1966, increased it to \$100,000, each time without an explanation. Cascade has made specific allegations with respect to costs which its experience indicates the applicant must expect, but for which the applicant has not shown that it has made provision. These allegations raise a question as to the validity of the applicant's estimate of costs. It is not sufficient that the applicant merely disputes the allegations that its estimated operating costs are unreasonably low⁶ without some further showing, because the burden is on the applicant to support its application. We stated, in Ultravision Broadcasting Co. et al., FCC 65-581, 5 RR 2d 343, that "a determination as to whether there exists a reasonable likelihood of a continuing operation must rest on a realistic estimate of construction costs and operating expenses." We believe that the applicant's failure to furnish details of the basis for its estimate of operating expenses where it has been specifically questioned requires the question to be explored in the hearing. If it is determined that the estimate is unrealistic, the applicant's financial requirements would be affected.

6. Petitioners have questioned whether the staff proposed would be adequate to effectuate the type of operation proposed. The applicant proposes to operate 71 hours and 45 minutes per week, 17.9 percent of which will be local live originations (approximately 12 hours and 48 minutes). To effectuate this proposal, the applicant proposes a total staff of eight (8) persons, consisting of one comanager and engineer (Mr. Pugsley), one comanager and chief engineer (Mr. Warren C. Brown), two in copy, traffic, etc. (the wives of Messrs. Pugsley and Brown), one camera, production operator, two combination engineer-announcers, and one sales manager-salesman. Columbia points out that the proposed transmitter site will be 4 miles from the main studios and remote control operation is not proposed. It is alleged that there will be a need for a substantially larger technical staff to provide coverage at the transmitter and the studios.⁷ The applicant has not

furnished any information with respect to its staffing proposal which would enable the Commission to conclude, in the face of petitioner's attack, that the staff proposed would be adequate. In fact, in the July 6, 1966, amendment, applicant reduced its proposed staff from nine to eight without any explanation. Cascade alleges that, based on its own experience as well as that of other new stations, a staff of at least 15 would be necessary to effectuate the type of operation Sunset proposes. Sunset has not attempted to demonstrate, by facts and figures, its ability to effectuate the operation it proposes and we believe that the question requires resolution in the hearing.

7. Cascade alleges that the applicant has not shown that it has made any efforts to ascertain the programing tastes, needs, and interests of the area it proposes to serve. In its responsive pleading, Sunset did not address itself to this allegation and thus leaves undisputed the charge that it has failed to make the requisite efforts. The Commission, in the Report and Statement of Policy Re: Commission En Banc Programing Inquiry (FCC 60-970, 20 RR 1901), unequivocally stated that: "The broadcaster is obligated to make a positive, diligent, and continuing effort, in good faith, to determine the tastes, needs, and desires of the public in his community and to provide programing to meet those needs and interest."

In the light of this policy and in view of the applicant's failure to contest the charge that it has not shown that it has made the requisite efforts, we think that a Suburban issue is clearly indicated.

8. Other subsidiary and related questions have been raised by the petitioners. For example, petitioners challenge the applicant's estimate of its total costs of construction and the adequacy and availability of the equipment proposed. Petitioners have not alleged sufficient facts to warrant our designating specific issues with respect to these matters, but in light of the fact that a hearing is necessary, our refusal to include specific issues on these points should not be construed as precluding petitioners from moving to enlarge the issues should sufficient additional facts be presented to warrant enlargement.

9. Petitioners point out that Sunset's "Opposition to the Petitions to Deny" was not supported by affidavit as required by section 309(d)(1) of the Communications Act. An affidavit was, however, filed on March 4, 1965, in connection with applicant's pleading entitled "Further Comment on Petitions to Deny." The affidavit was specifically made applicable to the "Opposition." In view of the fact that we must designate the application for hearing, we do not believe that petitioners will be injured by our accepting the affidavit nunc pro tunc. Accordingly, in the exercise of our discretion, we are accepting the affidavit as sufficient verification to comply with the requirements of the Communications Act, Berwick et al. (KTAG Associates) v. Federal Communications Commission, 109 U.S. App. D.C. 241, 186 F. 2d 97, 20 RR 1218.

² Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F.2d 440, 17 RR 2066.

³ Patrick Henry et al. v. Federal Communications Commission, 112 U.S. App. D.C. 257, 302 F.2d 191, 23 RR 1016.

⁴ The cash requirements consist of down payment for equipment (\$45,000), principal and interest payments for equipment (\$8,888), land (\$300), down payment for building and tower (\$620), miscellaneous costs (\$1,000) and operating costs (\$100,000).

⁵ Mr. Pugsley is to obtain \$20,000 from the sale of Radio Station KNDX-FM, which he has committed himself to lend to the applicant. The application for assignment (BALH-904) was granted Aug. 18, 1966.

⁶ Northwest's estimate of first year operating cost is \$450,000; Apple Valley's estimate is \$360,000.

⁷ Columbia also questioned the ability of Mr. Pugsley to perform his duties in connection with the proposed new station while devoting the necessary time to the operation of Radio Station KNDX-FM. The application for assignment of KNDX-FM was filed subsequent to the petition to deny and with the sale of KNDX-FM, the question is now moot. See Footnote 5, supra.

10. Finally, Cascade requests that we specify a Carroll issue, alleging that the Yakima, Wash., market is unable to support a third television broadcast station and that a grant of any of the applications would result in the diversion of viewership and vital advertising revenues from KIMA-TV, requiring petitioner to curtail certain of its programming and other services. Because a Carroll question is necessarily applicable to all three applications, we will defer discussion of this question in this opinion until we have disposed of the questions raised with respect to the Apple Valley and Northwest applications.

11. The Commission has been advised that the Federal Aviation Agency has a radio communications facility located less than 800 feet from the site proposed by Sunset for its antenna system. It is possible, therefore, that the operation of the proposed new television broadcast station by Sunset might cause interference to the FAA operation. Accordingly, we will provide that, in the event of a grant of the Sunset application, such grant shall be subject to a condition that during equipment tests which simulate normal authorized operation, the permittee will coordinate observations with the Federal Aviation Agency to determine whether interference results. In the event that it should be determined that interference does not result, the permittee shall institute appropriate corrective measures. The application for a license shall contain a report of such observations and the results of any tests and corrective measures employed.

12. The Apple Valley application (BPCT-3648): Cascade, but not Columbia, filed a petition to deny the Apple Valley application. In addition to the Carroll question, petitioner has raised, with respect to the Apple Valley application, questions concerning whether Morgan Murphy, 97.49 percent owner of the stock of the applicant's financial qualifications; and whether a grant of the application would constitute a concentration of control of the media of mass communications in the Northwestern States.

13. The Evening Telegram Co. is the sole stockholder of Apple Valley and will furnish all of the cash required for the construction and operation of the station for the first year. Mr. Morgan Murphy and his wife own 98 percent of the stock of The Evening Telegram Co. (Telegram). Petitioner alleges that Morgan Murphy, directly or indirectly, owned controlling interest in 12 broadcast properties (7 standard radio, 2 FM radio and 3 television stations) which, since 1958, he disposed of at substantial profits. Petitioner concedes that, with one exception, none of these properties was sold in less than 5 years.⁹ While it is true that the

length of time a licensee holds a broadcast authorization before disposing of it is not the sole factor to be considered in determining whether the licensee's conduct discloses a pattern of "trafficking," we perceive none of the elements in this case from which we could conclude that Morgan Murphy has engaged in "trafficking." Trafficking involves, among other things, intention, the element of time, and price. Harriman Broadcasting Co., FCC 66-46, 2 FCC 2d 320, 6 RR 2d 709; Atlantic Coast Broadcasting Corp. of Charleston, FCC 62-184, 22 RR 1045. The Commission will not grant broadcast authorizations to persons whose primary intent is to sell them at a profit rather than to operate their stations in the public interest. WMIE-TV, Inc., 11 RR 1091. Petitioner does not contend that Morgan Murphy acquired the various authorizations with the primary intention of disposing of them for profit nor do the facts appear to support such a conclusion. Laramie Broadcasters, FCC 60-792, 20 RR 423. In short, the mere acquisition of broadcast properties and the subsequent disposal thereof for profit over a long period of time does not raise an inference of trafficking. Petitioner has not supported its conclusions with the specific allegations of fact which would warrant our specifying an issue with respect to trafficking.

14. The Apple Valley proposal is to be financed entirely by the sole stockholder, Telegram. Telegram will purchase \$50,000 in stock and will lend the applicant \$450,000, for a total commitment of \$500,000. The applicant requires cash of approximately \$493,000 to construct and operate the proposed station for 1 year. To support its ability to meet its commitment to the applicant, Telegram submitted a financial statement showing that it has "in excess of \$1,000,000" cash on hand, current liabilities of less than \$50,000, and long-term liabilities ("No payment due in coming year") of approximately \$950,000. The basis for the petitioner's challenge of the applicant's financial qualification is petitioner's incredulity that Telegram could have in excess of \$1,000,000 cash on hand. Petitioner then contends that because the applicant will probably not require the funds for at least a year, there is no assurance that the funds will be available at that time. Petitioner then insists that Telegram must disclose the details of its long-term liabilities.

15. Petitioner has alleged no facts to indicate that Telegram does not have the cash on hand which it claims it has; it simply opines that such a situation is unusual and suggests that Telegram " * * * should be required to explain its reasons for keeping such a large amount of money on hand * * *." We find no warrant for such an inquiry and we will not require an explanation by Telegram of its business practices merely on the basis of the petitioner's curiosity.

16. Section 1.65 of the Commission's rules makes applicants responsible for the continued accuracy and completeness of their applications. If there has been a substantial adverse change in Telegram's financial position, it would

be incumbent upon the applicant to reflect that change by appropriate amendment. In the absence of such an amendment, we may assume that there has been no such change. There is always an element of delay between the time an application is filed and the time committed funds are required and, in the absence of a clear showing to the contrary, we will not assume that committed funds which are presently available will not be available when required. For the same reason, we will not assume that Telegram's financial position with respect to its long-term liabilities has changed to a significant extent.

17. Petitioner states that Telegram owns Television Broadcast Station KXLY-TV (CBS), Channel 4, Spokane, Wash., which has greater coverage than any other television broadcast station in the Pacific Northwest. The station is, petitioner states, truly "the giant of the Pacific Northwest." Station KXLY-TV operates with effective radiated visual power of 48 kw and antenna height above average terrain of 3,000 feet, the maximum permissible under the Commission's rules. Petitioner contends that a grant of the Apple Valley application would place in Morgan Murphy's hands control of " * * * two media of mass communications serving substantially the same areas and populations." Petitioner further contends that it had established a "UHF island" in the Yakima area in a "sea of VHF stations" and that over the years, this "island" has gradually been eroded by VHF station encroachment. Petitioner concludes that Station KXLY-TV, " * * * through its satellite operation of a UHF station in Yakima, is a more subtle attempt to completely erode the 'UHF Island' by VHF domination."

18. The facts do not support petitioner's conclusions. There will be no overlap of the proposed Grade B contour with the predicted Grade B contour of Station KXLY-TV, there being approximately 50 miles between the nearest points of the two contours. The two communities involved are separate and distinct. Clearly, therefore, the two stations would not be serving substantially the same areas and populations. William Walker et al., FCC 59-35, 17 RR 1254. Similarly, petitioner's characterization of the proposed station as a "satellite" of Station KXLY-TV finds no support in the application, for there is no indication that the applicant will rebroadcast any of the programming of Station KXLY-TV. Moreover, it appears that, with the exception of Stations KXLY, KXLY-FM and KXLY-TV, all in Spokane, Morgan Murphy has no interest, direct or indirect, in any media of mass communication in the State of Washington. There is an abundance of competitive media in Spokane and in Yakima. In Spokane, there are nine (9) AM stations, four (4) FM stations and three (3) television stations (one of which is noncommercial educational) in addition to those in which Morgan Murphy has an interest. In Yakima, there are five (5) AM stations, one (1) FM station and two (2) television stations and Morgan Murphy has no inter-

⁹ WMFG (AM), Hibbing, Minn. (23 years); WHLB (AM), Virginia, Minn. (22 years); WEBC (AM), Duluth, Minn. (34 years); WISM (AM), Madison, Wis. (11 years); WEAQ (AM), Eau Claire, Wis. (22 years); WIAL (FM), Eau Claire, Wis. (11 years); WMAM, Marinette, Wis. (2 years); KVOL (AM), Lafayette, La. (27 years); WEAU-TV, Eau Claire, Wis. (9 years); WLUC-TV, Green Bay, Wis. (7 years); and WLUC-TV, Marquette, Mich. (6 years).

ests in any of them. In view of these facts, we are convinced that there is no basis for concern that a grant of the application would result in a concentration of control of television broadcasting in a manner inconsistent with the public interest, convenience, or necessity.

19. The Northwest application (BPCT-3672): As with the Apple Valley application, Cascade, but not Columbia, filed a petition to deny. Other than to raise a Carroll issue with respect to the Northwest application, the only question raised by the petition relates to the applicant's financial qualifications. Although we find no merit in the petitioner's allegations with respect to the applicant's financial qualifications, we agree that the applicant has not demonstrated that it is financially qualified. Several inconsistencies in the application make it impossible to ascertain the applicant's financial plan.

20. We are unable to ascertain the applicant's costs because its plans for obtaining equipment and the costs thereof are vague, confusing and inconsistent. The confusion results from an unusual equipment proposal by General Electric Co. which, on its face, purports to be a "proposal submitted by Robert Manahan" (prior to applicant's Sept. 27, 1966, amendment, by "Hugh W. Granberry") with a blank space for acceptance by General Electric and Liberty Television, Inc. (one of the Northwest joint venturers). This has not been executed and no letter of credit for deferred credit has been filed. We are left to conclude, therefore, that the proposal has not been accepted by GE. Because the proposal is not clear as to what equipment is to be furnished, the costs thereof, and the terms upon which it will be available, together with the fact that the proposal has apparently not been accepted by GE, we cannot consider the deferred credit to be available to the applicant. Since we cannot determine the applicant's costs, we will specify an issue to ascertain the costs of construction and operation for the first year and, on the basis of the evidence adduced pursuant to that issue, whether the applicant is financially qualified.⁹

21. The Carroll question: Cascade alleges that the economy of the Yakima market¹⁰ is such that it could not support a third television broadcast station without a degradation of service to the public. Cascade alleges that if a third station were to be authorized in Yakima, Station

KIMA-TV would be required to eliminate certain of public service programs, change its policy of preempting network programs and reduce the number of public service spot announcements. Petitioner, however, does not explain why it would be required to take these measures and has not indicated the cost of these programs and the savings to be effected thereby. Cascade further alleges that: "The mere existence of a third television station in Yakima would divide the audience in approximately three parts with the consequent reduction of revenue to the existing stations. When stated in a more precise manner, the third television station at Yakima could be expected to acquire one-third of the audience and revenue * * *"

Although general experience is to the contrary, i.e., a new station entering a market will not acquire an equal portion of the revenues, petitioner has furnished no facts to support this conclusion.

22. Cascade has not furnished much of the vital information which the Commission indicated in Missouri-Illinois Broadcasting Co. (KZIM), FCC 64-748, 3 RR 2d 232, was the type of information which is necessary to support a Carroll issue. For example, petitioner has not indicated the amount of local advertising revenue actually earned by its station in the community and the area. In response to the question, it has stated: "Cascade's station, Station KIMA-TV, for the past 3 years has averaged earning 44 percent of its total advertising revenue from local services."

It does not disclose the amount of that total advertising revenue and would leave to conjecture information of vital significance. The availability of advertising revenues is the point at issue, yet petitioner has not indicated, with any precision, the number of businesses which could, but do not now advertise on television, although it has stated that even extremely small businesses advertise on Station KIMA-TV. Cascade has also not answered the question of its total expenses and net profits (or losses) for the preceding 3 years. It has not indicated the specific advertisers that would shift advertising to one of the proposed stations, leaving its conclusions in that respect without any factual support. The petitioner has also failed to indicate the cost of carrying the programming it alleges it would be compelled to curtail and the savings which could be effected by such curtailments.

23. The information which the petitioner has furnished does not support its conclusions. For example, petitioner shows that the unemployment rate in Yakima City and Yakima County has declined steadily since 1960, while the population has increased steadily. Petitioner alleges that retail sales in Yakima County were less in 1963 than in 1959, but what it does not point out is that its own figures show that retail sales in Yakima County increased from 1960 to 1963, and that from 1959 to 1963, there was an undiminished increase in retail sales in Yakima City. Petitioner alleges that the total advertising revenue poten-

tial in the Yakima market is less than \$1,000,000, but the Commission's records indicate that Station KIMA-TV alone realized more than that amount in 1965. Moreover, if we were to accept petitioner's definition of the "Yakima market" and added the revenues of its two satellite stations and that of Station KNDO-TV, the revenue actually earned in the Yakima market in 1965 would be nearly double that figure. Cascade also quotes from the Seiden Report (Feb. 12, 1965) to the effect that if a single station requires between 22,222 and 25,000 TV homes for a minimum cash flow, a three-station market requires about three (3) times that figure and that current market rankings place the high end of this cut-off point at about the 177th market. Cascade then alleges that Yakima City has 12,717 TV homes, Yakima County has 41,200 TV homes and the Yakima market is well below the 177th market. The Seiden Report, however, refers to TV homes in the market, and not in the city or county. Cascade has itself defined the Yakima market to embrace considerably more than just Yakima City and County. Moreover, on a market basis, the 1964 American Research Bureau (ARB) figures show Yakima with 140,600 TV homes—more than double that cited in the Seiden Report as required for a three-station market. Cascade does not indicate the source of its information that Yakima is ranked well below the 177th market; the ARB figures indicate the contrary. Petitioner states that in the course of several years, it does business with less than 10 percent of the 4,000 business establishments in Yakima County, from which we may conclude that there is great potential for additional advertising revenues.

24. We conclude that the petitioner has failed to show that the Yakima market is unable to support a third station without a degradation of service to the public. The burden of supporting a request for a Carroll issue is on the party making the request and we find that Cascade has not met that burden. We also note that Columbia has not alleged that the market cannot support a third station and it has not attempted to support Cascade's position on the question.

25. The applications for renewal of the licenses of Stations KIMA-TV (BRCT-337) and KNDO-TV (BRCT-494) were placed in deferred status, the latter by memorandum opinion and order (FCC 66-131, 2 FCC 2d 638, petition for reconsideration dismissed, FCC 66-447, released May 24, 1966), pending our decision in this proceeding on whether a Carroll issue would be warranted. If we had been able to find that such an issue was warranted, these applications for renewal might have been designated for comparative hearing in this proceeding. Missouri-Illinois Broadcasting Co. (KZIM), FCC 65-437, 5 RR 2d 452; K-SIX Television, Inc. (KVER), FCC 65-1047, 1 FCC 2d 1452, 6 RR 2d 462. In view of our disposition of the Carroll question, there is no longer reason to defer action on the renewal applications and they will, therefore, be granted.

⁹ In applicant's sec. III, par. 1(a), FCC Form 301, as amended by the applicant Sept. 27, 1966, estimated costs of operation are shown to be \$450,000; applicant's Exhibit 6-A, filed that same date, shows estimated costs of operation to be \$325,000. We cannot reconcile this discrepancy.

¹⁰ Cascade defined the "Yakima market" as the entire area served by KIMA-TV and its satellites, Stations KEPR-TV (Pasco, Wash.) and KLEW-TV (Lewiston, Idaho). "Yakima City TV Area" is defined by petitioner as referring to those portions of Yakima, Benton, and Kittitas Counties which are within the predicted Grade B contours of Stations KIMA-TV and KNDO-TV (Columbia's station).

26. Except as indicated by the issues specified below, each of the applicants appears to be qualified to construct, own, and operate the proposed television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is therefore unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Sunset Broadcasting Corp., Apple Valley Broadcasting, Inc., and Northwest Television & Broadcasting Co. (A Joint Venture), are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the application of Sunset Broadcasting Corp.:

a. The basis for the applicant's estimate of its cost in its first year of operation and whether such estimate is reasonable.

b. In the light of the evidence adduced pursuant to the foregoing issues, whether the applicant has sufficient funds available to construct and operate the proposed station for 1 year.

c. Whether the staff proposed would be adequate to effectuate the type of operation proposed.

d. The efforts, if any, which the applicant has made to ascertain the programming tastes, needs and interests of the area it proposes to serve and the manner in which it will meet those tastes, needs and interest.

2. To determine, with respect to the application of Northwest Television & Broadcasting Co., A Joint Venture:

a. The equipment to be obtained by the applicant from General Electric Co., the purchase price thereof, and the terms and conditions upon which such equipment is to be obtained.

b. The total costs of construction and the cost of operation for the first year.

c. Whether, in the light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified.

3. To determine which of the proposals would best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That Cascade Broadcasting Co. is made a party respondent in this proceeding with respect to the applications of Sunset Broadcasting Corp. and Northwest Television & Broadcasting Co. (A Joint Venture), and Columbia Empire Broadcasting Corp. is made a party respondent in this proceeding with respect to the application of Sunset Broadcasting Corp.

It is further ordered, That the pleadings designated (g), (l), and (j) below are dismissed, pursuant to § 1.45(d) of the Commission's rules.

It is further ordered, That in the event of a grant of the application of Sunset Broadcasting Corp., such grant shall be subject to the following condition: "During equipment test which simulate normal authorized operation, the permittee shall coordinate observations with the Federal Aviation Agency to determine whether interference results with the radio communications facility of the Federal Aviation Agency located in close proximity to the permittee's antenna system site. In the event that it should be determined that interference does result, the permittee shall institute appropriate corrective measures. The application for a license shall contain a report of such observations and the results of the tests and any corrective measures employed."

It is further ordered, That the application (BRCT-337) of Cascade Broadcasting Co. for renewal of the license of Television Broadcast Station KIMA-TV, Channel 29, Yakima, Wash., and the application (BRCT-494) of Columbia Empire Broadcasting Corp. for renewal of the license of Television Broadcast Station KNDO-TV, Channel 23, Yakima, Wash., are granted.

It is further ordered, That the petitions to deny filed herein by Cascade Broadcasting Co. and Columbia Empire Broadcasting Corp., are granted to the extent indicated herein and are otherwise denied.

It is further ordered, That, in the event of a grant of any of the applications, operation of the new station shall be in accordance with offset designators to be specified in a subsequent order.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 12, 1966.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹¹

[SEAL] BEN F. WAPLE,
Secretary.

¹¹ Commissioner Bartley concurring and issuing a statement filed as part of the original document and Commissioner Cox concurring; Commissioners Loevinger and Wadsworth absent.

PLEADINGS FILED

(a) Petition to deny, filed January 27, 1965, by Columbia Empire Broadcasting Corp., licensee of Television Broadcast Station KNDO, Channel 23, Yakima, Wash., against application (BPCT-3478) of Sunset Broadcasting Corp.

(b) Petition to deny, filed January 27, 1965, by Cascade Broadcasting Co., licensee of Television Broadcast Station KIMA-TV, Channel 29, Yakima, Wash., against application (BPCT-3478) of Sunset Broadcasting Corp.

(c) Opposition, filed February 9, 1965, by Sunset Broadcasting Corp., against (a) and (b), above.

(d) Reply, filed February 19, 1965, by Cascade Broadcasting Co., against (c), above.

(e) Reply, filed February 19, 1965, by Columbia Empire Broadcasting Corp., against (c), above.

(f) Supplement to petition to deny, filed February 26, 1965, by Cascade Broadcasting Co.

(g) Further comment on petitions to deny, filed March 4, 1965, by Sunset Broadcasting Corp.

(h) Comment on supplement to petition to deny, filed March 11, 1965, by Sunset Broadcasting Corp., with respect to (f), above.

(i) Motion to strike or in the alternative for permission to file reply to the "Further Comment on Petitions to Deny," filed March 19, 1965, by Cascade Broadcasting Co., with respect to (g), above.

(j) Statement regarding further comment of Sunset Broadcasting Corp., filed March 29, 1965, by Columbia Empire Broadcasting Corp., with respect to (g), above.

(k) Reply to comment on supplement to petition to deny, filed March 29, 1965, by Cascade Broadcasting Co., against (h), above.

(l) Further supplement to petition to deny, filed November 10, 1965, by Cascade Broadcasting Co., with respect to application (BPCT-3478) of Sunset Broadcasting Corp.

(m) Petition to deny, filed November 29, 1965, by Cascade Broadcasting Co., against application (BPCT-3648) of Apple Valley Broadcasting, Inc.

(n) Comments with respect to further supplement to petition to deny, filed December 1, 1965, by Sunset Broadcasting Corp., with respect to (l), above.

(o) Opposition, filed December 20, 1965, by Apple Valley Broadcasting, Inc., against (m), above.

(p) Reply, filed January 3, 1966, by Cascade Broadcasting Co., against (o), above.

(q) Petition to deny, filed January 17, 1966, by Cascade Broadcasting Co., against application (BPCT-3672) of Northwest Television & Broadcasting Co. (A Joint Venture).

(r) Opposition, filed February 28, 1966, by Northwest Television & Broadcasting Co. (A Joint Venture).

Extensions of time within which to file various pleadings were granted where requested.

[F.R. Doc. 66-11560; Filed, Oct. 21, 1966; 8:49 a.m.]

[Docket Nos. 15460, 16923; FCC 66M-1399]

SYMPHONY NETWORK ASSOCIATION, INC., AND STEEL CITY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Symphony Network Association, Inc., Birmingham, Ala.; Docket No. 15460, File No. BPCT-3238; Steel City Broadcasting Co., Birmingham, Ala.; Docket No. 16923, File No.

BPCT-3660; for construction permit for new television broadcast station (Channel 68).

It is ordered, This 14th day of October 1966, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 22, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 2, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11561; Filed, Oct. 21, 1966;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORTWIDE EXEMPTION

Notice of Applications Filed

Notice is hereby given that the following portwide exemption applications have been filed with the Commission pursuant to § 510.22(a) of Federal Maritime Commission General Order 4; Amendment 9 (46 CFR 510.22(a)).

Each applicant contends that an adequate supply of ocean freight forwarding services is not being held out by nonagent licensed independent ocean freight forwarders domiciled at the indicated ports, and that an exemption is justified on this basis.

Application No. 1 for the Port of Wilmington, N.C., filed by Kominers & Fort on behalf of the following licensees operating at the Port of Wilmington: Wilmington Shipping Co. (F.M.C. No. 469) and Waters Shipping Co. (F.M.C. No. 70).

Application No. 2 for the Port of Morehead City, N.C., filed by Kominers & Fort on behalf of the following licensees operating at the Port of Morehead City: Morehead City Shipping Co., a branch of Wilmington Shipping Co. (F.M.C. No. 469); Waters Shipping Co. (F.M.C. No. 70); and North Carolina Shipping Co. (F.M.C. No. 1079).

Application No. 3 for the Port of Tampa, Fla., filed by Kominers & Fort on behalf of the following licensees operating at the Port of Tampa: Fillette, Green & Co. of Tampa (F.M.C. No. 754); General Shipping Co. (F.M.C. No. 667); Gulf Florida Terminal Co. (F.M.C. No. 78); Hillebaum-Tampa, Inc. (F.M.C. No. 852); Marine Agency of Tampa, Inc. (F.M.C. No. 995); and A. R. Savage & Son (F.M.C. No. 855). Sack & Mendez, Inc. (F.M.C. No. 950) and Delfa Lines Agency (F.M.C. No. 1041), licensed independent ocean freight forwarders operating in the Port of Tampa, have indicated to the Commission that they have no objection to the granting of this application.

Application No. 4 for the Port of Pensacola, Fla., filed by Pensacola Steamship Association, Inc. on behalf of the following licensees operating at the Port of Pensacola: John A. Merritt & Co. (F.M.C. No. 86); Fillette, Green & Co., Inc. (F.M.C. No. 163); and Walsh Stevedoring Co., Inc. (F.M.C. No. 236).

Interested parties may inspect and obtain a copy of any such application at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to any application, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the applicant parties (as indicated herein), and the comments should indicate that this has been done.

Dated: October 18, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11563; Filed, Oct. 21, 1966;
8:49 a.m.]

[Independent Ocean Freight Forwarder
License 1037]

MANACO INTERNATIONAL FORWARDERS

Order To Show Cause

On October 14, 1966, the International Fidelity Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Melvyn Paul Cohen, doing business as Manaco International Forwarders, 9 Clinton Street, Newark, N.J. 07102, would be canceled effective 12:01 a.m., November 13, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (amended) § 6.03.

It is ordered, That Melvyn Paul Cohen, doing business as Manaco International Forwarders on or before October 31, 1966, either (1) submit a valid bond effective on or before November 13, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m. on November 7, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d) Shipping Act, 1916.

It is further ordered, That License No. 1037 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11564; Filed, Oct. 21, 1966;
8:49 a.m.]

DELTA STEAMSHIP LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas E. Stakem, Senior Vice President,
Delta Steamship Lines, Inc., 1625 K Street
NW., Washington, D.C.

Agreement 9216-3, between Delta Steamship Lines, Inc., Booth Lamport West Indies Service and Booth Steamship Co., amends the basic agreement to provide that Delta will act as the agent for Booth Steamship Co. and Booth Lamport West Indies Service in the booking and solicitations of passengers on both Booth and/or Booth Lamport vessels.

Dated: October 19, 1966.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11565; Filed, Oct. 21, 1966;
8:49 a.m.]

ITALY, SOUTH FRANCE/U.S. GULF CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the **FEDERAL REGISTER**. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. Ravera, Secretary, Italy, South France/U.S. Gulf Conference, Vico San Luca No. 4, Genoa, Italy.

Agreement 9522-1, between the member lines of the Italy, South France/U.S. Gulf Conference, amends Article 2 of the basic agreement to eliminate San Juan, Puerto Rico, from the range of destination ports served by the Conference.

Dated: October 19, 1966.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 66-11566; Filed, Oct. 21, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-94, etc.]

H. M. GILLESPIE ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes¹

OCTOBER 14, 1966.

The above-named Respondents have tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

¹ Does not consolidate for hearing or disposal of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-94....	H. M. Gillespie, ² 722 Union Center Bldg., Wichita, Kans. 67202.	9	2	Cities Service Gas Co. (Hugoton Field, Kearny County, Kans.).	\$250	9-12-66	³ 10-12-66	3-12-67	⁴ 7.5037	⁵ 12.5	(7)
RI67-95....	H. M. Gillespie, et al. ²	7	1	do.....	142	¹⁰ 9-16-66 9-15-66	³ 10-16-66	3-16-67	⁴ 10.7195	⁵ 12.5	(8)
RI67-96....	Edwin L. Cox, ² 38th Floor, First National Bank Bldg., Dallas, Tex. 75202.	2	1	Cities Service Gas Co. (Hugoton Field, Morton County, Kans.).	144	9-12-66	³ 10-12-66	3-12-67	⁴ 10.7195	⁵ 12.5	

² Contract Amendment which provides for 12.5 cents per Mcf rate effective Dec. 13, 1962, through June 23, 1971, and 1.0 cent periodic increases every 5 years until June 23, 1991, in lieu of indefinite pricing during such period.

³ The stated effective date is the first day after expiration of the statutory notice.

⁴ Renegotiated rate increase.

⁵ Pressure base in 14.65 p.s.i.a.

⁶ Subject to a downward B.t.u. adjustment.

H. M. Gillespie, H. H. Gillespie, et al. (both referred to herein as Gillespie) and Edwin L. Cox (Cox) request a retroactive effective date of December 13, 1962, the contractually provided effective date, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Gillespie and Cox's rate filings and such requests are denied.

The rate filings of Gillespie and Cox constitute, in effect, proposed settlements similar to offers of settlement filed by other producers who also sell gas to Cities Service Gas Co. (Cities) pursuant to the terms and conditions of the contract contained in Pan American Petroleum Corporation's (Pan American) FPC Gas Rate Schedule No. 84. All of these producers seek the same settlement terms for the sale by Pan American under its FPC Gas Rate Schedule No. 84 that were approved by the Commission in an order issued April 13, 1966, in Docket Nos. G-9279, et al., involving Pan American's company-wide settlement. No action has yet been taken by the Commission on these settlement proposals. In the event the Commission approves these offers of settlement then the subject suspension proceedings will be terminated.

Since the proposed rates of Gillespie and Cox exceed the area increased rate ceiling for Kansas as announced in the Commission's statement of general policy No. 61-1, as amended, we conclude that they should be suspended for 5 months as ordered below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Gillespie's contract amendments dated August 24, 1966, and Cox's contract amendment dated August 17, 1966, conform their contracts to the provisions of the aforementioned Pan American settlement. Such amendments provide for a 12.5 cents per Mcf rate effective December 13, 1962, through June 23, 1971, and 1.0 cent per Mcf periodic increases every 5 years until June 23, 1991, in lieu of indefinite pricing during such period. We shall also suspend these filings.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed changes contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11470; Filed, Oct. 21, 1966;
8:45 a.m.]

[Docket No. RI67-93]

PHILLIPS PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 13, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the

Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission

its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-93----	Phillips Petroleum Co., Bartlesville, Okla. 74004.	1374	4	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	\$279	9-13-66	10-14-66	10-15-66	16.0 16.0	\$67 16.07 \$68 16.49	

¹ Contract dated Mar. 27, 1961, and covers sale of "new" gas-well gas.

² No deliveries being made from the Pennsylvania Formation.

³ The stated effective date is the first day after expiration of the statutory notice.

⁴ The suspension period is limited to 1 day.

⁵ "Fractured" rate increase. Phillips is contractually due 18.5 cents but is filing for applicable rates shown on its quality statements.

⁶ Pressure base is 14.65 p.s.i.a.

⁷ Pertains to gas from Devonian Formation.

⁸ Pertains to gas from Pennsylvania Formation.

⁹ Includes applicable tax reimbursement.

Phillips Petroleum Co. (Phillips) requests a retroactive effective date of September 1, 1965, for its proposed supplement. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Phillips' rate filing and such request is denied.

The proposed rate increases have been filed by Phillips to implement the rates set forth in its revised rate schedule quality statements (filed Aug. 1, 1966) as a result of Transwestern's proposed change in the method of determining treating and dehydration costs for nonpipeline quality gas. No action has yet been taken with respect to Phillips' revised rate schedule quality statements. In view of the possibility that Phillips' proposed rates may exceed the just and reasonable rate ceiling for these sales determined in Permian Basin Opinion No. 468, the proposed supplement is suspended herein for 1 day from October 14, 1966, the date of expiration of the statutory notice, pending action by the Commission with respect to Phillips' revised rate schedule quality statements.

Except for the stay of the moratorium in Opinion No. 468, Phillips' filing would be rejectable if the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review and the proposed rates are determined to be in excess of the applicable

area rate ceiling determined in Opinion No. 468, the filing will be rejected ab initio.

[F.R. Doc. 66-11472; Filed, Oct. 21, 1966;
8:45 a.m.]

[Docket Nos. RI67-83, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 13, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

¹ Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decision thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-83	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017, Attn: Mr. C. E. Smith.	2	11	Transcontinental Gas Pipe Line Corp. (West White Lake Field, Vermillion Parish, La.) (South Louisiana).	\$186,150	9-20-66	211- 1-66	4- 1-67	\$ 18.75	\$ 19.75	RI63-159.
	do	3	8	Transcontinental Gas Pipe Line Corp. (Tigre Lagoon Field, Vermilion and Iberia Parishes, La.) (South Louisiana).	186,562	9-20-66	211- 1-66	4- 1-67	\$ 18.75	\$ 19.75	RI63-159.
	do	4	5	Transcontinental Gas Pipe Line Corp. (Vinton Field, Calcasieu Parish, La.) (South Louisiana).	3,650	9-20-66	211- 1-66	4- 1-67	\$ 18.75	\$ 19.75	RI63-159.
RI67-84	Union Oil Co. of California (Operator), et al.	5	9	Transcontinental Gas Pipe Line Corp. (East White Lake Field, Vermillion Parish, La.) (South Louisiana).	20,075	9-20-66	211- 1-66	4- 1-67	\$ 18.75	\$ 19.75	RI63-160.
	do	6	9	Transcontinental Gas Pipe Line Corp. (Fresh Water Bayou Field, Vermillion Parish, La.) (South Louisiana).	81,213	9-20-66	211- 1-66	4- 1-67	\$ 18.75	\$ 19.75	RI63-160.
RI67-85	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001, Attn: Mr. C. W. Proctor.	2	10	Texas Eastern Transmission Corp. (Gist Field, Newton County, Tex.) (R.R. District No. 3).	146	9-23-66	211- 1-66	4- 1-67	16.0	\$ 16.2	RI66-151.
	do	10	10	Texas Eastern Transmission Corp. (Chevron Field, Kleberg County, Tex.) (R.R. District No. 4).	25,550	9-23-66	211- 1-66	4- 1-67	16.0	\$ 16.2	RI66-151.
RI67-86	Hidalgo Gas Production Corp., 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, Esq.	1	10	Texas Eastern Transmission Corp. (Mercedes and Agua Dulce Fields, Nueces and Hidalgo Counties, Tex.) (R.R. District No. 4).	440	9-26-66	211- 1-66	4- 1-67	16.0	\$ 16.2	RI66-126.
	do	2	10	Texas Eastern Transmission Corp. (Agua Dulce Field, Nueces County, Tex.) (R.R. District No. 4).	300	9-26-66	211- 1-66	4- 1-67	16.0	\$ 16.2	RI66-126.
RI67-87	William Herbert Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, Esq.	1	15	Texas Eastern Transmission Corp. (North Cottonwood Field Liberty County, Tex.) (R.R. District No. 3).	500	9-26-66	211- 1-66	4- 1-67	16.0	\$ 16.2	RI66-125.
RI67-88	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, Esq.	35	9	Texas Eastern Transmission Corp. (South Nome Field, Jefferson County, Tex.) (R.R. District No. 3).	1,000	9-26-66	211- 1-66	4- 1-67	16.0	\$ 16.2	RI66-127.
RI67-89	Petroleum Corp. of Texas, et al., Post Office Box 752, Breckenridge, Tex. 76024, Attn: C. R. Anderson, Esq.	18	1	South Texas Natural Gas Gathering Co. (Donna Field, Hidalgo County, Tex.) (R.R. District No. 4).	6,204	9-22-66	210-23-66	3-23-67	\$ 13.5	\$ 14.5	
RI67-90	Dorsey Buttram, 1612 Camden Way, Oklahoma City, Okla. 73116.	2	6	El Paso Natural Gas Co. (Red Wash Area, Uintah County, Utah).	618	9-21-66	211- 1-66	4- 1-67	\$ 15.384	\$ 16.384	
RI67-91	Placid Oil Co. (Operator), et al., 2500 First National Bank Bldg., Dallas, Tex. 75202.	26	14	Texas Eastern Transmission Corp. (Lucky and Liberty Hill Fields, Bienville Parish, La.) (North Louisiana).	10,596	9-20-66	211- 1-66	4- 1-67	\$ 17.2366	\$ 17.4417	RI66-132.
	do ¹³	29	6	H. L. Hunt, ¹² (Whelan Field, Harrison County, Tex.) (R.R. District No. 6).	460	9-20-66	211- 1-66	4- 1-67	13.5	\$ 13.7	RI66-132.
	do ¹³	30	6	H. L. Hunt, ¹² (North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	146	9-20-66	211- 1-66	4- 1-67	15.5	\$ 15.7	RI66-132.
RI67-92	H. L. Hunt, et al., 1401 Elm St., Dallas, Tex. 75202.	4	22	Texas Eastern Transmission Corp. (Whelan-North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	2,000	9-26-66	211- 1-66	4- 1-67	16.0	\$ 16.2	RI66-131.

¹ The stated effective date is the effective date proposed by Respondent.

² Periodic rate increase.

³ Pressure base is 15.025 p.s.i.a.

⁴ Includes 1.75 cents per Mcf tax reimbursement.

⁵ Pressure base is 14.65 p.s.i.a.

⁶ The stated effective date is the first day after expiration of the statutory notice.

⁷ Inclusive of a 0.25 cent dehydration allowance paid by Buyer.

⁸ Subject to a downward B.t.u. price adjustment for gas having a heating content of less than 1,000 B.t.u.'s.

¹⁰ "Fractured" rate increase. Respondent contractually due 19.5 cents per Mcf.

¹¹ Initial certificated rate in Opinion No. 359. (Initial contract rate is 18.5 cents per Mcf).

¹² H. L. Hunt resells the gas under its FPC Gas Rate Schedule No. 4 to Texas Eastern Transmission Corp. at an effective rate of 16.0 cents per Mcf subject to refund in Docket No. RI66-131. Hunt's related rate increase to 16.2 cents is suspended herein.

¹³ Placid Oil Co. is a corporation of which the common stock is primarily owned by H. L. Hunt and Hunt Trust Estates.

Petroleum Corporation of Texas, et al (Petroleum) request that their proposed rate increase be permitted to become effective as of October 1, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Petroleum's rate filing and such request is denied.

The proposed 13.7 cents per Mcf rate contained in Supplement No. 6 to Placid Oil Co. (Operator), et al's (Placid) FPC Gas Rate Schedule No. 29, does not exceed the area increased rate ceiling of 14.0 cents per Mcf for Texas Railroad District No. 6 as set forth in the Commission's statement of general policy No. 61-1, as amended, but such increase is related to the buyer's proposed increased rate which is suspended herein because it exceeds the area increased ceiling level. The 15.7 cents per Mcf rate contained in Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 30 exceeds the area increased rate ceiling for the area involved and is related to the buyer's resale rate which, as stated above, is suspended herein because it exceeds the area increased ceiling level.

Dorsey Buttram (Buttram) proposes a "fractured" rate increase, from 15.384 cents to 16.384 cents per Mcf, for a sale of gas to El Paso Natural Gas Co. in the Red Wash Field, Uintah County, Utah. No formal guideline prices have been announced by the Commission for this area. The increased rate of 16.384 cents exceeds both the adjacent Wyoming 13.0 cents increased rate ceiling and the 15.384 cents initial rate certificated in Opinion No. 359 issued June 11, 1962, for sales in the Red Wash Field, and is suspended as ordered herein.

With the exception of Buttram's proposed 16.384 cents per Mcf rate where no formal price ceilings have been announced for the area involved, and Placid's proposed 13.7 cents per Mcf rate, mentioned above, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 66-11473; Filed, Oct. 21, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 18, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1966, through October 28, 1966, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11537; Filed, Oct. 21, 1966; 8:46 a.m.]

[NY-4393]

FIRST STANDARD CORP.

Order Suspending Trading

OCTOBER 18, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of First Standard Corp. otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934 that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1966, through October 23, 1966, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11538; Filed, Oct. 21, 1966; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 593]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Monroe County in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from hurricane Inez and accompanying conditions occurring on or about October 4, 1966.

OFFICE

Small Business Administration Regional Office, 51 Southwest First Avenue, Miami, Fla. 33130.

2. A temporary office will also be located in the Key West, Fla., area, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1967.

BERNARD L. BOUTIN,
Administrator.

OCTOBER 7, 1966.

[F.R. Doc. 66-11527; Filed, Oct. 21, 1966; 8:45 a.m.]

[Declaration of Disaster Area 594]

IOWA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Wright County in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on October 14, 1966.

OFFICE

Small Business Administration Regional Office, Fifth and Grand Avenue, Des Moines, Iowa 50309.

2. SBA Representatives will be located in the town of Belmond, Iowa, to accept applications. Address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1967.

BERNARD L. BOUTIN,
Administrator.

OCTOBER 17, 1966.

[F.R. Doc. 66-11528; Filed, Oct. 21, 1966; 8:45 a.m.]

NATIONAL AERONAUTICS AND SPACE COUNCIL

NORMAN SHERMAN

Notice of Appointment and Compensation

Name and title, Norman Sherman, Special Assistant to Chairman; Salary rate, \$23,013 per annum; Position Number, SOS No. 5.

Authority for this appointment. Title II, section 306, subsection (c) reads: That part of section 201(f) of the National Aeronautics and Space Act of 1958 72 Stat. 428; 42 U.S.C. 2471(f), fixing a limit of \$19,000 on the compensation of even persons in the National Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than \$19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 8 of the General Schedule of the Classification Act of 1949, as amended.'"

Effective date: September 21, 1966.

E. L. LACEY,
Administrative Officer.

F.R. Doc. 66-11526; Filed, Oct. 21, 1966;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 19, 1966.

Protests to the granting of an application must be prepared in accordance with rule 1.40 of the general rules of practice 49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40751—*Perchloroethylene to Lemont, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8913), for interested rail carriers. Rates on perchloroethylene, in tank carloads, from specified points in Louisiana and Texas, to Lemont, Ill.

Grounds for relief—Market competition.

Tariffs—Supplements 35 and 112 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

FSA No. 40753—*Liquid caustic soda to Nka, N.C.* Filed by Southwestern Freight Bureau, agent (No. B-8907), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, subject to minimum shipments of 294 tons of 2,000 pounds each, from Plaquemine, La., to Nka, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 36 to Southwestern Freight Bureau, agent, tariff ICC 4668.

FSA No. 40754—*Liquid caustic soda to Charleston, W. Va., district points.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2867), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from specified points in New Jersey, to Charleston, W. Va., and points in Charleston district.

Grounds for relief—Market competition.

Tariffs—Supplement 78 to Baltimore & Ohio Railroad Co., tariff ICC 24788 and supplement 167 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-383.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40752—*Perchloroethylene to Lemont, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8914), for interested rail carriers. Rates on perchloroethylene, in tank carloads, from specified points in Louisiana and Texas, to Lemont, Ill.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariffs—Supplements 35 and 112 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11534; Filed, Oct. 21, 1966;
8:46 a.m.]

[Notice 1430]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 19, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered

proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69067. Corrected Notice.¹ By order of September 30, 1966, the Transfer Board approved the transfer to H. A. Pierce and R. E. Schuster, a partnership, doing business as Pierce-Schuster Truck Lines, Freeborn, Minn., of the certificate in Nos. MC-114362, MC-114362 (Sub-No. 4), MC-114362 (Sub-No. 5), and MC-114362 (Sub-No. 8), issued April 6, 1956, June 19, 1957, January 8, 1959, and March 17, 1966, respectively, to H. A. Pierce, doing business as Pierce Truck Lines, Freeborn, Minn., authorizing the transportation of: Manufactured fertilizer, dry fertilizer, agricultural lime, and dry fertilizer materials, from Albert Lea, Minn., and Mason City, Iowa, as specified, to points as designated in Iowa, Minnesota, and Wisconsin, and butter, from specified counties in Minnesota and Iowa, to Albert Lea, Minn. Jack F. C. Gillard, 216 East Main Street, Albert Lea, Minn. 56007, attorney for applicants.

No. MC-FC-69173. By order of October 19, 1966, the Transfer Board approved the transfer to Greater Syracuse Moving & Storage Co., Inc., Clay, N.Y., of the certificate of registration in No. MC-120652 (Sub-No. 1), issued November 5, 1964, to Gilbert H. Gokey, doing business as Greater Syracuse Moving & Storage Co., Clay, N.Y., and corresponding in scope to the grant of intrastate authority set forth in certificate of public convenience and necessity No. 749, issued prior to October 15, 1962, and reissued December 20, 1963, by the New York Public Service Commission. J. M. Hastings, Jr., 800 Hills Building, Syracuse, N.Y. 13202, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11535; Filed, Oct. 21, 1966;
8:46 a.m.]

¹ Corrected to include MC-114362 (Sub-No. 5).

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page
PROCLAMATIONS:	
3749	12935
3750	12995
3751	13197
3752	13635
EXECUTIVE ORDERS:	
Sept. 24, 1847 (revoked by PLO 4100)	12950
April 17, 1926 (revoked in part by PLO 4098)	12950
10126 (superseded by 14 CFR 73.87)	13422
10154 (superseded by EO 11313)	13417
10558 (superseded by EO 11313)	13417
10686 (superseded by EO 11313)	13417
11122 (superseded by EO 11307)	12917
11215 (amended by EO 11309)	13075
11307	12917
11308	12919
11309	13075
11310	13199
11311	13413
11312	13415
11313	13417
11314	13419
4 CFR	
Ch. II	13381
5 CFR	
213	12833, 12937, 13113, 13465, 13521
351	13521
534	13521
1700	13113
7 CFR	
51	13637
81	13203, 13527
110	13203
112	13203
113	13203
210	13035
319	12834
354	13203
401	13581, 13583-13588
402	13588
403	13588
406	13588
407	13588
408	13589
409	13589
701	13035
719	13204
722	13035,
	13036, 13132, 13168, 13205, 13303,
	13465, 13529, 13530, 13589.
728	13036
729	12921, 12940
751	13531
777	13502
811	13133, 13313
813	13589
874	12940
905	12835, 13385

7 CFR—Continued	Page
908	12836, 13077, 13385, 13639
909	13134
910	12837, 13077, 13386, 13640
915	13135, 13386
932	13171
947	13171
958	12940
982	13591
984	13421, 13640
993	13037
1038	13037
1126	13641
1421	13078, 13641
1427	13641
1443	12337
1446	13207
1475	13532
1490	12997
PROPOSED RULES:	
52	13551
725	13242
730	12952
909	13174
929	13136
948	12953
971	13551
972	13394
982	12954, 13346
984	13005
989	13244, 13552
991	13394
993	13136
994	13090
1005	12845, 13090
1006	13272
1012	13605
1013	13655
1038	12954
1041	13136
1067	13395
1069	13091
1102	13395
1103	13476
1106	13607
1126	13005, 13607
1205	13478
Ch. XI	12956
8 CFR	
211	13387
212	13114
9 CFR	
78	13465
97	13114
12 CFR	
329	12837
526	13039
531	13591
545	12838, 12839, 13000
556	13592
561	13592
563	13167
571	13593
PROPOSED RULES:	
222	12965

13 CFR	Page
107	13532
121	12840
PROPOSED RULES:	
121	12849, 12924, 13353
14 CFR	
21	13387
37	12941
39	12921, 13167, 13521
47	13313
61	13522
63	13522
65	13522
71	12840, 12921, 12943, 13038, 13039, 13115, 13207, 13314, 13315, 13389, 13390, 13421, 13422, 13466, 13525, 13641.
73	12922, 12944, 13115, 13422
91	13525
95	12944
97	13116, 13316, 13594, 13642
121	13078
143	13522
151	13423
208	12947
295	12948
378	12948
PROPOSED RULES:	
39	12924, 13554
61	13554
71	12925, 13481, 13669
73	12925
75	13176
91	13352
15 CFR	
230	13167, 13390
372	13040
373	13040
374	13040
379	13040
382	13040
385	13040
398	13040
399	13040
16 CFR	
13	12937
	12938, 13078-13080, 13208, 13209, 13337, 13423.
15	13210, 13423
PROPOSED RULES:	
303	13353
17 CFR	
200	13533
18 CFR	
141	13593
204	12840
PROPOSED RULES:	
141	1355
260	1355

9 CFR	Page
12938, 13080, 13390	13424
PROPOSED RULES:	
12	12964
10 CFR	
04	13126, 13533
05	13424, 13456, 13534
02	13466
1 CFR	Page
	13537
	12840
7	12949
7	12949
1	12950
3	12840
20	13210
21	12841, 13128, 13474, 13475
46	12841
48k	13603
PROPOSED RULES:	
19	13005
121	12849
130	13347
191	13006
2 CFR	
1	13080
2	13080
0	13537
1	13540, 13654
2	13546
3	13546
23 CFR	
Ch. II	13128
24 CFR	
	13081
03	13000
20	13000
21	13000
32	13000
34	13000
000	13000
25 CFR	
PROPOSED RULES:	
131	13605
221	13242
26 CFR	
77	13443
07	13466
PROPOSED RULES:	
1	12843, 12845, 13091, 13242
28 CFR	
PROPOSED RULES:	
5	13343
29 CFR	
162	13001
512	13211
PROPOSED RULES:	
40	13174
1207	13176

31 CFR	Page
520	13001
32 CFR	
1	13326
2	13329
3	13329
4	13330
7	13331
8	13332
11	13332
13	13336
15	13336
18	13337
156	13642
855	13081
1001	13217
1002	13217
1003	13217, 13547
1004	13217
1007	13218, 13547
1010	13219
1012	13548
1013	13219
1017	13220
1018	13220
1030	13220
1053	13220
1054	13220
32A CFR	
Ch. XV:	
FRS Reg. V	13444
PROPOSED RULES:	
Ch. X	12924, 13050
33 CFR	
84	13647
202	13129
203	13647
204	13129, 13445, 13647
36 CFR	
311	13313
326	13172
37 CFR	
1	12922
4	13648
38 CFR	
2	13548
3	13088, 13172, 13390, 13446
14	13548
36	13003
39 CFR	
822	13172
PROPOSED RULES:	
43	13394
41 CFR	
5-12	13337
9-1	13046
9-2	13046
9-3	13046
22-1	13001
42 CFR	
22	12939
52	13445

43 CFR	Page
5430	13446
PUBLIC LAND ORDERS:	
1195 (revoked in part by PLO 4099)	12950
3152 (revoked in part by PLO 4104)	12951
3584 (revoked in part by PLO 4104)	12951
4094 (corrected)	13473
4097	12950
4098	12950
4099	12950
4100	12950
4101	12951
4102	12951
4103	12951
4104	12951
4105	13549
45 CFR	
6	12842
7	12842
8	12842
170	13220
46 CFR	
12	13649
510	13650
PROPOSED RULES:	
2	12860
24	12860
30	12860
70	12860
90	12860
110	12860
175	12860
188	12860
189	12860
190	12860
191	12860
192	12860
193	12860
194	12860
195	12860
196	12860
47 CFR	
0	13473
1	13228, 13593
2	13230
15	13391
73	13234, 13237, 13474, 13653
83	13653
91	13230
99	13230
PROPOSED RULES:	
31	13244
33	13244
73	12965, 13245, 13246, 13481
49 CFR	
7	13446
PROPOSED RULES:	
Ch. I	13392
95-97	13393
50 CFR	
32	12923, 12939, 13003, 13004, 13048, 13049, 13088, 13130, 13240, 13241, 13342, 13447, 13475, 13549, 13550.
33	12939, 13391, 13447, 13475, 13550

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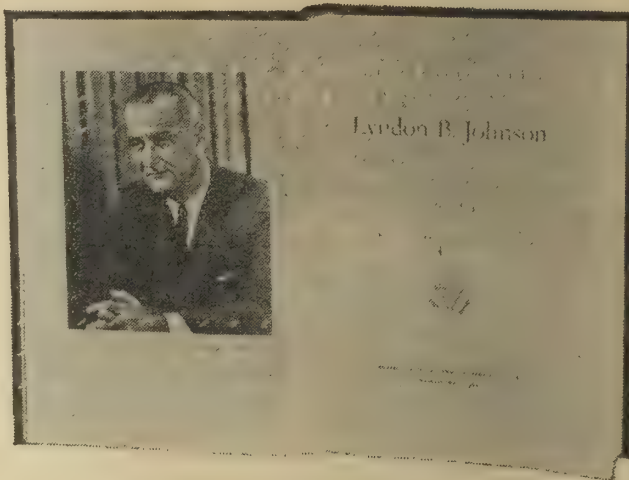
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FEDERAL REGISTER

VOLUME 31 • NUMBER 207

Tuesday, October 25, 1966 • Washington, D.C.

Pages 13691-13742

Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
Education Office
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Food and Drug Administration
Housing and Urban Development
Department
Indian Affairs Bureau
International Commerce Bureau
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Tariff Commission

Detailed list of Contents appears inside.



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Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations	
Sugarbeets; approved local areas, 1965 crop.....	13695
Notices	
Sugarbeets; hearing.....	13731

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

CIVIL AERONAUTICS BOARD

Notices	
<i>Hearings, etc.:</i>	
Hilo-Mainland temporary service investigation.....	13732
Lufthansa German Airlines.....	13732

CIVIL SERVICE COMMISSION

Rules and Regulations	
Excepted service; Interior Department and Health, Education, and Welfare Department.....	13695

COMMERCE DEPARTMENT

See International Commerce Bureau.

COMMODITY CREDIT CORPORATION

Rules and Regulations	
Cotton, 1964-66; definition of cotton handler.....	13696

COMPTROLLER OF THE CURRENCY

Proposed Rule Making	
Solicitation of proxies; information to be furnished stockholders	13725

CONSUMER AND MARKETING SERVICE

Rules and Regulations	
Raisins in California; volume, 1966-67	13696
Proposed Rule Making	
Milk in Tri-State marketing area; decision	13726

CUSTOMS BUREAU

Rules and Regulations	
Glass; ascertainment of weight..	13722
Ports of entry; San Diego, Calif..	13721

EDUCATION OFFICE

Notices	
Federal assistance in construction of educational television facilities; applications accepted for filing (2 documents)	13731, 13732

FEDERAL AVIATION AGENCY

Rules and Regulations	
Airworthiness directives; issuance by regional directors.....	13697
Control area extension; alteration.....	13699
Control zone; alteration.....	13699
Restricted area/military climb corridor; revocation.....	13699
Transition areas:	
Alteration.....	13699
Designations (3 documents)	13698
Revocation.....	13698

Proposed Rule Making

Transition area; alteration.....	13725
----------------------------------	-------

FEDERAL MARITIME COMMISSION

Notices	
Pacific Far East Line, Inc., and Truk Transportation Co., Inc.; agreement filed for approval....	13732

FEDERAL POWER COMMISSION

Rules and Regulations	
Natural gas pipeline companies; rate schedules and tariffs; general terms and conditions.....	13720
Notices	
<i>Hearings, etc.:</i>	
Depco, Inc., et al.....	13733
El Paso Natural Gas Co.....	13733
Florida Gas Transmission Co....	13733
United Gas Pipe Line Co.....	13734
Vanceburg Electric Light, Heat and Power System and Vanceburg, Ky.....	13734

FEDERAL RESERVE SYSTEM

Notices	
First Florida Bancorporation; order approving application.....	13734

FOOD AND DRUG ADMINISTRATION

Rules and Regulations	
Drugs; sodium ampicillin.....	13723
Food additives; buquinolate.....	13722
Notices	
Pillsbury Co.; filing of petition for food additive.....	13732
Union Carbide Corp.; establishment of temporary tolerance....	13732

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices	
Regional Director of Administration, Atlanta; redelegation of authority.....	13732

INDIAN AFFAIRS BUREAU

Notices	
Billings Area Office; superintendents; redelegation of authority..	13731

INTERIOR DEPARTMENT

See Indian Affairs Bureau; Land Management Bureau.

INTERNATIONAL COMMERCE BUREAU

Rules and Regulations	
Commodity control list; miscellaneous amendments.....	13699

INTERNAL REVENUE SERVICE

Rules and Regulations	
Excise taxes; interest equalization tax.....	13723

INTERSTATE COMMERCE COMMISSION

Notices	
Fourth section applications for relief	13736
Motor carrier:	
Temporary authority applications (2 documents) ..	13736, 13739
Transfer proceedings.....	13735

LAND MANAGEMENT BUREAU

Notices	
New Mexico; consolidation of grazing districts and offices....	13731

SECURITIES AND EXCHANGE COMMISSION

Notices	
<i>Hearings, etc.:</i>	
Consolidated Foods Corp.....	13734
Lincoln Printing Co.....	13735
United Security Life Insurance Co	13735

TARIFF COMMISSION

Notices	
Ceramic floor and wall tile; investigation	13735

TREASURY DEPARTMENT

See Comptroller of the Currency; Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

5 CFR	14 CFR	18 CFR
213----- 13695	11----- 13697	154----- 13720
	71 (7 documents)----- 13698, 13699	
7 CFR	73----- 13699	19 CFR
849----- 13695	PROPOSED RULES:	1----- 13721
989----- 13696	71----- 13725	13----- 13722
1427----- 13696		
PROPOSED RULES:	15 CFR	21 CFR
1005----- 13726	399----- 13699	121----- 13722
		146a----- 13723
12 CFR		26 CFR
PROPOSED RULES:		147----- 13723
11----- 13725		

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Department of the Interior and Department of Health, Education, and Welfare

Sections 213.3312 and 213.3316 are amended to show the exception under Schedule C in the Department of the Interior of the position of Commissioner, Federal Water Pollution Control Administration, formerly excepted under Schedule C in the Department of Health, Education, and Welfare. Effective on publication in the FEDERAL REGISTER, a new paragraph (n) is added to § 213.3312 and paragraph (m) of § 213.3316 is revoked as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(n) *Federal Water Pollution Control Administration.* (1) Commissioner.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(m) [Revoked]

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-11595; Filed, Oct. 24, 1966;
8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[849.2, Rev. 2, Supp. 2]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1964 AND SUBSEQUENT CROPS

Approved Local Areas for 1965 Crop of Sugarbeets

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, § 849.9 is added to read as follows:

§ 849.9 Approved local areas for the 1965 crop of sugarbeets.

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on 10 percent or more of the sugarbeet farms in each area, or on an acreage equal to 10 percent or more of the number of acres planted to sugarbeets on farms in each area, the planting of sugarbeets was prevented because of drought, flood, storm, freeze, disease, or insects, or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator, State and County Operations, in accordance with § 849.2.

(a) California.

County and Areas

Butte: Area 1; Area 2.
Colusa: Area 1.
Sacramento: Area 1; Area 2; Area 3; Area 5;
T. 4 N., R. 3 E.; T. 4 N., R. 4 E.
Solano: Area 2.
Sutter: Area 2; Area 3.
Tehama: Tehama County.
Yolo: Area 6; Area 7; Area 8.
Yuba: Yuba County.

(b) Colorado.

County and Areas

Adams: Area 1.
Crowley: Area 1; Area 2; T. 21 S., R. 58 W.;
T. 19 S., R. 56 W.
Larimer: Area 1; Area 3; Area 5; T. 4 N.,
R. 69 W.; T. 10 N., R. 68 W.; T. 10 N., R. 69 W.
Logan: Area 1; Area 2; Area 3; Area 4;
Area 5.
Morgan: Area 2; T. 3 N., R. 58 W.; T. 4 N.,
R. 57 W.; T. 3 N., R. 57 W.; T. 4 N., R. 56 W.;
T. 4 N., R. 55 W.; T. 3 N., R. 60 W.; T. 3 N.,
R. 56 W.; T. 5 N., R. 59 W.
Otero: Area 1; Area 2; Area 3.
Prower: Area 1; Area 2.
Pueblo: T. 21 S., R. 62 W.
Weld: Area 3; T. 6 N., R. 63 W.; T. 4 N.,
R. 64 W.; T. 5 N., R. 64 W.; T. 6 N., R. 64 W.;
T. 7 N., R. 64 W.; T. 1 N., R. 65 W.; T. 2 N.,
R. 65 W.; T. 4 N., R. 65 W.; T. 5 N., R. 65 W.;
T. 6 N., R. 65 W.; T. 7 N., R. 65 W.; T. 8 N., R.
65 W.; T. 1 N., R. 66 W.; T. 3 N., R. 66 W.;
T. 4 N., R. 66 W.; T. 5 N., R. 66 W.; T. 8 N.,
R. 66 W.; T. 3 N., R. 67 W.; T. 4 N., R. 67 W.;
T. 2 N., R. 68 W.; T. 4 N., R. 68 W.

(c) Idaho.

County and Areas

Bannock: T. 9 S., R. 37 E.
Franklin: Area 1; Area 4.

(d) Illinois.

County and Areas

Cook: Area 1.
Will: Will County.

(e) Indiana.

County and Areas

Lake: Ross.

(f) Michigan.

County and Areas

Clinton: Clinton County.
Genesee: Genesee County.
Gladwin: Gladwin County.
Gratiot: Area 1; Area 2; Bethany; Wheeler;
Emerson.
Huron: Area 1; Area 2; Area 3; Area 4; Area
5; Area 6; Area 7; Colfax; Fairhaven; Lincoln;
McKinley; Sand Beach; Winsor.
Isabella: Area 1; Area 2.
Lapeer: Area 1; Area 3.
Macomb: Macomb County.
Midland: Hope; Porter; Jasper.
Saginaw: Area 3; Area 4; Tittabawassee;
Saginaw; Spaulding; Albee.
St. Clair: Area 1; Area 2; Area 3.
Sanilac: Area 1; Area 2; Area 3; Area 4;
Area 5; Sanilac; Buel; Elmer; Lexington;
Premont; Marlette; Custer; Wheatland.
Shiawassee: Shiawassee County.
Tuscola: Area 1.

(g) Minnesota.

County and Areas

Big Stone: Big Stone County.
Carver: Carver County.
Chippewa: Area 1.
Faribault: Area 1; Area 2; Area 3.
Freeborn: Freeborn.
Kandiyohi: Area 1; Area 2.
Lac qui Parle: Lac qui Parle County.
Marshall: Area 5.
Martin: Area 1; Area 2.
Nicollet: Nicollet County.
West Polk: Area 9.
Renville: Area 1; Area 2; Area 3; Area 4;
Area 5.
Sibley: Area 1; Area 2.
Yellow Medicine: Yellow Medicine County.

(h) Montana.

County and Areas

Big Horn: Area 3; Area 4.
Blaine: Area 1; Area 2; Area 3.
Lake: Lake County.
Missoula: Missoula County.
Phillips: Phillips County.
Ravalli: Area 1; T. 8 N., R. 20 W.
Treasure: Area 2.
Yellowstone: Area 3.

(i) Nebraska.

County and Areas

Burt: Burt County.
Dawson: Area 1; Area 2; Area 3.
Kearney: Area 2.
Sheridan: Area 1; T. 29 N., R. 45 W.

(j) New York.

County and Areas

Yates: Torrey; Potter.

(k) North Dakota.

County and Areas

Williams: Williams County.

(l) Utah.

County and Areas

Carbon: Carbon County.
Millard: Community B; Community D;
Community E; Community H.
Sevier: Sevier County.

(m) *Washington.**County and Areas*

Walla Walla: Area 1; Area 2.

(n) *Wyoming.**County and areas*

Goshen: Area 1; Area 2; Area 3; Area 5; T. 22 N., R. 60 W.; T. 23 N., R. 61 W.; T. 23 N., R. 62 W.; T. 24 N., R. 61 W.; T. 24 N., R. 62 W.; T. 25 N., R. 63 W.; T. 25 N., R. 62 W.

Platte: Area 1; Area 2; Area 3; T. 24 N., R. 67 W.

Statement of bases and considerations. One of the conditions of eligibility of a sugarbeet producer for prevented acreage credit, as provided in § 849.2 of this chapter, is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugarbeets was adversely, seriously, and generally affected by certain uncontrollable national conditions on 10 percent or more of the sugarbeet farms in the area or on an acreage equal to 10 percent or more of the number of acres planted to sugarbeets on farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1965 crop of sugarbeets.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on October 19, 1966.

JOHN C. BROWN, JR.,
*Acting Deputy Administrator,
State and County Operations.*

[F.R. Doc. 66-11589; Filed, Oct. 24, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Volume Regulation for 1966-67 Crop Year

Notice was published in the October 13, 1966, issue of the FEDERAL REGISTER (31 F.R. 13244) regarding a proposal to provide free tonnage of 142,000 tons and to designate the percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1966-67 crop year beginning September 1, 1966, which shall be free tonnage, reserve tonnage, and surplus tonnage respectively. Interested persons were afforded an opportunity to submit written data, views, or arguments with respect to the proposal; and several comments were submitted.

The proposal was based on the recommendation of the Raisin Administrative Committee and other information. The Committee is established under, and its recommendations are made in accordance with, the provisions of the market-

ing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

The free, reserve, and surplus percentages, as hereinafter set forth, for natural Thompson Seedless raisins are designed to achieve a free tonnage of 142,000 tons (estimated to equal trade demand) and to protect against possible under-estimation of production (presently estimated at 237,000 tons). To prevent accumulated reserve tonnage not needed to meet free tonnage requirements from continuing as reserve until August 1, 1967—the date when unsold reserve tonnage raisins become surplus tonnage raisins under this part—and becoming a threat to free tonnage prices, appropriate modification of the percentages in accordance with this part would be made during February 1967. At that time essentially all of the raisins will have been acquired by handlers. Any such modification, based on relevant information then available, will be designed in accordance with this part to provide as reserve tonnage an amount equal to the deficit in the free tonnage and add the remainder of the reserve tonnage to the surplus tonnage. Such small additional tonnage as may be accumulated thereafter due to the modified reserve percentage would, subject to § 989.67(c), become surplus tonnage on August 1, 1967.

The total supply of other varietal types of raisins is expected to approximate 21,000 tons. The 1966-67 supply of such raisins is not deemed to be in excess of the quantity that can be marketed in all outlets at reasonable prices and the quantity needed for desirable carryout. Volume regulation for these varietal types therefore, is not being established.

The Committee recommended that no change be made in the list of countries for export sale of surplus tonnage by or through handlers. The list established in § 989.224 (7 CFR Part 989) remains applicable.

After consideration of all relevant matter presented, including that in the notice, the views submitted pursuant to the notice, the information and recommendation submitted by the Committee, and other available information, it is found that to designate for natural (sun-dried) Thompson Seedless raisins the free tonnage percentage, reserve tonnage percentage, and surplus tonnage percentage for the 1966-67 crop year, as set forth below, will tend to effectuate the declared policy of the act.

§ 989.224 Free, reserve, and surplus percentages for the 1966-67 crop year.

The percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1966, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: Free tonnage per-

centage, 50 percent; reserve tonnage percentage, 15 percent; and surplus tonnage percentage, 35 percent.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 1003(c)) in that: (1) Under this regulatory program the percentages designed for a crop year apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year, and such acquisitions for the crop year have begun; and (2) the current crop year began September 1, 1966, and the percentages herein designated will automatically apply to such raisins acquired on and after that date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 19, 1966.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable
Division, Consumer and Marketing Service.*

[F.R. Doc. 66-11590; Filed, Oct. 24, 1966; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Announcement PS-CN-2, Amdt. 8]

PART 1427—COTTON

Subpart—1964-66 Cotton Equalization Program—Payment-in-Kind Regulations

DEFINITION OF COTTON HANDLER

In order to provide for payments to cotton firms who were not cotton handlers on July 31, 1966, but who had eligible cotton in their inventories on that date, paragraph (c) of § 1427.1952 of the 1964-66 Cotton Equalization Program—Payment-in-Kind Regulations (Announcement PS-CN-2) dated July 1, 1964 (29 F.R. 8465), is amended to read as follows:

§ 1427.1952 Definitions.

* * * * *

(c) *Cotton handler.* "Cotton handler" means a person (1) who is regularly engaged in the business of buying and selling upland cotton, is an exporter, or is a domestic cotton user and (2) who has entered into an Agreement of Cotton Handler, Form CCC 853 (referred to in this subpart as "Form 853") with CCC or applies for payment only on eligible cotton in his inventory as of midnight July 31, 1966. Persons desiring to participate as cotton handlers in the program provided in this subpart should make application to the New Orleans office. Applications shall be made on Application for Approval as Cotton Handler, Form CCC 852 (referred to in this subpart as "Form 852") and must be received by the New Orleans office by December 31, 1966.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended, sec. 101, 78 Stat. 173, sec. 203, 70 Stat. 188, sec.

401, 79 Stat. 1187; 15 U.S.C. 714b, 714c, 7 U.S.C. 1348, 7 U.S.C. 1853)

Effective date. This amendment shall become effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on October 20, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-11607; Filed, Oct. 24, 1966;
8: 48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7162; Amdt. 11-6]

PART 11—GENERAL RULE-MAKING PROCEDURES

Issue of Airworthiness Directives by Regional Directors

The purpose of this amendment is to add a new Subpart E to Part 11 of the Federal Aviation Regulations to authorize the FAA Regional Directors within the 48 contiguous States to issue Airworthiness Directives. Airworthiness Directives are rules issued under Part 39 of the Federal Aviation Regulations when an unsafe condition exists in a product and that condition is likely to exist in other products of the same type design.

This action was published as a notice of proposed rule making in the FEDERAL REGISTER on February 18, 1966 (31 F.R. 2903).

Eighteen comments were received on the proposal and the overall reaction was one of opposition. These comments were based primarily on two points, that decentralization would lead to a lack of uniformity in the policies and procedures governing the issue of AD's and that decentralization would result in the issue of more AD's. The overall policies and procedures governing the issue of AD's will continue to be the responsibility of FAA's Washington headquarters and AD's will be issued by the regions only in accordance with these policies and procedures. Regional actions will be monitored carefully, especially in the initial stages, to assure that a lack of uniformity does not occur. In connection with its review of the comments on this proposal, the Agency has again reviewed industry comments on the proposed decentralization of airspace rule making in 1964 (Amendment 11-3, effective July 13, 1964). Many of the same organizations expressed substantially the same objections at that time. Experience since that time has shown, however, that the airspace rule writing has been handled on a more expeditious and satisfactory basis by the regions and no unjustifiable increase in the number of airspace actions has occurred. While the airspace and airworthiness regulatory functions can be distinguished in certain respects, the Agency believes it reasonable to antici-

pate that similar results will accrue from the decentralization of the issue of Airworthiness Directives.

No provision appears in the rule for headquarters' participation, on a case-by-case basis, in Airworthiness Directive rule making. It is the intent of the amendment to delegate complete authority to Regional Directors in these matters. Section 11.93, however, provides that petitions for reconsideration may be submitted to the Administrator within 30 days after publication of the rule. This provision should provide adequate relief for parties who feel that rule-making action taken by a Regional Director is contrary to the public interest.

The FAA regional offices are currently responsible for the original determination that an aircraft is in safe condition for operation. Both type certificates and airworthiness certificates are issued by those offices. In addition, initial responsibility for determining the need for, and the substantive requirements of, Airworthiness Directives are developed in the regional offices and are submitted to the Agency headquarters for processing and issuance. This practice has resulted in administrative difficulties and delays with no major compensating substantive benefits to the public or the Agency. Thus, the delegation of the final rule-making authority to the regions merely completes a substantive delegation that has been in effect for many years.

No redelegation of authority by a Regional Director will be authorized. With this consideration and with the distribution to the regions of internal directives on the processing of Airworthiness Directives, the Agency believes that proper control will be maintained over the program. At the same time, regional handling of cases should accelerate their processing and permit decisions to be made by Agency officials most familiar with the case.

The Alaskan, Pacific, and European Regions of the Agency are not staffed to handle the entire processing of Airworthiness Directives. For this reason, Airworthiness Directives arising in those regions will continue for the present to be developed in those regions, will be processed in the Agency headquarters, and will continue to be issued by the Director, Flight Standards Service.

A duplicate docket will be maintained in Agency headquarters for each regional Airworthiness Directive action.

In consideration of the foregoing, Part 11 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective January 1, 1967, as hereinafter set forth.

(Secs. 303(d), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1344, 1354, and 1421))

Issued in Washington, D.C., on October 21, 1966.

WILLIAM F. MCKEE,
Administrator.

Part 11—General Rule-Making Procedures, of the Federal Aviation Regulations, is amended as follows:

§ 11.11 [Amended]

(1) Section 11.11 is amended by striking out the words "Subpart D" and inserting the words "Subparts D and E" in place thereof.

(2) The title of Subpart C is amended to read as follows:

Subpart C—Processing of Rules Other Than Airworthiness Directives and Airspace Assignment and Use

(3) Section 11.41(b) is amended to read as follows:

§ 11.41 Scope.

(b) This subpart applies to rule-making procedures other than for Airworthiness Directives and rules relating to Airspace Assignment and Use.

(4) The following new subpart is added at the end:

Subpart E—Processing of Airworthiness Directives

Sec.	Scope.
11.81	Processing of petitions for rule making or exemption.
11.83	Issue of notice of proposed rule making.
11.85	Proceedings after notice of proposed rule making.
11.87	Adoption of final rules.
11.89	Grant or denial of exemption.
11.91	Petitions for reconsideration of rules.

AUTHORITY: The provisions of this Subpart E issued under secs. 303(d), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1344, 1354, 1421.

Subpart E—Processing of Airworthiness Directives

§ 11.81 Scope.

(a) This subpart prescribes the procedures to be followed in rule-making proceedings for Airworthiness Directives issued pursuant to Part 39 and in granting or denying exemptions from Airworthiness Directives. It also designates the persons that are authorized to act for the Administrator in connection with those proceedings and exemptions.

(b) For the purposes of this subpart, "Director" means the Director, Flight Standards Service, or a Regional Director of a region within the 48 contiguous States. The authority of the Regional Director is limited to Airworthiness Directives for products for which a type certificate was issued in his region, or in the case of a product for which no type certificate was issued, a product that was manufactured in his region.

(c) For the purposes of this subpart, "General Counsel" means the General Counsel or a Regional Counsel, or any person to whom the General Counsel or Regional Counsel has delegated his authority in the matter concerned.

§ 11.83 Processing of petitions for rule making or exemption.

Whenever the FAA receives a petition for rule making or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Director having Airworthiness Directive responsibility for the product involved.

§ 11.85 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the Director may, subject to the approval of the General Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny petitions for extension of the time for comments on the notice, filed under § 11.29(c).

§ 11.87 Proceedings after notice of proposed rule making.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rule making, or during additional rule-making proceedings in connection with such a notice, must file the number of copies specified in the notice.

(b) Whenever the Director determines that additional rule-making proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

§ 11.89 Adoption of final rules.

In any case in which a notice of proposed rule making was issued, the Director completes his analysis and evaluation of the information, views, and arguments submitted with respect to the proposed rule and studies the entire matter. In any case in which the subject matter is, for good cause, submitted to the rule-making process without notice, the Director initiates the procedure. The General Counsel determines whether legal justification exists for the action proposed, and thereafter prepares an appropriate rule or notice of denial. The rule or notice of denial is then submitted to the Director for his action.

§ 11.91 Grant or denial of exemption.

(a) The Director may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition for an exemption from an Airworthiness Directive.

(b) Whenever a petition is granted or denied under this section, the Director prepares, subject to the approval of the General Counsel with respect to form and legality, a notice to the petitioner informing him of the action taken.

§ 11.93 Petitions for reconsideration of rules.

(a) Any interested person may petition the Administrator for a rehearing on, or for reconsideration of, any Airworthiness Directive. Such a petition must be filed, in duplicate, within 30 days after the rule is published in the FEDERAL REGISTER. It must contain a brief statement of the complaint and an explanation as to how the rule is contrary to the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state their nature and purpose and the reason they were not presented at the hearing or in writing within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator orders otherwise, the filing of a petition under this section does not stay the effect of a rule or order.

[F.R. Doc. 66-11654; Filed, Oct. 24, 1966; 8:49 a.m.]

[Airspace Docket No. 66-SW-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Designation of Transition Area**

On August 16, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10895) stating that the Federal Aviation Agency proposed to designate the Marfa, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Marfa, Tex., transition area is designated as follows:

MARFA, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marfa Municipal Airport (latitude 30°22'15" N., longitude 104°01'15" W.) and within 5 miles NE and 8 miles SW of the Marfa VOR 324° and 144° radials extending from the 7-mile radius area to 14 miles SE of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 14, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-11567; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Revocation of Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Douglas, Wyo., transition area.

The Federal Aviation Agency has determined that the Douglas transition area is not required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace.

Since the change effected by this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth:

In § 71.181 (31 F.R. 2180) the Douglas, Wyo., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on October 14, 1966.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66-11568; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Designation of Transition Area**

On pages 10198 and 10199 of the FEDERAL REGISTER for July 28, 1966, the Federal Aviation Agency published proposed regulations which would designate a Princeton, N.J. transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., December 8, 1966.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 6, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Princeton, N.J., transition area as follows:

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°23'55" N., 74°39'30" W., of Princeton Airport, within 2 miles each side of the Solberg, N.J., VOR 161° radial extending from the 4-mile radius area to the VOR; and within 2 miles each side of the runway 27 centerline extended from the 4-mile radius area to 6 miles west of the end of the runway.

[F.R. Doc. 66-11569; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Designation of Transition Area**

On pages 11109 and 11110 of the FEDERAL REGISTER for August 20, 1966, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Winchester-Codell Airport, Winchester, Ky.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., December 8, 1966.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 6, 1966.

WAYNE HENDERSHOT,
Deputy Director Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Winchester, Ky., described as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°01'20" N., 84°13'10" W.) of Winchester-Codell Airport, Winchester, Ky.

[F.R. Doc. 66-11570; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Portland, Maine, transition area.

The U.S. Navy has concurred in the deletion of the Brunswick, Maine, Caution Area C-516. The Portland, Maine, transition area includes an exclusion based on C-516 and therefore it will be necessary to alter the transition area description.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Portland, Maine, transition area the phrase, "excluding the portion within R-4901 and C-516" and insert in lieu thereof the phrase, "excluding the portion within R-4901."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 6, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-11571; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Agency is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Falmouth, Mass., control zone.

The U.S. Air Force plans to decommission the Otis Air Force Base, Mass., VOR and to cancel associated instrument approach procedures. The Falmouth, Mass., control zone is described in part, by reference to the VOR. Before the VOR can be decommissioned, reference to the VOR in the Falmouth, Mass., control zone description must be deleted.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Falmouth, Mass., control zone the phrase, "within 2 miles each side of the Otis VOR 035° radial, extending from the 5 mile radius zone to 10.5 miles NE of the VOR;"

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 6, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-11572; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area Extension Description

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to correct the description of Control 1418 by restoring the phrase "and excluding the portion within W-460". This phrase excluding the warning area was inadvertently omitted in the amendment published on May 5, 1966, in the FEDERAL REGISTER (31 F.R. 6685).

Since this amendment is editorial in nature, imposes no additional burden on any person, and is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.163 (29 F.R. 2050) Control 1418 is amended by adding "and excluding the portion within W-460" as the concluding phrase.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510), E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 18, 1966.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 66-11573; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-75]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/ Military Climb Corridor

The purpose of this amendment to Part 73 is to revoke the Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor, R-3903.

In keeping with its policy of reexamining restrictions on the public use of airspace, the Federal Aviation Agency has reviewed the utilization of R-3903 and

determined that use of improved radar departure procedures devised for Air Defense Command missions at Dow AFB have negated the requirement for the restricted area/military climb corridor.

The U.S. Air Force agrees that alternate procedures in effect or planned will permit desirable interceptor departure routings from Dow AFB and that the requirement for the restricted area/military climb corridor no longer exists.

Revocation of R-3903 will permit restoration of V-39 to a direct course between the Augusta VOR and Millinocket VORTAC and thus further reduce the burden on the public. Separate rule-making action will be taken to realign the airway.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.39 (31 F.R. 2315), R-3903 Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 17, 1966.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 66-11574; Filed, Oct. 24, 1966; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of C.C.L. 7]

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Miscellaneous Amendments

Part 399 of Title 15 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: October 12, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

Section 399.1 *Commodity Control List* is revised as follows:

Preface. With this revision the Department of Commerce made the following announcement:

Secretary of Commerce John T. Connor today announced that the Department of Commerce is revising the Commodity Con-

trol List to permit approximately 400 non-strategic commodities to move under general license to the U.S.S.R. and other Eastern European Communist countries. Validated export licenses previously have been required for this movement. The revision does not apply to the Soviet-controlled zone of East Germany, with which the United States has no diplomatic relations. The Department of Commerce action followed President Johnson's announcement on Friday, October 7, that "we will reduce export controls on East-West trade with respect to hundreds of non-strategic items," as one of several measures designed to facilitate trade with Eastern Europe.

In revising the List, the Department of Commerce has removed from the specific licensing requirement commodities that fall into the category of peaceful goods, which may be freely exported without any risks to U.S. national interests. The commodities which are being placed under general license include textile products, certain metal manufactures and machinery, chemical materials and products and a variety of manufactured articles. The Commerce Department consulted with other interested departments, including Defense, State, Agriculture, Interior, and the Intelligence Community, in taking this step.

Although the export of these commodities may now be made to Communist countries of Eastern Europe without prior specific approval of the Department of Commerce, the requirement continues for individual licenses with respect to other goods. Removal of the nonstrategic commodities from the Commodity Control List will reduce the administrative task of both business enterprises which sell these commodities and the Government. Business firms will no longer be required to apply for and await the issuance of a license before agreeing to a transaction. The changes in the List will also facilitate the President's objective of expanding peaceful trade with Eastern Europe.

The Commodity Control List has also been revised to remove a few commodities from licensing controls for shipments to Hong Kong, Macao, and other countries.

The details of the Commodity Control List revisions are described below.

A. Revisions. The Commodity Control List is revised as set forth below, effective October 12, 1966, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

¹ A validated license is no longer required for export of these commodities to Country Group Y.

² A validated license is no longer required for export of these commodities to Country Group Y, except to East Germany.

³ A validated license is no longer required for export of these commodities to Country Groups X and Y, except to East Germany.

⁴ A validated license is no longer required for export of: (a) Invert, liquid, and powdered sugar to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

⁵ Revisions for these commodities were announced in Current Export Bulletin No. 939, dated Aug. 30, 1966.

⁶ The commodity description is revised with no change in controls.

⁷ A validated license is no longer required for export of these commodities to Country Group X.

⁸ A validated license is no longer required for export of: (a) Natural calcium silicate, kieserite, magnesium sulphate, and sodium sulphate to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

⁹ Two entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

¹⁰ A validated license is no longer required for export of: (a) Aliphatic naphthas, mineral spirits, solvents, and other light aliphatic products included in this entry, to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

¹¹ A separate entry is established for these commodities under the same Export Control Commodity Number.

¹² A validated license is no longer required for export of: (a) Sodium pentachlorophenol to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

¹³ A validated license is no longer required for export of these commodities to Country Groups X and Y.

¹⁴ The GLV dollar-value limit is increased.

¹⁵ Other commodities formerly included in this entry are now included in other Export Control Commodity Numbers as follows: Saturating compounds, asphalt base, 33296; soil conditioners, 51206; ceramic printing paste, 53331; platinum or silver liquids for decorating china and glass, and shellac substitutes, 53332; marble polish, 55430; plant nutrients, 56100; brewers' finings (solution of isinglass), and paper-coating pastes, 59958; rosin size, 59974; pickling inhibitors, and metal patch alloys, 59994; denatured alcohol, solidified, 89933; other commodities formerly included in this entry, 59999.

¹⁶ Bromine trifluoride and bromine pentafluoride require export authorization from the U.S. Department of State.

¹⁷ A validated license is no longer required for export of: (a) Zinc hydroxide to Country Groups X and Y, except to East Germany, and (b) iron hydroxide and zinc peroxide to Country Group Y, except to East Germany.

¹⁸ A validated license is no longer required for export of: (a) Potassium hydroxide to Country Group Y, except to East Germany, and (b) peroxides of potassium or sodium to Country Groups X and Y, except to East Germany.

¹⁹ Two entries are substituted for two entries presently on the Commodity Control List under this Export Control Commodity Number.

²⁰ The GLV dollar-value limit is decreased, effective Oct. 19, 1966.

²¹ Formerly included in Export Control Commodity No. 51369.

²² A validated license is no longer required for export of: (a) Tannic acids and derivatives to Country Groups X and Y, except to East Germany, and (b) other tanning and dyeing extracts of vegetable or animal origin to Country Group Y, except to East Germany.

²³ A validated license is no longer required for export of: (a) Steel burnishing mixtures to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

²⁴ A validated license is no longer required for export of: (a) Caps for cap pistols, and commercial fireworks and pyrotechnics for entertainment only, to Country Group Y, except to East Germany, and (b) other non-military pyrotechnical articles to Country Groups X and Y, except to East Germany.

²⁵ Two entries are substituted for four entries presently on the Commodity Control List under this Export Control Commodity Number.

²⁶ A validated license is no longer required for export of: (a) Sodium carboxymethyl cellulose to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

²⁷ A validated license is no longer required for export of: (a) Wood tar, tar oils, and creosote to Country Group Y, except to East Germany, and (b) wood naphtha and acetone oil to Country Groups X and Y, except to East Germany.

²⁸ A validated license is no longer required for export of: (a) Glass grenades for fire extinguishers to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

²⁹ A validated license is no longer required for export of: (a) Beehives and hog troughs to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

³⁰ A validated license is no longer required for export of man-made fiber tire cord and tire cord fabric to Country Group X.

³¹ A validated license is no longer required for export of: (a) Gold thread with textile to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

³² A validated license is no longer required for export of: (a) Nylon fishing line, twine, or rope to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

³³ A validated license is no longer required for export of: (a) Canvas sails to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

³⁴ A validated license is no longer required for export of: (a) Automobile seat covers and seat belts, and belts for occupational use to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

³⁵ A validated license is no longer required for export of: (a) Battery jars, crucibles, grinding balls, mortars, pill tiles, acid-proof pipe and fittings, porcelain ware, pyrometer tubes, raschig rings, sleeves, tanks, and water filters to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

³⁶ A validated license is no longer required for export of: (a) Clear or tinted auto glass to Country Group Y, except to East Germany, and (b) other commodities included in this

entry to Country Groups X and Y, except to East Germany.

²⁷ A validated license is no longer required for export of: (a) Glass fiber for insulation to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

²⁸ The symbol "E" is added in the column headed "Special Provisions List," indicating that the commodity may be exported under the Periodic Requirements licensing procedure. This symbol is followed by a numerical designation to indicate the PRL Commodity Group to which this commodity has been assigned (see Part 376).

²⁹ The PRL Commodity Group Number applicable to magnesium alloy powder is changed (see Part 376).

³⁰ A validated license is no longer required for export of: (a) Woodworking power saw blades to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

³¹ A validated license is no longer required for export of: (a) File blanks to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

³² A validated license is no longer required for export of these commodities to Country Groups W, X, and Y.

³³ A validated license is no longer required for export of: (a) Hand-operated augers, bits, chisels, reamers, single point tools, and woodworking punches to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

³⁴ A validated license is no longer required for export of: (a) Beet knives, cane knives, Maeschaert knives, and roller knives for sugar mill machines to Country Groups X and Y, except to East Germany, and (b) other machine knives and blades, except metalcutting, to Country Group Y, except to East Germany.

³⁵ A validated license is no longer required for export of: (a) Figures, flower racks, and mirrors of nonferrous metals to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

³⁶ Effective Oct. 19, 1966, a validated license is required for export of these commodities to Country Groups T and V.

³⁷ The unit of quantity is changed.

³⁸ A validated license is no longer required for export of: (a) Boat spikes, wire nails, wire staples, and wire spikes to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

³⁹ Two entries are substituted for three entries presently on the Commodity Control List under this Export Control Commodity Number.

⁴⁰ A validated license is no longer required for export of: (a) Parts, accessories, and attachments for cotton gins to Country Groups X and Y, except to East Germany, (b) for gold spinnerette blanks to Country Group X, and (c) parts, accessories, and attachments for looms other than cotton looms to Country Group Y, except to East Germany.

⁴¹ A validated license is no longer required for export of: (a) Film slitters and parts to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

⁴² A validated license is no longer required for export of electroplating, stereotyping, and photoengraving machines, and printing plates and cuts, and parts and accessories

therefor to Country Group X; also, photocopying machines and parts and accessories are transferred from Export Control Commodity Nos. 71420 and 71491.

⁴³ A validated license is no longer required for export of: (a) Walk-in coolers, or for air conditioners for nonmilitary automobiles, trucks, busses, and trailers, and parts therefor to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

⁴⁴ Three entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

⁴⁵ This entry or a similar entry is transferred from Export Control Commodity No. 71911.

⁴⁶ Three entries are substituted for two entries presently on the Commodity Control List under this Export Control Commodity Number.

⁴⁷ A validated license is no longer required for export of cooling towers and cooling pond units, vegetable oil machines, and tobacco processing machines, n.e.c., to Country Group Y, except to East Germany.

⁴⁸ A validated license is no longer required for export of railroad track, motor truck, and industrial beam scales to Country Group X.

⁴⁹ A reporting requirement is added.

⁵⁰ A validated license is no longer required for export of: (a) Concrete floor finishing machines, buggies, vibrators, rotary finishers, and parts and accessories therefor to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

⁵¹ Effective Oct. 19, 1966, a validated license is required for export of these commodities to Country Groups T, V, and W.

⁵² A validated license is no longer required for export of: (a) Spacer insulators of clay, and electrical insulators and fittings of asbestos or rubber to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

⁵³ A validated license is no longer required for export of these commodities to Country Groups T and V.

⁵⁴ Fuel cells are included under Export Control Commodity No. 72911, and rechargeable cells are included under No. 72912.

⁵⁵ A validated license is no longer required for export of primary battery and cell parts to Country Group X.

⁵⁶ A validated license is no longer required for export of these commodities to Indonesia.

⁵⁷ The following modular insulator panels are no longer subject to the Import Certificate/Delivery Verification procedure (see § 373.2): Constructed of paper base phenolics, glass cloth melamine, glass cloth epoxy resins, or other materials with an operating temperature range not exceeding that of the aforementioned materials and which are not types defined in (a) of this revised entry and which do not incorporate any semiconductors, diodes, transistors, etc., which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity No. 72930.

⁵⁸ Other electronic components formerly included in this entry are included in an entry under Export Control Commodity No. 72998.

⁵⁹ Four entries are substituted for four entries presently on the Commodity Control List under this Export Control Commodity Number.

⁶⁰ A validated license is no longer required for export of: (a) Motorcycle lighting and signalling equipment to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

⁶¹ Formerly included in the third entry under Export Control Commodity No. 86191. Electric or electronic types are transferred and consolidated with the 54th entry under No. 72952; mechanically operated types remain under No. 86191.

⁶² A validated license is no longer required for export of permanent magnets of nonferrous metal which do not meet the specifications set forth in § 399.2, Interpretation 6, and for electromagnetic appliances, to Country Group X. In accordance with previously announced controls a validated license is not required for export to Country Group X of iron or steel permanent magnets which do not meet the specifications of Interpretation 6.

⁶³ A validated license is no longer required for export to Country Group X of parts and accessories for wheel tractors other than garden tractors included in this entry. In accordance with previously announced controls a validated license is not required to Country Group X of parts and accessories for garden tractors.

⁶⁴ This entry is deleted. Truck body tanks are included under Export Control Commodity No. 73205.

⁶⁵ A validated license is no longer required for export of: (a) Warm air furnaces, cast iron heating boilers, radiators and convectors, central heating steel boilers, rotary furnaces, floor gas furnaces, water boilers, coils and covers for fin tube radiation, and parts for the foregoing, to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

⁶⁶ A validated license is no longer required for export of: (a) Metal laboratory furniture to Country Groups X and Y, except to East Germany, and (b) plastic furniture to Country Group Y, except to East Germany.

⁶⁷ A validated license is no longer required for export of: (a) Safety apparel to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

⁶⁸ A validated license is no longer required for export of: (a) Firemen's hats, miners' helmets, and other safety helmets to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

⁶⁹ A validated license is no longer required for export to Country Group X of commodities included in this entry except editing machines, preview machines, splicing kits, screen fabric, and motion picture screens other than background projection. In accordance with previously announced controls a validated license is not presently required for export of these excepted commodities to Country Group X.

⁷⁰ This entry is deleted. Extraction, production, and treatment equipment should be reported in Export Control Commodity No. 71919. Electric or electronically operated instruments for chemical analysis should be reported in Export Control Commodity No. 72952.

⁷¹ A validated license may be required if this commodity contains technical data. See Part 385.

⁷² A validated license is no longer required for export of: (a) Clocks except alarm clocks, electric mantel clocks, nonelectric novelty clocks, attendance time recorders, job cost recorders, time clocks, watchmen's clocks, and time stamp machines to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany. In accordance with previously announced controls a validated license is not presently required for export of alarm clocks,

electric mantel clocks, and nonelectric novelty clocks to Country Group X.

⁸³ Three entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

⁸⁴ A validated license is no longer required for export of: (a) Arm bands, bathroom fixtures, boxes, casein plastic slides, cellophane tape, frames except display frames, handles, job trays, knobs, mailing cases, nursing bottles, shower curtains, stoppers for basins and bathtubs, suspenders, toilet seats, vials, and waterproof outer garments to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

⁸⁵ A validated license is no longer required for export of: (a) Wire cloth sieves of iron or steel to Country Group Y, except to East Germany, and (b) other wire cloth sieves included in this entry to Country Groups X and Y, except to East Germany.

⁸⁶ Effective Oct. 19, 1966, a validated license is required for export of these commodities to Country Group W.

⁸⁷ This entry is transferred from Export Control Commodity No. 51500.

⁸⁸ Effective Oct. 19, 1966, a validated license is required for export to Country Groups T, V, W, and X of articles added to this entry made of magnetic materials which meet any of the specifications set forth in § 399.2, Interpretation 6. Also, effective Nov. 28, 1966, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

⁸⁹ Effective Nov. 28, 1966, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

Export Control Commodity Number and Commodity Description

CEREALS AND CEREAL PREPARATIONS

- 04811 Breakfast cereals prepared for cooking. (1)¹
04812 Breakfast cereals prepared for serving. (1)¹
04840 Other bakery products. (2)²

FRUITS AND VEGETABLES

- 05420 Beans, peas, and other leguminous vegetables, dried. (2)¹

SUGAR, SUGAR PREPARATIONS, AND HONEY

- 06130 Sugar, beet and cane, raw or refined. (1)³
06180 Sugar, invert, liquid, and powdered; lactose, crude and refined; malt sugar (maltose); maple sugar; refined milk sugar; and crude sugar of milk. (Report medicinal grades of malt sugar (maltose) in Export Control Commodity No. 51203.) (1 and 2)⁴
06201 Sugar-coated cereal foods and candied or sweetened popped corn. (1)³

FEEDING-STUFF FOR ANIMALS, EXCLUDING UNMILLED CEREALS

- 08110 Other vegetable products for animal feed, n.e.c. (2)¹
08195 Other food wastes, n.e.c. (2)¹
08199 Other prepared animal feed, including feather meal and alfalfa meal. (2)¹

MISCELLANEOUS FOOD PREPARATIONS

- 09100 Margarine; and shortening. (1)¹
09904 Mayonnaise; and other salad dressings. (1)²
09910 Canned hominy; corn chips and similar chips and sticks; and other grain food preparations and dairy food preparations. (1)¹

Export Control Commodity Number and Commodity Description—Continued

HIDES, SKINS, AND FUR SKINS, UNDRESSED

- 21180 Leather scrap and chrome shavings for fertilizer manufacture. (1)²

CRUDE RUBBER, INCLUDING SYNTHETIC AND RECLAIMED RUBBER

- 23110 Compounds of natural rubber, balata, gutta parcha and other allied gums. (2)³
23120 Carboxyl terminated polybutadiene; hydroxyl terminated polybutadiene; and cyclized 1,2-polybutadiene. (3 and 11)⁵
23120 Moldable copolymers of butadiene and acrylic acid; and moldable terpolymers of butadiene, acrylonitrile, and acrylic acid or any of the homologues of acrylic acid. (5 and 6)⁶
23120 Neoprene (polymers of chloroprene). (10)²
23140 Waste and scrap of unhardened rubber, natural and synthetic. (1)⁷

PULP AND WASTE PAPER

- 25160 Chemical wood pulp, dissolving grades. (1)⁷
25172 Sulphate wood pulp, bleached, other than dissolving grades. (1)⁷
25181 Sulphite wood pulp, unbleached. (1)⁷
25182 Sulphite wood pulp, bleached, other than dissolving grades. (1)⁷

TEXTILE FIBERS, NOT MANUFACTURED INTO YARN, THREAD, OR FABRICS, AND THEIR WASTE

- 26201 Recovered fibers, noils, and waste, n.e.c., wholly or in chief weight wool. (1)²
26230 Mohair and other wool-like specialty hair. (1)²
26240 Sheep's and lamb's wool, not carded or combed. (1)²
26270 Wool or other animal hair, carded or combed, excluding tops. (1)²
26280 Tops of wool and other animal hair, except horsehair. (1)²
264 Jute, including jute cuttings and waste. (1)²
26500 Vegetable fibers and waste of sisal, henequen, manilla or abaca. (1)²
26621 Other man-made staple fibers, non-cellulosic, not carded or combed. (2)²
26622 Other continuous filament tow, non-cellulosic. (2)²
26623 Man-made fibers or waste, noncellulosic, carded or combed or otherwise processed but not spun. (1)²
26631 Acetate or rayon (viscose and cuprammonium) staple, not carded or combed. (1)²
26632 Acetate or rayon (viscose and cuprammonium) continuous filament two. (1)²
26633 Other man-made fibers or waste, cellulosic, carded or combed or otherwise processed but not spun. (2)²
26640 Waste of other man-made fibers, not carded or combed. (2)²
26700 Other used civilian clothing, used textile articles, n.e.c., and new or used rags. (3)²

CRUDE FERTILIZERS AND CRUDE MINERALS, EXCLUDING COAL, PETROLEUM, AND PRECIOUS STONES

- 27420 Iron pyrites, unroasted. (1)³
27621 Mullite grains and pellets. (1)³
27640 Asbestos, unmanufactured. (1)³
27655 Natural cryolite; and natural chiolite. (2)²
27698 Lithium ores and concentrates (for example, amblygonite, lepidolite and petalite). (2)⁵

Export Control Commodity Number and Commodity Description—Continued

CRUDE FERTILIZERS AND CRUDE MINERALS, EXCLUDING COAL, PETROLEUM, AND PRECIOUS STONES—Continued

- 27698 Arsenic bisulfide, natural; arsenic sulfide, natural; calcium silicate; kieserite, natural; magnesium chloride, natural, anhydrous; magnesium sulphate, natural; sodium sulphate, natural; soil; strontianite; strontium carbonate; and trona. (3 and 4)³

METALLIFEROUS ORES AND METAL SCRAP

- 28100 Iron ore mass. (1)³
28200 Terne plated scrap; and tin-plated scrap which has not been detinned. (3)³
28393 Tantalum ores and concentrates. (1)⁵
28398 Columbium or niobium ores and concentrates. (3)⁵
28404 Other aluminum or aluminum alloy waste and scrap. (2)³
28405 Magnesium alloy scrap containing 0.4 percent or more zirconium, or 1 percent or more rare earth metals (cerium misch metal). (See § 399.2, Interpretations 10 and 12.) (1)⁶
28405 Other magnesium or magnesium alloy waste and scrap. (2)²

CRUDE ANIMAL AND VEGETABLE MATERIALS, N.E.C.

- 29100 Biological supplies, animal origin; glands, crude; hoof meal; horn meal; and pancreas. (1)³

PETROLEUM AND PETROLEUM PRODUCTS

- 33210 Trisobutylene (bbl. of 42 gals.). (2)⁷
33250 Lubricating oils, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of 75 or greater, and (c) are thermally stable at plus 700° F. (plus 371° C.). (1)⁹
33250 Lubricating oils, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (1)⁹
33250 Lubricating oils, synthetic, which contain as the principal ingredient: (a) Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, (b) esters of trimethylol propane or trimethylol ethane or pentaerythritol with saturated monobasic acids containing more than six carbon atoms, (c) fluoro-alcohol esters and perfluoro-alkyl ethers, or (d) polyphenyl ethers containing more than three phenyl groups. (2, 7, and 10)⁶
33250 Fluorinated silicone fluids; and chlorinated silicone fluids. (6)⁹
33250 Other halogenated silicone fluids. (6)⁹
33250 Lubricating greases, synthetic, which contain as the principal ingredient: (a) Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or

Export Control Commodity Number and Commodity Description—Continued

PETROLEUM AND PETROLEUM PRODUCTS—Continued

- sebacic acids, (b) esters of trimethylol propane or trimethylol ethane or pentaerythritol with saturated monobasic acids containing more than six carbon atoms, (c) fluoro-alcohol esters and perfluoro-alkyl ethers, or (d) polyphenyl ethers containing more than three phenyl groups. (13 and 15)⁵
- 33250 Lubricating greases, petroleum based, which contain as the principal ingredients petroleum (mineral) oils having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of 75 or greater, and (c) are thermally stable at plus 700° F. (plus 371° C.). (12)⁹
- 33250 Lubricating greases, petroleum based, which contain as the principal ingredients petroleum (mineral) oils having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (12)^{5,9}
- 33262 Paraffin wax, crystalline. (1)³
- 33291 Hydraulic fluids, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of 75 or greater and (c) are thermally stable at plus 700° F. plus 371° C.). (2)⁹
- 33291 Hydraulic fluids, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (2)^{5,9}
- 33291 Other nonlubricating and nonfuel petroleum oils (bbl. of 42 gals.). (4 and 7)¹⁰
- 33292 Pitch of tar coke. (2)³
- 33293 Pitch coke. (1)³
- 33295 Petroleum bitumen and other petroleum and shale oil residues. (2)²
- 33296 Bituminous mixtures, based on asphalt, petroleum, etc. (1)²

GAS, NATURAL AND MANUFACTURED

- 34110 Natural gas liquids, including liquefied petroleum gas (L.P.G.) (bbl. of 42 gals.). (1)³
- 34120 Gas, manufactured (artificial). (1)³

CHEMICAL ELEMENTS AND COMPOUNDS

- 51202 Fluoro-alcohol esters and perfluoro-alkyl ethers. (4 and 18)⁵
- 51202 Ortho-aminonitro-benzene; para-hydroxy-chlorobenzene; and paratoluenesulfonylchloride. (18)^{3,11}
- 51202 Paradow®. (16)²
- 51202 Trimellitic acid and anhydrides; and pyromellitic acid and dianhydrides. (18)^{11,98}
- 51203 Methionine hydroxy analogue. (5)^{3,11}
- 51204 6, ethoxy-1,2 dihydro-2,2,4-trimethylquinoline. (3)^{3,11}
- 51204 Other rubber compounding chemicals, n.e.c. (3)⁷
- 51205 Methyl stearate; and triethyl phosphate. (6)²

Export Control Commodity Number and Commodity Description—Continued

CHEMICAL ELEMENTS AND COMPOUNDS—Con.

- 51206 Sodium pentachlorophenol; 2,3-dichloroallyl diisopropylthiocarbamate; and 2,3,3-trichloroallyl diisopropylthiocarbamate. (1 and 2)^{11,12}
- 51206 Other herbicides; fungicides; dichlorodiphenyl trichloroethane (DDT); polychlor insecticides; organic phosphate insecticides; copper (cupric) acetoarsenite (Paris green); sulphoxide N-octyl sulphoxide of isosafrole; and fumigants (soil, grain, and industrial). (1)⁹
- 51206 Soil conditioners. (1)^{9,13}
- 51207 Nerol and phenyl nerol. (2)³
- 51207 Other chemicals for flavor and perfumery use, natural origin. (3)²
- 51207 Other enzymes. (6)³
- 51208 Cadmium salicylate. (5)²
- 51209 Dibromotetrafluoroethane (e.g., Freon-114B®). (6)⁹
- 51209 Chlorodifluoroethane (e.g., Freon-142B®); and chlorodifluoromethane (e.g., Freon-22®). (Specify by name.) (7)⁹
- 51209 Trichlorotrifluoroethane (e.g., Freon-113®); and Freon-TF (Solvent R); and dichlorotetrafluoroethane (e.g., Freon-114®). (Specify by name.) (12)⁶
- 51209 Fluoro-alcohol esters and perfluoro-alkyl ethers. (8 and 17)⁵
- 51209 Vinylidene fluoride and other organic intermediates containing 10 percent or more of combined fluorine, used in the manufacture of fluorinated elastomeric products. (14 and 52)^{5,14}
- 51209 Bromomonochlorodifluoromethane (e.g., Freon-12B1®); dibromodifluoromethane (e.g., Freon-12B2®); dibromomonochlorotrifluoroethane (e.g., Freon-113B2®); difluoroethane (e.g., Freon-152a®); bromotrifluoromethane (e.g., Freon-13B®; Freon-1301®); chloropentafluoroethane (e.g., Freon-115®); chloro-trifluoromethane (e.g., Freon-13®); octafluorocyclobutane (e.g., Freon-C318®); tetrachlorodifluoroethane (e.g., Freon-112®); and tetrafluoromethane (e.g., Freon-14®). (16)⁹
- 51209 Diethylene triamine of a purity 96 percent or higher. (23)⁹
- 51209 Diethylene triamine of a purity less than 96 percent. (23)^{5,9}
- 51209 Organic chemicals, the following only: A, B-dibromopropionic acid; adenylc acid; camphoric acid; campho-sulfuric acid; corn protein denaturant; crotonaldehyde; cyanacetamide; diacetone alcohol; diethyl malonate; dimethyl glyoxime; dipentaerythritol acetate; dipentaerythritol hexapropionate; dipentaerythritol hexybutyrate; ethyl alcohol; ethyl butyrate; ethyl chloride; ethyl chloroacetate; ethyl chloro-carbonate; ethyl formate; ethyl hydrogen sulfate; ethyl lactate; ethyl malonate; ethyl mercaptan; glutaronitrile; glyceryl monostearate; methyl glutamate; methyl hydroxy acetate (methyl glycolate); methylinoylacetaldehyde; monoisopropanolamine; monopentaerythritol diacetate dibutyrate; monopentaerythritol tetrabutylate; pentanedione 2-4 (acetylacetone); and perpylacetate. (41)²
- 51209 Lithium salts of organic compounds. (42)⁵
- 51209 Boric acid esters. (45)⁵

Export Control Commodity Number and Commodity Description—Continued

CHEMICAL ELEMENTS AND COMPOUNDS—Con.

- 51209 Aluminum stearate solution for water-proofing masonry; dimethylphenylbenzyl ammonium hydroxide; and n-methyltaurine slurry. (48)¹⁵
- 51209 Miscellaneous organic chemicals, excluding cyclic, n.e.c., the following only: Aluminum acetate; aluminum dihydroxyamino-acetate; aluminum formate solutions; aluminum isopropylate; aluminum lactate; aluminum octoate; aluminum oxiquinolinate; ammonium acetate; ammonium bitartrate; ammonium ferric oxalate; ammonium oxalate; ammonium thioglycollate; antimony lactate; cadmium acetate; cadmium octoate; calcium acetate; calcium formate; calcium linoleate, except paint and varnish dryers; calcium tartrate; chlorophyll, dry; chlorophyll solution (in oil); iron protosalate; iron sodium oxalate; magnesium oxyphenyl arsenate; manganese acetate; potassium acetate; potassium bitartrate; potassium oxalate; potassium oxichinolin sulfonate; potassium salicylate; sodium allyl arsenate; sodium bitartrate (acid sodium tartrate); sodium formate; sodium gluconate; sodium methylate; sodium oxalate; sodium potassium tartrate; sodium salicylate; sodium stearate; tartar emetic; zinc acetate; and zinc stearate. (51)²
- 51329 Arsenic powder; pyrographite (deposited carbon); and iodine U.S.P. (resublimed). (9)^{3,9}
- 51329 Sulfur, sublimed, precipitated, or colloidal. (9)⁹
- 51332 Sulfuric acid; and oleum. (1)³
- 51338 Fluoroboric acid, all concentrations. (1)⁵
- 51338 Hydrochloric or muriatic acid. (4)²
- 51340 Phosphorus oxychloride; and phosphorus trichloride. (1)¹⁰
- 5.350 Iron hydroxide; zinc hydroxide; and zinc peroxide. (2 and 5)¹⁷
- 51361 Ammonia, anhydrous or in aqueous solution. (1)³
- 51362 Sodium hydroxide (caustic soda), solid and liquid. (1)³
- 51363 Potassium hydroxide; potassium peroxide; and sodium peroxide. (1 and 2)¹⁸
- 51366 Other artificial corundum (fused aluminum oxide). (3)⁷
- 51368 Tin oxides. (1)³
- 51369 Monocrystalline indium compounds. (3)^{11,14}
- 51369 Lithium oxides and hydroxides. (8)⁵
- 51369 Oxides, hydroxides and peroxides of tantalum, niobium (columbium) or tantalum-niobium containing 20 percent or more of tantalum or niobium. (10)⁹
- 51369 Other oxides, hydroxides, and peroxides of tantalum, niobium (columbium), or tantalum-niobium. (10)^{5,9}
- 51369 Molybdenum oxide. (15)^{11,61}
- 51440 Other inorganic pigments, n.e.c. (2)³
- 51460 Potassium fluoroborates; and sodium fluoroborates. (2)⁵
- 51460 Sodium compounds and potassium compounds, the following only: potash-magnesia carbonate; potassium arsenite; potassium bicarbonate; potassium bisulfate; potassium meta-bisulfate; potassium phosphate, monobasic; potassium silicate; potassium sulfate; potassium sulfide; rochelle salts; sodium am-

Export Control Commodity Number and Commodity Description—Continued

CHEMICAL ELEMENTS AND COMPOUNDS—Con.

- monium phosphate; sodium arsenate; sodium bisulfite; sodium chlorite; sodium orthosilicate; sodium sesquicarbonate; sodium silicate or water glass; sodium sulfate; and sodium thiosulfate. (7)²
- 51470 Boron carbides, hydrides, and nitrides, all forms. (1 and 8)⁹
- 51470 Boron trichloride and its complexes. (6)^{5 11}
- 51470 Ammonium fluoroborate. (7)⁵
- 51470 Hydrogen peroxide in concentrations of 80 percent up to and including 85 percent. (11 and 12)¹⁰
- 51470 Hydrogen peroxide in concentrations of 66 percent up to but not including 80 percent. (11 and 12)^{5 10}
- 51470 Hydrides in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride. (23)^{5 20}
- 51470 Other lithium compounds, including catalysts. (Report lithium oxides, hydroxides, and peroxides in Export Control Commodity No. 51369, and isotope enriched compounds in 51500.) (23)^{5 9 20}
- 51470 Tantalum, niobium (columbium), or tantalum-niobium compounds, n.e.c., containing 20 percent or more of tantalum or niobium. (Specify by name.) (24)⁹
- 51470 Other compounds, n.e.c., of tantalum, niobium (columbium) or tantalum-niobium. (Specify by name.) (24)^{5 9}
- 51470 Monocrystals of ferrites, synthetic. (Specify by name.)²¹
- 51470 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon. (Specify by name.) (42)^{5 11}
- 51470 Other molybdenum salts and compounds; nickel chloride; nickel sulfate; titanium tetrachloride; and titanium trichloride. (29 and 32)⁶
- 51470 Ammonium molybdate; sodium molybdate; and potassium molybdate. (32)^{11 21}
- 51470 Ammonium metavanadate; and silicon carbide less than 99 percent purity. (34)⁷
- 51470 Industrial chemicals, as follows: Cadmium sulfate; calcium carbide; calcium polysulfide; calcium silicate; carbic cake; carbic carbide; carbide powder, except abrasive powders; chalk, precipitated; dicalcium phosphate, epsom salts; ferrous carbonate; ferrous chloride; ferrous sulfate; iron chloride; iron phosphate; iron sulfate; iron sulfide, artificial; lead arsenite; lime bisulfate; lime phosphate; magnesium arsenide; magnesium phosphate; magnesium silicate; magnesium silicofluoride; magnesium sulfate; magnesium trisulfate; monocalcium phosphate; monocalcium sulphate; palladium chloride; palladium salts and compounds; pea carbide; silver chlorides; silver cyanide, industrial; silver nitrate; silver sulfate; silver sulfide; sodium chlorite; sodium silico aluminate; zinc carbonate; zinc cyanide; zinc hydrosulfate; zinc nitrate; zinc phosphate; and zinc sulfate. (39)²
- 51500 Lithium as follows: (a) Lithium 6 and 7 isotopes, (b) hydrides in which lithium enriched in the 6 isotope is compounded with hydrogen

Export Control Commodity Number and Commodity Description—Continued

CHEMICAL ELEMENTS AND COMPOUNDS—Con.

- or its isotopes, or complexed with other metals or aluminum hydride, (c) alloys containing any quantity of lithium enriched in the 6 isotope, or (d) any other material containing lithium enriched in the 6 isotope, including compounds, mixtures and concentrates. (8)^{9 20}
- 51500 Compounds enriched in lithium 7 isotopes. (8)^{5 9 20}
- MINERAL TAR, TAR OILS, AND CRUDE CHEMICALS FROM COAL, PETROLEUM, AND NATURAL GAS
- 52130 Ammoniacal gas liquors and spent oxide produced in coal gas purification. (1)²
- 52140 Creosote or dead oil; creosote oil distillates; and resinous oil X-1. (3)²
- DYEING, TANNING, AND COLORING MATERIALS, NATURAL AND SYNTHETIC
- 53101 Sulfur black. (1)⁹
- 53101 Alizarin sulfonic; indigo, natural and synthetic; and phenosafranine. (1)²
- 53230 Chromium tanning mixtures. (1)²
- 53290 Tannins; and tanning and dyeing extracts of vegetable or animal origin. [Report natural indigo in Export Control Commodity No. 53101.] (1 and 2)²²
- 53310 Phosphor compounds specially prepared for lasers, including but not limited to: Neodymium-doped calcium tungstate; dysprosium-doped calcium fluoride; eu-trifluoroethenoylacetate; or praseodymium-doped lanthanum trifluoride.²⁷
- 53310 Luminescent zinc pigments, not radioactivated. (1)²
- 53320 Printing inks. (1)²
- 53331 Prepared ceramic colors, including liquid lusters. (1)²
- 53332 Varnishes, finishes, and enamels made of polyimides, polybenzimidazoles, polyimidazo-pyrrolones, aromatic polyimides, and polyparaxylenes. (1 and 8)⁵
- 53332 Finishes, enamels, and dispersions wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (2 and 3)⁹
- 53332 Finishes, enamels, and dispersions as follows: (a) Partially made of polytetrafluoroethylene or polychlorotrifluoroethylene, or (b) wholly made of polyvinyl fluoride. (Specify by name.) (2 and 3)^{5 9}
- 53332 Lacquers, except aluminum, gold, pearl, and silver, and paperbacked gold stamping foil. (4)²
- 53332 Other paints, enamels, varnishes, industrial product finishes, distempers, stamping foils, water pigments, dyes and tints, and paint products, n.e.c. (6, 7, and 8)⁶
- 53335 Pastes wholly made of fluorocarbon polymers or copolymers except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (1)⁹
- 53335 Pastes wholly made of polyvinyl fluoride. (1)^{5 9}

MEDICINAL AND PHARMACEUTICAL PRODUCTS

- 54162 Beef glands, and inedible dried pancreas, bulk. (1)²
- 54162 Animal products used for medicinal purposes, bulk, the following only: Beef brain powder; beef heart extract; bone marrow; bone marrow concentrate; brain substance pow-

Export Control Commodity Number and Commodity Description—Continued

MEDICINAL AND PHARMACEUTICAL PRODUCTS—Continued

- der; fibrin muscle; glycerin extract of brain and muscle; and glycerin extract, red bone marrow. (2)²
- 54163 Viruses for human, veterinary, or laboratory use, except hog cholera virus and simultaneous virus. (1)²
- 54163 Ferments, other than yeast, except potato flour ferment. (1)^{2 9}
- 54170 Alkaloids of cinchona bark, their salts, derivatives and preparations, dosage or packed for retail sale, except parenteral solutions or ampoules. (5)⁹
- 54170 Pharmaceutical preparations for veterinary use, dosage or packed for retail sale, except antibiotics, sulfonamides, hormones, vitamins and minerals. (5)^{2 9}
- 54191 Bandages and surgical dressings, not impregnated or coated with pharmaceutical products, put up for retail sale. (2)²
- 54199 Dental rubber. (6)²
- 54199 Other pharmaceutical goods, n.e.c. (3, 5, and 7)⁶
- ESSENTIAL OILS AND PERFUME MATERIALS; TOILET, POLISHING, AND CLEANSING PREPARATIONS
- 55300 Deodorants, nonpersonal. (1)²
- 55420 Detergents, the following only: Ethomid HT® 15; Intramin® WK and Y; and Permalene® A-100, A-120, and A-180. (3)²
- 55430 Rifle cleaning compounds; abrasive pastes, compounds, and cake, except chemical; and steel burnishing mixtures. (1 and 2)²²
- FERTILIZERS, MANUFACTURED
- 56100 Urea fertilizer. (3)^{2 11}
- EXPLOSIVES AND PYROTECHNIC PRODUCTS
- 57130 Nonmilitary pyrotechnical articles. (1 and 2)²⁴
- PLASTIC MATERIALS, REGENERATED CELLULOSE, AND ARTIFICIAL RESINS
- 58110 Synthetic film (including metallized) suitable for dielectric use (condenser tissue) 0.0015 inch (0.038 mm.) or less in thickness, except (a) tensilized polyester film with a thickness greater than 0.001 inch (0.0254 mm.), and (b) untensilized and unmetallized polyester film with a thickness of 0.00035 inch (0.009 mm.) up to and including 0.001 inch (0.0254 mm.). (1)¹⁹
- 58110 Untensilized and unmetallized polyester film with a thickness of 0.00035 inch (0.009 mm.) up to and including 0.0007 inch (0.018 mm.). (1)^{5 19}
- 58120 Fluorocarbon polymers and copolymers, except polyvinyl fluoride, and products wholly made thereof. (Specify by name.) (See § 399.2, Interpretation 22.) (2, 3, 4, and 5)^{20 25}
- 58120 Other fluorocarbon polymer and copolymer products as follows: (a) Polyvinyl fluoride, unfinished and semifinished, (b) molding compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers, or (c) laminates partially made of fluorocarbon polymers or copolymers, including molded, decorative, or laminated with other materials or metals. (Specify by name.) (See § 399.2, Interpretation 22.) (2, 3, 4, and 5)^{20 25}

Export Control Commodity Number and Commodity Description—Continued

PLASTIC MATERIALS, REGENERATED CELLULOSE, AND ARTIFICIAL RESINS—Continued

- 58120 Polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylenes, and products made thereof. (6 and 13)⁵
- 58132 Other regenerated cellulose and chemical derivatives of cellulose. (2 and 4)^{2a}
- 58191 Hardened proteins. (1)³
- 58192 Modified natural resins (including ester gum), and chemical derivatives of natural rubber, all in unfinished or semifinished form. (1)³
- 58199 Ammonium alginate. (2)²

CHEMICAL MATERIALS AND PRODUCTS, N.E.C.

- 59920 *O,O*-dimethyl *O-P*-nitro phenyl phosphorothiate; *O,O*-diethyl *O-P*-nitro phenyl phosphorothiate; 3,4-dichloropropionanilide; 3-amino-2,5-dichlorobenzoic acid; 2-chloro-4-ethylamino-6-isopropylamino-*S*-triazine; 3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea; 2-chloro-*N*-isopropylacetanilide; alpha-chloro-*N,N*-diallylaacetamide; 2-chloro-4,6-bis(ethylamino)-*S*-triazine; *α,α,α*-trifluoro-2,6-dinitro-*N,N*-diisopropyl-*p*-toluidine; 2-chloroallyl diethyldithiocarbamate; 2,3,5,6-tetrachlorotere-phthalic acid; 2,3-dichloroallyl diisopropylthiocarbamate; 2,3,3-trichloroallyl diisopropylthiocarbamate; and 4-chloro-2-butylvinyl-*N*-chlorocarbaniolate. (3)^{3,11}
- 59951 Inulin. (1)³
- 59952 Gluten and gluten flour. (1)²
- 59958 Casein hydrolysate; casein lactalbumin; lactalbumin; lactalbumin hydrolysate; lactarene (casein); and inedible soybean protein. (1)²
- 59958 Adhesives or cements wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (3)⁹
- 59958 Adhesives or cements wholly made of polyvinyl fluoride. (3)^{9,9}
- 59958 Dextrins (e.g., British gum). (5)^{3,9}
- 59958 Other peptones, glues, and adhesives. (5)⁹
- 59961 Other tall oil. (2)²
- 59963 Pine oil, except pine-needle oil; terpene solvents, n.e.c. gum turpentine; and wood turpentine. (1)²
- 59965 Wood tar; wood tar oils; wood creosote; wood naphtha; and acetone oil. (1 and 2)²⁷
- 59966 Wood pitch and products based thereon or on rosin. (1)²
- 59973 Other animal black, except activated. (2)³
- 59975 Additives for fuel oil; and liquid gum inhibitors for treating petroleum distillates. (2 and 3)⁹
- 59976 Prepared rubber accelerators. (1 and 2)⁷
- 59977 Prepared culture media. (1)³
- 59978 Charges for fire extinguishers. (1 and 2)^{2a}
- 59994 Pickling preparations for metal surfaces; auxiliary preparations for soldering, brazing or welding (fluxes, powders, pastes), containing metal and other constituents. (1)³
- 59995 Composite solvents, paint removers, thinners, and other similar products. (1)³
- 59999 Hydraulic fluids, synthetic, formulated wholly or in part with silicones, organo-silicates, silanes, and fluoro-alcohol esters and perfluoroalkyl ethers. (Specify by name.) (4 and 6)⁵

Export Control Commodity Number and Commodity Description—Continued

CHEMICAL MATERIALS AND PRODUCTS, N.E.C.—Continued

- 59999 Hydraulic fluids as follows: (a) Synthetic, having a viscosity of not more than 4,000 centistokes at minus 65° F. (minus 54° C.) and not less than 1.5 centistokes at plus 302° F. (plus 150° C.) or (b) which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (i) a pour point of minus 30° F. (minus 34° C.) or lower, (ii) a viscosity index of 75 or greater, and (iii) are thermally stable at plus 700° F. (plus 371° C.). (5)⁹
- 59999 Hydraulic fluids which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (5)^{9,9}
- 59999 Water softeners, water purifiers, and boiler feed water compounds. (7)²
- 59999 Chemical products or preparations, n.e.c., the following only: Brewers' tank coating compounds; chemical compounds for manufacturing ice cream; chill proofing compounds; clarifier for beer or ale; clarifying powder for wines; concrete hardeners; concrete plasticizer compounds; concrete waterproofing compounds; dental plasters and preparations; Diol oleate® (rubber thread lubricating compound); dough improvers; etching compounds; glycerol stearate (emulsifying agent); hat finishing powders; indicating pastes; ink conditioners; ink thinners for cellophane printing; iron oxide suspension (spirit dispersion); laundry sour; leather binding compounds; lipstick bases; meat curing compounds; metal patch solvents; metallic hardeners for cement floors; platinum plating solutions; road binding compounds; screening pastes; shark deterrents; shaving cream bases, concentrated; silk-stocking savers in tablet form; and talc paste. (9)¹⁵

RUBBER MANUFACTURES, N.E.C.

- 61230 Rubber heels, soles, soling, top lifts, and top lift sheets. (1)²
- 62102 Other rubber cements. (3)^{2,9}
- 62102 Sponge rubber, chemically blown or foam. (3)⁹
- 62103 Rubber thread and cord, covered or bare. (1)²
- 62910 Other tires as follows: (a) Of 10 ply rating or over, in sizes 9:00 or over, and (b) tires with a nondirectional tread design. (5)^{9,9}
- 62930 Other hygienic and pharmaceutical articles of unhardened rubber. (2)²
- 62988 Packing materials and other articles of unhardened vulcanized rubber, n.e.c., wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (1 and 4)^{14,19}
- 62988 Packing materials and other articles, n.e.c., wholly made of polyvinyl fluoride. (1 and 4)^{5,14,19}
- 62988 Other sponge rubber and foam rubber goods. (6)⁹
- 62988 Other articles of unhardened vulcanized rubber, n.e.c. (6)^{2,9}

Export Control Commodity Number and Commodity Description—Continued

WOOD AND CORK MANUFACTURES, EXCLUDING FURNITURE

- 63120 Other plywood and wood panels, including wood-veneer and cellular panels. (1)²
- 63141 Improved wood (densified and/or impregnated with resin of resin-like materials). (1)²
- 63142 Reconstituted wood (particle board). (1)²
- 63183 Hoopwood, chipwood, wood chips; and poles, piles, posts, pickets, stakes, and similar products which are split, pointed or both, but not sawn lengthwise. (2)²
- 63240 Windmill towers. (1)³
- 63289 Wood manufactures, the following only: bee hives; boat parts, small, machined to shape; bridges; Fibrisir® laminates of melamine-phenol formaldehyde resins, sawdust, or ground wood and paper; hog troughs; patterns; propeller blades; propellers; and trestles. (1 and 2)²⁹

PAPER, PAPERBOARD, AND MANUFACTURES THEREOF

- 64122 Fine paper (under 18 pounds), coated. (1)³
- 64130 Condenser tissue; and dielectric papers. (1)⁹
- 64130 Kraft paper, in rolls or sheets, uncoated, as follows: Abrasive base stock; acid proof; ammunition; antacid manila; base wad stock; buffing; cable base stock; cable filling, electrical; cartridge stock; coil winding; document manila, file folder; dynamite; electrical insulating; emery, base stock; expanding envelope stock; flat wallet stock; flint backing; frisket; garnet; gasket; graphite; guide stock; insulating, electrical patch base stock; pattern stock, polishing; red foiling (cartridge paper); red patch base stock; sandpaper backing; shell stock; silk wrap stock; tissue; tympan; voice coil stock; wallet stock; and washer stock. (1)^{3,9}
- 64180 Capacitor tissue; condenser tissue; and dielectric paper. (1)⁹
- 64180 Machine-made paper and paperboard, simply finished, in rolls or sheets, n.e.c., and hand made paper, the following only: Ammunition; guide stock; antacid manila stock; armature; beaming; cable base stock; calendar roll stock; cartridge stock; coil winding; cone, yarn, designers pattern stock (except tissue); document manila file folder; dynamite; electrical; expanding envelope stock; flat wallet stock; flint backing stock; frisket; gasket; graphite base stock; gum wadding; insulating electrical interleaving for film; jute tag stock; patch base stock; polishing base stock; portmanteau; red foiling (cartridge paper); red patch base stock; rope; for sand paper backing; sandpaper backing; shell stock; shot shell stock; silk wrap stock; slot insulation; steaming; stencil (18 lbs. and over); stencil stock for oiling; tabulating-machine card stock; tape, rope stock for electrical insulating; time card stock; tympan; voice coil stock; wad base stock; wallet stock; washer stock; pattern stock; stencil blanks tabulating machine card stock; absorbent paper for matrix; interleaving; tissue paper under 18 pounds, except sanitary; ground-wood base stock for carbonizing; fine paper

Export Control Commodity Number and Commodity Description—Continued

PAPER, PAPERBOARD, AND MANUFACTURES—CON.

- (uncoated for printing, writing); bible; check paper; mimeotype stencil; body stock for carbonizing, free from ground wood; box covering, carbonizing base stock; duplicating tissue; electrical insulating tissue; heat sealable tissue; imitation Japanese, India, lens, matrix tissue; pencil carbon stock; pottery tissue; press copy; rotograme tissue; stencil tissue; stereotype tissue; tea bags; fibrillise; tissue for duplex decalomania; transfer stamping; and book lining. (1)^{3a}
- 64191 Kleerview® (lacquer-coated glassine paper). (1)³
- 64199 Asphalt and tar saturated paper, heavy construction type. (2)²

TEXTILE YARN FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS

- 65126 Yarn of wool or of fine animal hair. (2)²
- 65130 Cotton yarn, gray (unbleached); and unfinished cotton thread. (1)^{2a}
- 65130 Cotton tire cord and tire cord fabric. (1)⁰
- 65140 Cotton yarn, carded, combed, finished; sewing, crochet, darning, and embroidery cotton thread. (1)²
- 65166 Other noncellulosic manmade fiber filament yarns and thread; and tire cord and tire cord fabric of non-cellulosic manmade fibers. (2 and 3)³⁰
- 65172 Rayon or acetate monofil. (1)²
- 65176 Thread and yarns of rayon or acetate filament; and tire cord and tire cord fabric or cellulosic manmade fibers. (1 and 2)³⁰
- 65177 Rayon or acetate spun yarn, including singles and plied. (1)²
- 65190 Other yarns of textile fibers, n.e.c., including yarns of vegetable fibers, n.e.c. (1 and 3)³¹
- 65211 Gauze, tobacco cloth, and cheese cloth, unbleached, wholly or in chief weight cotton. (1)²
- 65212 Terry woven fabrics, unbleached, wholly or in chief weight cotton. (1)²
- 65213 Broadwoven fabrics, unbleached, wholly or in chief weight cotton. (1)²
- 65221 Gauze, tobacco cloth, and cheese cloth, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton. (1)²
- 65222 Other terrywoven fabrics, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton. (2)²
- 65223 Pile and chenille broadwoven fabrics and corduroy, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton. (1)²
- 65229 Other broad woven fabrics, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton. (2)²
- 65230 Other broad woven remnants less than 10 yards in length, and fabrics, n.e.c., wholly or in chief weight cotton. (2)²
- 65301 Broad woven fabrics wholly or in chief weight flax (linen) or jute. (2)²
- 65321 Other broad woven fabrics, wholly or in chief weight of wool and/or fine animal hair, excluding pile or chenille. (2)²
- 65322 Pile and chenille broad woven fabrics, wholly or in chief weight of wool and/or fine animal hair. (1)²

Export Control Commodity Number and Commodity Description—Continued

TEXTILE YARN FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS—Continued

- 65370 Knit or crocheted fabrics, not elastic or rubberized, wholly or in chief weight cotton or wool. (1)²
- 65390 Other broad woven fabrics, wholly or in chief weight jute or flax. (2)²
- 65401 Nylon webbing. (2)⁷
- 65401 Narrow woven fabrics, nonelastic, wholly or in chief weight cotton, jute, flax, or wool. (3)²
- 65402 Woven labels, badges, emblems, and insignia, excluding embroidered, wholly or in chief weight cotton, jute, flax, or wool. (2)²
- 65403 Hat braid, all fibers, and other trimmings, nonelastic, wholly or in chief weight cotton, flax, wool, or metal. (2)²
- 65406 Embroideries, wholly or in chief weight cotton, flax, or wool. (1)²
- 65407 Lace machine fabrics, wholly or in chief weight cotton, flax, or wool. (1)²
- 65510 Other coated or impregnated felt fabrics; and felts and felt articles wholly or in chief weight cotton, jute, wool and/or wool-like specialty hairs. (4)²
- 65541 Bonded fabrics and articles wholly or in chief weight cotton or wool. (1)²
- 65542 Other textile fabrics coated with gum or amylaceous substances. (2)²
- 65543 Other textile fabrics, n.e.c., coated or impregnated with resin or other plastic materials. (3)²
- 65544 Other textile fabrics, n.e.c., coated or impregnated with oil. (2)²
- 65546 Other textile fabrics, n.e.c., coated or impregnated. (2)²
- 65550 Elastic fabrics and trimmings, woven or braided. (1)²
- 65560 Cordage, cable, rope, and twine, and manufacturers thereof, wholly or in chief weight hair, silk, paper, or manmade fibers, except nylon twine, rope, or fishing line. (3)⁶
- 65560 Other cordage, cable, rope, and twine, and manufacturers thereof, wholly or in chief weight other textile fibers, n.e.c. (2 and 4)³²
- 65570 Other hat bodies. (2)²
- 65581 Wadding and articles of wadding (excluding cellulose wadding), n.e.c., textile flock, and dust and mill neps, wholly or in chief weight of other textile fibers. (3)²
- 65590 Textile tubing and hose lined with or covered with polytetrafluoroethylene or polychlorotrifluoroethylene. (2)⁶
- 65610 Bags, wholly or in chief weight of cotton, jute, or wool. (2)²
- 65620 Sails of canvas; and tarpaulins, tents, awnings, and other made-up canvas goods, wholly or in chief weight cotton. (1 and 2)³³
- 65662 Blankets, wholly or in chief weight cotton. [Report electric blankets in Export Control Commodity No. 65663.] (2)²
- 65663 Blankets, wholly or in chief weight wool, except electric. (1)²
- 65691 Linens and other furnishing articles, wholly or in chief weight cotton or wool, excluding knit, bonded, felt, quilted or stuffed articles. (1)²
- 65692 Other made-up textile articles, n.e.c. (4 and 6)³⁴
- 65730 Carpets and rugs, wholly or in chief weight cotton, wool, or jute. (1)²
- 65740 Vinyl asbestos tiles. (1)²
- 65770 Tapestries, hand woven or needle-worked, wholly or in chief weight cotton or wool. (1)²

Export Control Commodity Number and Commodity Description—Continued

TEXTILE YARN FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS—Continued

- 65780 Mats, matting, screens, and other items, n.e.c., of cotton or jute plaiting materials. (1)²
- NONMETALLIC MINERAL MANUFACTURES, N.E.C.**
- 66181 Asphalt and tar roofing and siding. (1)²
- 66246 Nonrefractory ceramic hollow tubes. (1)²
- 66311 Diamond grinding wheels for power-operated machines, fabricated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (2 and 4)⁵
- 66311 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (3 and 5)⁵
- 66311 Diamond grinding wheels for power-operated machines, fabricated with polypyromellitimide where the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (2)⁵
- 66311 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polypyromellitimide where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (3)⁵
- 66312 Hand polishing stones and similar stones of natural abrasives. (1)²
- 66320 Other abrasive paper and cloth, coated with natural abrasives, except dental abrasives. (2)²
- 66381 Packing, gaskets, textiles, yarns, and other manufactures of asbestos, other than friction materials, n.e.c. (1)²
- 66391 Other laboratory and industrial ceramic wares, not refractory. (1 and 3)³⁵
- 66420 Other optical glass and elements thereof, not optically worked. (5)²
- 66470 Other laminated glass or toughened safety glass. (3 and 5)³⁶
- 66480 Mirrors for automotive vehicles. (1)²
- 66494 Glass fiber optic plates specially designed optically for image intensifier or image converter tubes. (4)^{5 11}
- 66494 Other articles of glass fiber, n.e.c. [Report glass fiber yarn, roving, and strand in Export Control Commodity No. 65180, and tape in No. 65380.] (2 and 4)³⁷
- 66512 Glass liners for vacuum vessels. (1)²
- 66581 Laboratory, hygienic, or pharmaceutical glassware. (1)²
- 66585 Articles of glass, n.e.c., the following only: Floaters, glass valves, and ballentini reflective material. (1)²

Export Control Commodity Number and Commodity Description—Continued

NONMETALLIC MINERAL MANUFACTURES, N.E.C.—Continued

- 66700 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon. (Specify by name.) (6)^{5 11}
- 66700 Quartz crystals, natural and synthetic, unworked or worked, not mounted, radio grade only. [Report optical quality in Export Control Commodity No. 86111, and mounted in No. 72998.] (1)^{5 14}
- 66700 Diamonds, rubies, and sapphires, natural and synthetic, suitable for gem stones. [Report industrial diamonds, natural, in Export Control Commodity No. 27515; and report stones, mounted or unmounted, worked so as to be recognizable as parts of meters, measuring instruments, clocks, watches, etc., in the appropriate classification provided for parts of the specific item.] (5)³

IRON AND STEEL

- 67160 Ferroboreon; ferrocolumbium; ferrotantalum; and ferrocolumbium-tantalum. (Specify alloy content.) (2, 4, 5, and 6)⁹
- 67504 Iron based magnetic materials. (Specify thickness in decimal parts of an inch or in millimeters.) (See § 399.2, Interpretation 6.) (1)⁶

NONFERROUS METALS

- 68111 Silver, leaf. (2)²
- 68111 Other silver or silver alloy, unwrought or partly worked, not rolled. (3)⁷
- 68120 Platinum based magnetic materials. (See § 399.2, Interpretation 6.) (1)^{5 11 38}
- 68310 Nickel based magnetic materials, unwrought. (See § 399.2, Interpretation 6.) (3)^{5 11 38}
- 68321 Bars, rods, angles, shapes, sections and wire of nickel based magnetic materials. (See § 399.2, Interpretation 6.) (3)^{5 11 38}
- 68322 Plates, sheets, strips, powders, flakes and foil of nickel based magnetic materials. (See § 399.2, Interpretation 6.) (7)^{5 11 38}
- 68323 Tubes, pipes, blanks, fittings therefor, and hollow bars, of nickel based magnetic materials. (See § 399.2, Interpretation 6.) (5)^{5 11 38}
- 68423 Aluminum or aluminum alloy foil and leaf (less than 0.006 inch in thickness). (1 and 2)⁶
- 68520 Other lead or lead alloys, wrought, (2 and 3)⁶
- 68931 Magnesium base alloys, unwrought, containing 0.4 percent or more zirconium, 1 percent or more rare earth metals (cerium misch metal), or 10 percent or more lithium. [Report scrap in Export Control Commodity No. 28405.] (1)^{5 38}
- 68932 Magnesium base alloys, wrought, containing 0.4 percent or more zirconium, 1 percent or more rare earth metals (cerium misch metal), or 10 percent or more lithium. (1 and 2)^{5 39}
- 68950 Cobalt based magnetic materials, wrought or unwrought. (See § 399.2, Interpretation 6.) (5)^{5 11 38}
- 68950 Vanadium based magnetic materials, wrought or unwrought. (See § 399.2, Interpretation 6.) (22)^{5 11 38}
- 68950 Lithium alloys containing 50 percent or more lithium. (30)^{5 11 38}

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.

- 69110 Finished structural parts and structures, iron or steel, as follows: Architectural and ornamental work; anchors and fittings for reinforcing refractory walls; bulkhead (water gates); gangways; sluice gates; guardrails; platforms; portholes not specially designed for military watercraft; prayer rails; loading ramps (nonmechanical); and turnstiles, not electric or coin operated. (4)^{2 9}
- 69110 Steel scaffolding equipment; and fabricated steel plate, including stacks and weldments. (4)⁹
- 69120 Aluminum structural parts as follows: Fencing and railing, ornamental; gangways; portholes; prayer rails; scaffolding equipment; tower sections; and turnstiles. (2)³
- 69211 Containers, iron or steel, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems and designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1 and 2)^{5 19}
- 69211 Other containers, iron or steel, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)^{5 19}
- 69211 Septic tanks, iron or steel. (3)²
- 69212 Containers, copper or copper alloy, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1 and 2)^{5 19}
- 69212 Other containers, copper or copper alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)^{5 19}
- 69212 Other containers for storage and manufacturing use, and septic tanks, lined or unlined, copper. [Report containers, copper, less than 80-gallon capacity in Export Control Commodity No. 69892.] (3 and 6)⁶

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.—Continued

- 69213 Containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1 and 2)^{5 19}
- 69213 Other containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)^{5 19}
- 69213 Septic tanks, aluminum. (3)²
- 69221 Containers, iron or steel, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)^{5 19}
- 69221 Other containers, iron or steel, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.] (1 and 2)^{5 19}
- 69221 Other shipping containers, iron or steel. (4 and 6)³
- 69222 Containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.—Continued

- a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (2 and 3)^{5 19}
- 69222 Other containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.] (1 and 2)^{5 19}
- 69222 Other shipping containers, aluminum, including barrels, boxes, chests, and collapsible tubes. (5)²
- 69231 Compressed gas cylinders, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)^{5 19}
- 69231 Other compressed gas cylinders, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)^{5 19}
- 69232 Compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)^{5 19}
- 69232 Other compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain tempera-

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.—Continued

- tures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)^{5 19}
- 69299 Containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)^{5 19}
- 69299 Other containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)^{5 19}
- 69510 Hand tools mainly used in agriculture or forestry, and parts, n.e.c., as follows: Cant hooks; digging bars; digging spuds; gardeners' trowels; mattocks; picks; pike poles; wheel-type cultivators; and wheel-type seeders. (1)²
- 69521 Power saw blades, woodworking; and hand-operated saws, hand saw frames, and saw blades, except hacksaw blades; and parts, n.e.c. (1 and 4)⁴⁰
- 69522 Metal-cutting shears and tinmen's snips, not power-operated; wrenches; pliers, pincers, and other similar hand tools, and parts, n.e.c.; and files, rasps, and file accessories. (1 and 3)⁴¹
- 69523 Other hand tools, n.e.c., and parts. (5)²
- 69524 Drill bits, core bits, and reamers, under 4 inches o.d., containing diamonds. (9)^{9 42}
- 69524 Other drill bits, core bits, and reamers, containing diamonds. (9)⁹
- 69524 Other cutting tools, dies, and parts. (15 and 16)⁴³
- 69525 Other machine knives and blades. (2 and 3)⁴⁴
- 69609 Knife blanks. (1)²
- 69791 Steel wool, pot scourers, and other polishing pads, iron or steel. (2)²
- 69794 Figures, flower racks, mirrors, trays, and photograph or picture frames of base metals, n.e.c. (1 and 2)⁴⁵
- 69811 Motor vehicle locks; ignition locks; and tire locks. (1)²
- 69811 Window locks and safety hasps, non-ferrous metal; and key blanks, all metals. (2)²
- 69812 Hardware and parts of base metal, as follows: Transportation hardware, all metals; furniture beading, nickel-plated steel; edgings, all metals; furniture hardware, stain-

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.—Continued

- less steel; builders' hardware, non-ferrous metal; hand rails, all metals; and other hardware, stainless steel, except hinges and butts. (2)²
- 69830 Other chains and parts, iron and steel, n.e.c. (2)²
- 69840 Anchors, grappels, and parts, iron or steel. (1)³
- 69854 Buckles with die-cut inserts, and belt hooks, all metals; belt fasteners (other than buckles), clasps, grommets, and similar articles of stainless steel. (2)²
- 69861 Other wire springs, iron or steel. (2)³
- 69882 Flexible tubing and piping, nonferrous metals. (2)⁷
- 69885 Commercial closures of metal, n.e.c. (2)³
- 69887 Nickel or nickel alloy welding and soldering rods, wire, tubes, plates, and electrodes, composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content. (Also specify copper content in pounds.) (7)^{9 46}
- 69887 Other nickel or nickel alloy welding and soldering rods, wires, tubes, plates, and electrodes, including brazing rods. (7)⁹
- 69891 Articles, n.e.c., of magnetic materials. (See § 399.2, Interpretation 6.) (1 and 12)⁸⁸
- 69891 Containers, iron or steel, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), with multilaminar type insulation under vacuum. (3)^{5 9 47}
- 69891 Other containers, iron or steel, jacketed only, for the storage of liquefied gases, designed to maintain temperatures below minus 130° C. (minus 202° F.). [Report iron or steel storage containers of 80 gallons capacity or over in Export Control Commodity No. 69211; and shipping containers regardless of capacity in 69221.] (3)^{9 47}
- 69891 Iron or steel cargo hooks; and malleable iron manhole covers. (6)²
- 69892 Containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.) as follows: With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)^{9 47}
- 69892 Other containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report copper

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.—Continued

- or copper alloy storage containers of 80-gallon capacity or over in Export Control Commodity No. 69212.] (1 and 2)^{5 47}
- 69899 Containers, nonferrous metals, n.e.c., jacketed only, for the transportation or storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1 and 2)^{5 10 47}
- 69899 Other containers, nonferrous metals, n.e.c., jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)^{5 10 47}
- 69899 Other aluminum or aluminum alloy castings and forgings. (5)³
- 69899 Articles of nonferrous metals, n.e.c., other than copper or copper alloy, the following only: Boat spikes, wire nails, wire staples, and wire spikes; bolts, screws, rivets, washers and similar articles, except screw eyes and screw hooks; brackets for mounting outboard motors; bulletin boards; cans, n.e.c., made or cut from nonferrous base metals; caskets; clothes-line (dryer) reels; fog horns, nonelectric, for ships; hinge chaplets; lids for boxes; link chains; mooring swivels; carlocks; pipe hangers; ridge tile; tool boxes and tool chests, empty; and utility boxes. (37, 39, and 41)⁴⁸

MACHINERY, OTHER THAN ELECTRIC

- 71142 Aircraft engines as follows: (a) Jet engines of 5,000 pounds thrust or over, and (b) turboprop and turbo-shaft engines of 2,500 horsepower or more or with a residual thrust of 1,000 pounds or more. (Specify make, model, and pound thrust or horsepower.) (1, 2, and 3)^{5 48}
- 71142 Other jet, turboprop, turboshaft, and gas turbine aircraft engines. (Specify make, model, and pound thrust or horsepower.) (1, 2, and 3)⁴⁸
- 71142 Parts and accessories, n.e.c., specially designed for jet, turboprop, and turboshaft aircraft engines under Export Control Commodity No. 71142 which are subject to the Import Certificate/Delivery Verification procedure. (Specify make, model, and pound thrust or horsepower of engine.) (5 and 6)^{5 10}
- 71142 Other parts and accessories, n.e.c., specially designed for jet, turboprop, turboshaft, and gas turbine engines under Export Control Commodity No. 71142 which are not subject to the Import Certificate/Delivery Verification procedure. (Specify make, model, and pound thrust or horsepower of engine.) (6)¹⁰

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

- 71150 Diesel engines, nonmagnetic, 50 brake horsepower and over, having non-magnetic content exceeding 65 percent of total weight, or having non-magnetic parts other than crankcase, block, head, pistons, covers, end plates, valve facings, gaskets, and fuel, lubricant and other supply lines. (Specify brake horsepower at rated r.p.m.) (1)⁸
- 71150 Diesel engines, nonmagnetic, 50 brake horsepower and over, having a non-magnetic content exceeding 50 percent, up to but not exceeding 65 percent of total weight. (Specify brake horsepower at rated r.p.m.) (1)^{5 9}
- 71150 Parts and accessories specially designed for engines under Export Control Commodity No. 71150 which are subject to the Import Certificate/Delivery Verification procedure. (4)⁹
- 71150 Parts and accessories specially designed for diesel engines under Export Control Commodity No. 71150 which require a license to all country groups but are not subject to the Import Certificate/Delivery Verification procedure. (4)^{5 9}
- 71150 Other diesel engines, 1,500 brake horsepower and over, with rotary speeds of 700 r.p.m. and over; and parts and accessories therefor. (Specify make, model, and brake horsepower at rated r.p.m.) (3 and 5)⁹
- 71150 Outboard motors over 15 horsepower, and other internal combustion engines, n.e.c., and parts and accessories, n.e.c. (7)⁶⁸
- 71189 Windmills and parts, n.e.c. (2)²
- 71430 Flexowriters® specially designed for use with electronic computers. (1)^{5 11}
- 71492 Parts and accessories for Flexowriters® specially designed for use with electronic computers. (1)^{5 11}
- 71510 Gear making and/or finishing machinery, as follows: (a) Gear grinding machines, generating type, capable of accepting gear blanks of 36 inches (914 mm.) work diameter or more, (b) gear grinding machines, generating type, capable of accepting gear blanks of 9 inches (228 mm.) work diameter or more, for the production of helical or herringbone gear, or (c) machinery capable of the production of gears of a module finer than 0.5 mm. (diametral pitch finer than 48) and meeting a quality standard better than AGMA 10 or equivalent. (See § 399.2, Interpretation 3.) (6)^{5 9}
- 71510 Gear making and/or finishing machinery capable of the production of gears of a module finer than 0.5 mm. (diametral pitch finer than 48) but which are not capable of meeting a quality standard better than AGMA 10 or equivalent. (See § 399.2, Interpretation 3.) (6)^{5 9}
- 71510 Internal grinding machines specially designed for the utilization of one or more spindle heads capable of speeds in excess of 120,000 r.p.m., except machines capable of use with hand-held tools only. (8 and 9)¹⁰
- 71510 Other internal grinding machines specially designed for the utilization of one or more spindle heads capable of speeds over 80,000 r.p.m. (8 and 9)^{5 10}

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

- 71510 Machine tools designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine tool in two or more axes. (See § 399.2, Interpretation 7.) (22 and 36)⁵
- 71523 Flame cutting machines with tracer heads designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) movements in two or more axes; and specially designed parts and accessories, n.e.c. (See § 399.2, Interpretation 7.) (1 and 3)⁵
- 71711 Cotton gins. (1)³
- 71712 Looms other than cotton looms. (1)²
- 71713 Parts, accessories, and attachments for: (a) Cotton gins, and (b) looms other than cotton looms. (1, 2, and 4)^{48 50}
- 71713 Other parts, accessories and attachments for machines for extruding manmade fibers, and for other machines for preparing and processing natural or manmade fibers into yarns, and for winding. (1, 2, and 4)^{48 50}
- 71714 Millinery dies (hat blocks), nonferrous metal. (1)³
- 71715 Silk screen printing equipment; pleating (folding) machines; and parts and attachments, n.e.c. (3 and 6)²
- 71715 Other machines for washing, cleaning, drying, bleaching, dyeing, dressing, or finishing textile yarns, fabrics, or made-up textile articles; laundry and dry cleaning machines; and other machines for printing on textiles, leather, wallpaper, linoleum, or other materials; and parts and attachments therefor. (4, 5, and 7)⁶
- 71730 Domestic sewing machines, and parts, n.e.c. (1 and 4)⁶
- 71811 Laminators, electric, for restoring manuscripts and documents; and parts and attachments. (1)³
- 71811 Other machinery for making or finishing cellulosic pulp, paper, or paperboard; and parts and attachments. (2)²
- 71812 Paper bag-making machines; office-type cutters; and parts and attachments therefor, n.e.c. (1 and 2)⁹
- 71812 Other papercutting machines, and machines, n.e.c., for the manufacture of articles of paper pulp, paper, or paperboard; and parts and attachments, n.e.c. (3 and 4)⁵¹
- 71821 Bookbinding machines, and parts. (1)³
- 71822 Electroplating, stereotyping, and photoengraving machines; printing plates and cuts (electrotype, stereotype, halftone, lithographic, or engraved); fonts; handsaws; Linotype® matrices; multitype typewriters (for example, Varitypers®); and photocomposing machines (for example, Coxheadliners®, Headliners®, and Typros®), and parts and accessories therefor. (1 and 2)¹²
- 71829 Price marking machines, and plane-plate rotary shavers; and parts. (1)³

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

- 71831 Grain cleaning machines, and corn husking, machines, and parts. (1)³
- 71839 Chocolate homogenizers, and parts (1)³
- 71841 Road rollers, self-propelled. (1)⁷
- 71842 Snow plows, farm-type; and parts, accessories, and attachments. (16)²
- 71852 Glassworking machinery and equipment (specify by name) as follows: (a) Specially designed for the manufacture of electron tubes or semiconductor devices and parts and subassemblies thereof (Export Control Commodity No. 72930), which are subject to the Import Certificate/Delivery Verification procedure; (b) specially designed for the manufacture of silicon transistors, or (c) for automatic or semiautomatic assembly and/or sorting of electronic equipment and parts and subassemblies thereof, except standard equipment designed for exhaust sealing and getting of standard entertainment type 7-pin miniature and 9-pin noval tubes; and specially designed parts and accessories, n.e.c. (1)⁶
- 71915 Cryogenic refrigeration equipment consisting of, or containing as components thereof, jacketed containers for storage or transportation at temperatures below minus 274° F. (minus 170° C.) with multilaminar type insulation under vacuum; and specially designed parts, n.e.c. (3)^{5,11}
- 71915 Air conditioners for aircraft; and specially designed parts. (4)⁶⁶
- 71915 Other air-conditioning and refrigerating equipment; and parts, n.e.c., including parts for self-contained air-conditioning machines. [Report compressors in Export Control Commodity No. 71922.] (5 and 7)⁶³
- 71919 Heat exchangers, oil coolers and liquid coolers specially designed for aircraft; and parts. (9)⁶⁶
- 71919 Equipment specially designed for the production in liquid form of air, oxygen, nitrogen, and/or argon and producing in 1 ton or more per day of gas in liquid form, except equipment for plants not capable of producing more than 25 percent of their total daily product as extractable gas in liquid form; and specially designed parts. (10)^{64,65}
- 71919 Equipment for the production of liquid hydrogen, except plants with a capacity of less than 1½ tons per 24-hour day and not designed for, or capable of, the production of hydrogen slush; and specially designed parts. (10)^{64,65}
- 71919 Equipment specially designed for the production of liquid hydrogen and producing 1 ton but less than 1½ tons per day of gas in liquid form, except equipment for plants not capable of producing more than 25 percent of their total daily product as extractable gas in liquid form; and specially designed parts. (10)^{5,64,65}
- 71919 Other liquid oxygen or liquid nitrogen production equipment, mobile; and specially designed parts.⁶⁵
- 71919 Equipment for the production of liquid fluorine; and specially designed parts.⁶⁵

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

- 71919 Equipment specially designed for the production and/or concentration of deuterium oxide; and specially designed parts.⁶⁵
- 71919 Equipment for the separation of helium from natural gases; and specially designed parts.⁶⁵
- 71919 Process vessels specially designed for chemically processing radioactive material; and specially designed parts and accessories, n.e.c. (Specify name of vessel and give full specifications.) (18)^{5,11}
- 71919 Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c. (Specify name of machine or equipment and give full specifications.) [Report countercurrent solvent extractors and centrifuges in Export Control Commodity No. 71923, and fuel chopping, disassembling, and dejecting machines in No. 71980.] (18)^{5,11}
- 71919 Pulp and paper mill machines, and rubber processing machines for processing by means of a change in temperature; and parts n.e.c. (16 and 18)⁶⁶
- 71919 Other machines and equipment for processing materials by means of a change in temperature, for the special use of an individual industry, except vegetable oil machines and tobacco processing machines; and parts, n.e.c. (16 and 18)⁶⁶
- 71919 Other machines and equipment, other than domestic, for treatment of material by a process involving a change in temperature; and parts, n.e.c. (16 and 18)^{66,67}
- 71921 Pumps specially designed for aircraft (fuel, fuel booster, hydraulic, water, etc); and parts and attachments, n.e.c. (14)⁶⁶
- 71921 Pump parts and attachments wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (17)⁶
- 71921 Pump parts and attachments wholly made of polyvinyl fluoride. (17)^{6,9}
- 71922 Vacuum pumps, air compressors, fans, and blowers specially designed for aircraft; and parts and attachments therefor. (7)⁶⁶
- 71922 Other ion vacuum pumps; and specially designed parts and attachments, n.e.c. (5 and 10)⁶
- 71922 Other parts and attachments, n.e.c., specially designed for diffusion vacuum pumps of 12 inches in diameter or larger (diameter measured inside the barrel at the inlet jet). (10)⁶
- 71922 Centrifugal and axial flow compressors and blowers capable of: (a) An overall compression ratio of 2:1 or more coupled with a capacity of over 372,000 cubic feet per minute, or (b) an overall compression ratio of 3:1 or more coupled with a capacity of over 106,000 cubic feet per minute; and specially designed parts and accessories, n.e.c. (13 and 14)^{5,14}
- 71922 Compressors for jet, turboprop, and turboshaft aircraft engines under Export Control Commodity No. 71142 which are subject to the Im-

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

- port Certificate/Delivery Verification procedure; and parts. (Specify make, model, and horsepower of engine.) (15 and 16)^{5,10}
- 71922 Other compressors for other jet, turboprop, turboshaft, and gas turbine aircraft engines under Export Control Commodity No. 71142 which are not subject to the Import Certificate/Delivery Verification procedure; and parts. (Specify make, model, and horsepower of engine.) (15 and 16)¹⁰
- 71922 Other compressors and blowers capable of receiving a power input greater than 2,000 horsepower and designed for a discharge greater than 300 p.s.i.; and specially designed parts and accessories, n.e.c. (Specify horsepower and discharge pressure.) (17 and 18)⁶
- 71922 Other vacuum pumps, and parts and attachments, n.e.c. (11)⁷
- 71922 Compressors, refrigeration and air-conditioning type, one-fifth horsepower and under; and parts, n.e.c. (21)^{3,9}
- 71922 Compressors, refrigeration and air-conditioning type, over one-fifth horsepower, and parts, n.e.c. (21)⁹
- 71923 Centrifugal extractors designed for commercial laundries; and parts, n.e.c.; Centrifix type RW line purifiers®, and Dri-Air units. (11, 12, and 13)⁶
- 71923 Laboratory centrifuges, n.e.c., and parts, n.e.c. (14)^{5,11}
- 71931 Automobile lifts; jacks for automotive vehicles or aircraft; and parts, n.e.c. (8)³
- 71931 Other hand-operated, mechanical and hydraulic jacks; and parts, n.e.c. (10)²
- 71931 Farm elevators; and parts, n.e.c. (11)²
- 71931 Elevators and moving stairways; and parts, n.e.c. (12)³
- 71941 Butter churns, farm type; and parts. (1)³
- 71942 Condensers and evaporators for non-electric domestic refrigerators; and parts. (1)³
- 71951 Cutting machines for ceramics and similar nonmetallic materials, except quartz crystal, masonry, or stone. (2)³
- 71951 Other machines, n.e.c., for working asbestos-cement, ceramics, concrete, quartz crystals, masonry, stone (including artificial, precious, and semiprecious stones), and similar mineral materials. [Report parts in Export Control Commodity No. 71954.] (3)³
- 71952 Other machines, n.e.c., for working bone, ebonite, hard plastics, and other hard carving materials. [Report parts in Export Control Commodity No. 71954.] (3)³
- 71954 Grinding heads and spindle assemblies for grinding machines designed or rated for operation at speeds in excess of 120,000 r.p.m., except for hand-held tools. (1 and 2)¹⁰
- 71954 Other grinding heads and spindle assemblies for grinding machines designed or rated for operation at speeds in excess of 80,000 r.p.m. (1 and 2)^{5,10}
- 71954 Parts, accessories, and attachments for cutting machines for ceramics and similar nonmetallic materials, except glass, quartz crystal, masonry, or stone. (13)³

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

- 71954 Parts, accessories, and attachments for other machines for working asbestos-cement, ceramics, concrete, quartz crystals, masonry, stone (including artificial, precious, and semiprecious stones), and similar mineral materials. (16)³
- 71954 Parts, accessories, and attachments for other machines for working bone, ebonite, hard plastic, and other hard carving materials. (17)³
- 71961 Other calendering machines and similar rolling machines, n.e.c.; and parts. (3)²
- 71962 Dishwashing machines; bottling machines (washing, filling, closing, labeling); and canning, packaging, wrapping, filling, and sealing machines; and parts and attachments, n.e.c. (1 and 2)⁶
- 71963 Other weighing machines and scales, n.e.c. (1 and 3)^{6a}
- 71963 Lead scale weights for weighing machines. (4)³
- 71964 Hydra-blast parts cleaners, and parts therefor; and windshield washer sets. (1)³
- 71964 Sprayers and dusters, agricultural and pesticidal, except lawn sprinklers; and parts, n.e.c., except nozzles. (3)²
- 71964 Paint spraying machines; and street flushing units for truck mounting; and parts, n.e.c. (6 and 7)⁶
- 71964 Other spray nozzles of metal; and hand-operated spray guns; and parts, n.e.c. (5 and 9)³
- 71964 Other sprayers and spraying equipment, n.e.c.; and parts, n.e.c. (10 and 11)³
- 71970 Other ball and roller bearings, aircraft type; and specially designed parts. (6)^{6a}
- 71970 Other ball and roller bearings; and parts. (Specify inner bore diameter and tolerances.) (8)^{6a}
- 71980 Concrete and bituminous pavers, finishers, and spreaders; and parts and accessories; n.e.c. (1 and 2)^{6a}
- 71980 Machinery and equipment, n.e.c. (specify by name) for the manufacture of semiconductor devices, electronic equipment and components, and parts and subassemblies thereof, as follows: (a) Equipment specially designed for the manufacture of semiconductor devices and parts and subassemblies thereof (Export Control Commodity No. 72930), (b) equipment specially designed for the manufacture of silicon transistors, (c) equipment for slicing, dicing, scribing, slice breaking, lapping, polishing, probing, and/or sorting, (d) bonders and welders, (e) masks, or (f) equipment for the manufacture of masks or the creation of a photosensitive pattern on the surface of a semiconductor or insulating substrate; and specially designed parts and accessories, n.e.c. (15 and 16)⁵
- 71980 Equipment for purifying or processing semiconductor materials, except equipment specially designed for the zone purification of germanium; and specially designed parts and accessories, n.e.c. (19)⁶
- 71980 Hot isostatic presses (gas pressure bonding) employing pressure mediums of liquid, gas, or solid, including those presses where the work piece is only partially isostati-

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

- cally pressed; and specialized parts and components, n.e.c. (40)^{21 61}
- 71980 Machinery and equipment for depositing or printing on insulating panels, plates, or wafers or otherwise forming in situ component parts other than basic wiring; and specially designed parts and accessories, n.e.c. [Report cameras in Export Control Commodity No. 86140.] (26)⁹
- 71980 Other equipment specially designed to produce electronic assemblies by: (a) Automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means; or (b) automatically or semiautomatically assembling wiring and/or packaging mounted modular insulated panels, plates, or wafers (specify by name); and specially designed parts and accessories, n.e.c. [Report cameras in Export Control Commodity No. 86140.] (26)^{6a}
- 71980 Nuclear reactor fuel chopping, disassembling, or dejecting machines; and specially designed parts and accessories, n.e.c. (Give full specifications.) (40)^{5 11}
- 71980 Machinery specially designed for the extrusion of polytetrafluoroethylene coagulated dispersions, or powders or pastes derived therefrom; and specially designed parts and accessories, n.e.c. (40)^{5 11}
- 71980 Windshield wipers, nonelectric, and parts, n.e.c. (37)³
- 71980 Shock absorbers, mechanical or hydraulic. (38)²
- 71992 Valves, cocks, or pressure regulators (a) specially designed to operate at temperatures below minus 274° F. (minus 170° C.), except those of 2-inch diameter (50.8 mm.) or less specially designed for operation at temperatures from minus 274° F. (minus 170° C.) to minus 328° F. (minus 200° C.), or (b) with all flow contact surfaces made of or lined with any of the following materials: (i) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (ii) 50 percent or more cobalt or molybdenum, either separately or combined, (iii) polytetrafluoroethylene, or (iv) polychlorotrifluoroethylene; and specially designed parts. (Give full specifications.) (3)⁹
- 71992 Other valves, cocks or pressure regulators of 2-inch diameter (50.8 mm.) or less specially designed for operation at temperatures from minus 274° F. (minus 170° C.) to minus 328° F. (minus 200° C.); and specially designed parts. (3)^{5 9}
- 71992 Valve parts and accessories wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (See § 399.2, Interpretation 22.) (4)⁹
- 71992 Valve parts and accessories wholly made of polyvinyl fluoride. (4)^{5 9}
- 71992 Other taps, cocks, valves, and similar appliances, n.e.c., and parts. (14)³
- 71994 Gaskets (joints) as follows: (a) Wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride, or (b) made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylenes where the value of the contained poly-

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

- meric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.) (1 and 3)^{5 19}
- 71994 Gaskets (joints) as follows: (a) Wholly made of polyvinyl fluoride, (b) of laminated metal and polytetrafluoroethylene or polychlorotrifluoroethylene, or (c) made of polypropyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (1, 2, and 3)^{5 19}
- 71994 Other gaskets (joints), laminated metal and nonmetal material, or set of gaskets of two or more materials. (3)²
- 71999 Ships' propellers; and paddle wheels for boats and boat parts, n.e.c. (1)⁷
- 71999 Other machine parts, n.e.c., nonelectric. (2 and 3)⁷

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES

- 72210 Synchronous motors of any rating possessing any of the following characteristics: (a) of size 30 (3 inches in diameter) and smaller having synchronous speeds in excess of 3,600 r.p.m., (b) designed to operate below minus 25° C. to plus 100° C., (c) designed to operate from power sources: Of more than 400 cycles, or (d) of size 11 (1.1 inches in diameter) or smaller. (Specify by name and model number.) (1)⁹
- 72210 Other synchronous motors of any rating, having synchronous speeds in excess of 3,000 r.p.m. or designed to operate within a temperature range greater than minus 10° C. to plus 55° C. but not exceeding minus 25° C. to plus 100° C. (Specify by name and model number.) (1)^{5 9}
- 72210 Electric motors, d.c. and a.c., specially designed for aircraft; and parts and accessories, n.e.c. (6)^{6a}
- 72210 Servo motors (gear head or plain), having any of the following characteristics: (a) Designed to operate from power sources of more than 300 cycles per second, except those designed to operate from power sources of over 300 cycles per second up to and not exceeding 400 cycles per second with a temperature range of from minus 25° C. to plus 100° C., (b) designed to have a torque-to-inertia ratio of 10,000 radians per second or greater, (c) incorporating special features to secure internal damping, (d) of size 11 (1.1 inches in diameter) and smaller, (e) employing solid state Hall effect, or (f) designed to operate below minus 55° C. or above plus 125° C. (specify by name and model number); and specially designed parts and accessories, n.e.c. (8)⁹
- 72210 Servo motors (gear head or plain) designed to operate from power sources over 300 cycles per second up to and not exceeding 400 cycles per second, designed to operate

Export Control Commodity Number and Commodity Description—Continued

Export Control Commodity Number and Commodity Description—Continued

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- within a temperature range greater than minus 10° C. to plus 55° C. but not exceeding minus 25° C. (minus 13° F.) to plus 100° C. (specify by name and model number); and specially designed parts and accessories, n.e.c. (8)^{5,9}
- 72210 Other generators and generator sets of ½ kilowatt or over; and parts and accessories, n.e.c. (16)⁹
- 72210 Parts for transformers, coils, reactors, chokes, motors, and generators (including cores, laminations, stampings, and other formed parts) composed of magnetic materials. (See § 399.2, Interpretation 6.) (21 and 24)^{9,10}
- 72220 Other electronic and microwave switches and electronic relays, n.e.c. (16)⁶
- 72220 Fuses, dimmer switches, lighting switches, power relays, and other electrical apparatus for making, breaking or protecting electrical circuits on aircraft. (19)⁹
- 72310 Wire and cable coated with or insulated with fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify type of metal and insulation.) (Also specify copper content in pounds.) (See § 373.43(d).) (1)⁹
- 72310 Wire and cable coated with or insulated with polyvinyl fluoride. (Specify type of metal and insulation.) (Also specify copper content in pounds.) (See § 373.43(d).) (1)⁹
- 72310 Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (d) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying. (Also specify copper content in pounds.) (See § 373.43(d).) (2)⁶
- 72310 Communications cable containing more than one pair of conductors, as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers. (Also specify copper content in pounds.) (See § 373.43(d).) (4)^{5,10}
- 72310 Ignition harness and cable sets, aircraft type. (12)⁹
- 72320 Electrical insulators and fittings as follows: (a) Wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride, or (b) made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.) (1, 2, and 5)^{5,10}
- 72320 Electrical insulators and fittings as follows: (a) Wholly made of polyvinyl fluoride, (b) partially made of fluorocarbon polymers or copolymers, or (c) made of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the

- materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.) (1 and 2)^{5,10}
- 72320 Other electrical insulators and fittings of insulating materials, n.e.c. (3 and 5)⁹
- 72410 Color television broadcast receivers, whether or not combined with radio or phonograph; and unassembled color television kits. (2)²
- 72491 Equipment designed to ensure the privacy or secrecy of analog and/or digital communications, except (a) voice transmission systems employing fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every 10 seconds, (b) standard commercial facsimile or video systems employing only transposition of analog information, and (c) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of non-standard sweep systems and not employing digital transmission or digital techniques to modify an analog transmission; and specialized components, assemblies, sub-assemblies, parts and accessories, n.e.c., including terminal equipment, modems, vocoders, and authentication equipment. (Specify by name.) (1)⁹
- 72491 Other equipment designed to ensure the privacy or secrecy of communications, except voice transmission systems making use of fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every 10 seconds; and specialized components, assemblies, subassemblies, parts, and accessories. (Specify by name.) (1)^{5,9,14}
- 72491 Terminal and intermediate repeater or amplifier equipment as follows: (a) Terminal and intermediate repeater or amplifier equipment designed to transmit, carry, or receive frequencies from higher than 16 kilocycles up to and including 150 kilocycles, and (b) terminal equipment specially designed for power lines and operating within the range of frequencies from 16 to 1,500 kilocycles; and specialized components, parts, and accessories, n.e.c. (3)⁹
- 72492 Telephone repeater equipment designed for frequencies from higher than 16 kilocycles up to and including 150 kilocycles; and specialized components, parts, and accessories, n.e.c. (2)⁹
- 72499 Radio transmitters or transceivers, including transmitter amplifiers, having any of the following characteristics: (a) Designed to operate at output carrier frequencies greater than 235 megacycles, except (i) television broadcasting transmitters and amplifiers therefor operating between 470 and 960 megacycles, (ii) frequency-modulated and amplitude-modulated ground communications equipment required for use in the land mobile service operating in the 420 to 470 megacycle band with a power

- output of not more than 25 watts for mobile units and 100 watts for fixed units, or (iii) amplitude-modulated radiotelephone equipment used for search and rescue work operating on a frequency of 243 megacycles with a carrier power not exceeding 100 milliwatts; (b) designed to provide any system of pulse modulation (this does not include amplitude, frequency, or phase-modulated television or telegraphic transmitters); (c) rated for operation over a range of ambient temperatures extending from below minus 40° F. (minus 40° C.) to above plus 131° F. (plus 55° C.); or (d) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezoelectric crystals, except equipment in which the output frequency is selected only by manual operation either on the equipment or on a remote control unit and (i) those forming multiples of a common control frequency, or (ii) those in which the output frequency is a multiple of a common frequency which is not less than 1:1000 part of the oscillator frequency and is in steps of 1 kilocycle or greater (specify by name and model number); and specially designed components, subassemblies, parts, and accessories, including but not limited to intermediate frequency and power amplifiers and their parts, modulators and modulation amplifiers, aerials, their filters, and their connecting devices, control equipment placed in racks, and maintenance equipment (specify by name). (1 and 2)¹⁰
- 72499 Other transmitters or transceivers having any of the following characteristics: (a) More than 20 channels, (b) special facilities for interconnection with land line telephone circuits or switch boards, (c) frequency-modulated or amplitude-modulated communications equipment operating in the 420 to 470 megacycles band, with a power output of 25 watts or less for mobile units and 100 watts or less for fixed units, (d) amplitude modulated radio-telephone equipment used for search and rescue work operating on a frequency of 243 megacycles with a carrier power of 100 milliwatts or less, (e) designed to operate at output carrier frequencies between 108 and 156 or from 223 up to and including 235 megacycles, or (f) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezo-electric crystals, except those forming multiples of a common control frequency (specify by name and model number); and specially designed parts and accessories, n.e.c. (Specify by name.) (1 and 2)^{5,10}
- 72499 Radio (microwave) relay communications equipment designed for use: (a) At frequencies in excess of 300 megacycles but not exceeding 470 megacycles and having any of the following characteristics: (i) A power output exceeding 5 watts, (ii) a base bandwidth greater than 150 kilocycles, or (iii) for other than

Export Control Commodity Number and Commodity Description—Continued

Export Control Commodity Number and Commodity Description—Continued

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

fixed service; or (b) at frequencies in excess of 470 megacycles (specify by name and model number), except short-range and low-power television links for transmission between the camera or studio and the television transmitter; and specially designed components, subassemblies, parts and accessories (specify by name). (5 and 6)^{5 10}

72499 Other radio relay communications equipment designed for frequencies of 470 megacycles and under (specify by name and model number); and specially designed components, subassemblies, parts and accessories, n.e.c. (specify by name). (5 and 6)¹⁰

72499 Other radiotelephone carrier (multiplex) terminal or amplifier equipment designed to deliver, carry, or receive frequencies higher than 16 kilocycles up to and including 150 kilocycles, into or in a communications system and carrier terminal equipment specially designed for powerlines operating at frequencies below 1,500 kilocycles; and specialized components, parts, and accessories, n.e.c. (8)⁰⁰

72499 Equipment designed to insure the privacy or secrecy of analog and/or digital communications, except (a) voice transmission systems employing fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every 10 seconds, (b) standard commercial facsimile or video systems employing only transposition of analog information, and (c) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of non-standard sweep systems and not employing digital transmission or digital techniques to modify an analog transmission; and specialized components, assemblies, subassemblies, parts, and accessories, n.e.c., including terminal equipment, modems, vocoders, and authentication equipment. (Specify by name.) (12)⁰

72499 Other equipment designed to insure the privacy or secrecy of communications, except voice transmission systems making use of fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every 10 seconds; and specialized components, assemblies, subassemblies, parts, and accessories. (Specify by name.) (12)^{0 14}

72499 Panoramic radio receivers (being receivers which search automatically a part of the radio frequency spectrum and indicate the signals received), except panoramic adaptors for commercial receivers which are limited to searching a spectrum of not more than plus or minus 20 percent of the intermediate frequency of the receiver and the range searched does not exceed plus or minus 2 megacycles (specify by name and model number); and specially designed parts and accessories (specify by name). (14)^{5 0}

72499 Other panoramic adaptors for commercial radio receivers (specify by

name and type number); and specially designed parts and accessories (specify by name). (14)^{0 14}

72499 Airborne navigation and direction finding equipment, including specialized training or simulating equipment as follows: (a) Designed to make use of Doppler frequency phenomena, (b) utilizing the constant velocity and/or the rectilinear propagation characteristics of electromagnetic waves having frequency less than 4 times 10¹⁴ cycles per second (0.75 micron), (c) pulse modulated radio altimeters, (d) frequency-modulated radio altimeters having an electrical output accuracy better than plus or minus 3 feet over the whole range between zero to 100 feet, or plus or minus 3 percent above 100 feet, (e) frequency-modulated radio altimeters which have been in normal civil use for less than 4 years, (f) direction finding equipment operating at frequencies greater than 5 megacycles, except equipment designed for search and rescue purposes provided that the receiver operates on a crystal-controlled fixed frequency of 121.5 megacycles and that the determination of the DF bearing is not independent of the bearing of the bearing of the aircraft and provided that the DF antenna array is designed for operation at a fixed frequency of 121.5 megacycles, (g) pressurized throughout, or (h) rated for continuous operation over a range of ambient temperatures extending from below minus 67° F. (minus 55° C.) to above plus 131° F. (plus 55° C.) (specify by name and model number); and specially designed parts and accessories (specify by name). (15)⁰

72499 Ground and marine radar equipment, including specialized training or simulating equipment, having any of the following features: (a) Operating at a frequency not in normal civil use in the Western World, or at a frequency of more than 10,500 megacycles, (b) having a peak output power from the transmitter greater than 160 kilowatts, (c) having an 80 percent or better cumulative probability of detection of a 20 square meter target at a free space range of 50 nautical miles, (d) utilizing other than pulse modulation with a constant pulse repetition frequency in which the frequency of the transmitted signal is not changed deliberately between groups of pulses, from pulse to pulse, or within a single pulse, (e) utilizing a Doppler technique for any purpose, other than MTI (moving target indicator) systems using a conventional double pulse delay line technique, (f) including signal processing techniques which have been in normal civil use for a period of less than 4 years, or (g) having been in commercial use in the Western World for a period of less than 2 years (specify by name and model number); and specially designed parts and accessories. (Specify by name.) (19)⁰

72499 Other amplifiers, except television transmitter amplifiers, designed to operate at frequencies from 300 up

to and including 500 megacycles; and specially fabricated parts and accessories, n.e.c. (27)⁰⁰

72499 Automobile radio receiver antennas; and parts and accessories, n.e.c., specially designed for home-type radio and television receivers and automobile receivers, except communications re-receivers. (32 and 34)²

72499 Electronic equipment, n.e.c., containing one or more functional circuits, including integrated circuits, with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter); and specially designed circuit assemblies, subassemblies, and parts. (Specify by name and model number.) (35)^{0 11}

72505 Galleys, buffet servers, ovens, and other equipment specially designed for aircraft; electric heaters for automotive vehicles; and parts. (4)²

72620 Industrial beta, gamma, and X-ray equipment capable of measuring and/or controlling the dimensions of a rolled product (including coatings) during its production (specify by name); and specially designed parts and accessories, n.e.c. (8)⁰³

72620 Other industrial and scientific X-ray equipment; and parts, n.e.c. (9)⁹

72620 Other medical and dental X-ray and gamma ray equipment; and medical and dental apparatus based on the use of radiations from radioactive substances; and parts, n.e.c. (9)^{0 9}

72911 Electrochemical and radioactive devices for the conversion of chemical energy to electrical energy, having any of the following characteristics: (a) Fuel cells (including regenerative cells), i.e., cells for generating electric power, to which all the consumable components are supplied from outside the cells, (b) primary cells possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 70° F. (21° C.), of 10 years or more, (c) primary cells capable of operating at temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.), including cells and cell assemblies (other than dry cells) possessing self-contained heaters, or (d) power sources other than nuclear reactors based on radioactive materials systems, except those having an output of less than 0.5 watts in which the ratio of output (in watts) to weight (in pounds) is less than 1 to 2; and specialized parts, components, and subassemblies therefor. (Specify by name and type.) (1)⁰⁴

72911 Other primary batteries and cells; and parts. (3 and 4)⁰⁵

72912 Electrically rechargeable storage cells; hermetically sealed, designed to have a leakage rate of 10⁻⁵ cubic centimeters per second of gas or less when tested under pressure differential of 2 atmospheres; and specialized parts, components, and subassemblies therefor. (Specify by name and type.) (1)^{0 01}

72912 Battery separators and blanks, wood; and battery parts made of rubber. (3)³

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- 72920 Other electrical lamps (bulbs and tubes); and parts. (Report carbons in Export Control Commodity No. 72996, and glass envelopes in No. 66492.) (5)¹
- 72930 Image intensifiers, image converters, and electronic storage tubes, including memory transformers of radar pictures. (Specify by name and type number.) (2)^{6,9}
- 72930 Ruggedized vidicon tubes. (Specify by name and type number.) (2)^{6,9}
- 72930 Photomultiplier tubes as follows: (a) For which the maximum sensitivity occurs at wavelength longer than 7,500 angstrom units or shorter than 3,000 angstrom units, or (b) having an anode pulse rise time of less than 2 nanoseconds. (3 and 13)⁶
- 72930 Cold cathode tubes and switches as follows: (a) Triggered spark gaps, having an anode delay time of 15 microseconds or less and rated for a peak current of 3,000 amperes or more, or (b) cold cathode tubes, whether gas filled or not, operating in a manner similar to a spark gap, containing three or more electrodes and having all of the following characteristics: (i) Rated for an anode peak voltage of 2,500 volts or more, (ii) rated for peak currents of 300 amperes or more, (iii) an anode delay time of 10 microseconds or less, and (iv) an envelope diameter of less than 1 inch (25.4 mm.). (Specify by name and type number.) (4 and 11)⁶
- 72930 Thyatron and modulator gas-discharge tubes as follows: (a) Rated for continuous operation with peak current and peak voltage exceeding 100 amperes and 9,000 volts at a pulse repetition frequency of 200 or more pulses per second, or (b) hydrogen thyratrons (i) rated for a peak pulse power of 2 megawatts or more, or (ii) of metal-ceramic construction. (Specify by name and type number.) (5)⁹
- 72930 Other hydrogen thyratrons. (Specify by name and type number.) (5)^{9,9}
- 72930 Electron tubes, as follows: (a) Tubes rated for continuous wave operation over the frequency range of 300 to 1,000 megacycles for which (at any part of this frequency range and under any condition of cooling) the product of frequency of operation in megacycles squared and the power output in watts from the anode(s) of a single envelope at this frequency exceeds 10⁸ when the tube is operating in Class C telegraphy key down conditions or in Class C FM telephony conditions or, if performance under these conditions is not known, the product of declared maximum frequency of full ratings in megacycles squared and the maximum rated anode dissipation per tube in watts exceeds 5 times 10⁷ (when applying the above criteria to external anode tubes rated without a radiator, multiply the power rating by 20, and for external anode tubes rated with radiators and optimum cooling procedures, as recommended by the manufacturer, multiply the power rating by 2), (b) tubes rated for operation above 1,000 megacycles, (c) tubes rated for pulse operation above 300 megacycles,

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- (d) tubes constructed with ceramic envelopes and rated for operation above 300 megacycles, (e) tubes except conventional types such as diodes, triodes, pentodes, etc., in which the velocity of the electrons is utilized as one of the functional parameters (including, but not limited to klystrons, travelling wave tubes and magnetrons, except fixed frequency pulsed magnetrons designed to operate at frequencies from 9.3 to 9.5 gigacycles per second with a maximum peak output power not greater than 25 kilowatts), (f) indirectly heated tubes less than 0.283 inch in diameter, (g) tubes designed to withstand an acceleration of short duration (shock) greater than 1,000 g (accelerations under gravity), (h) tubes constructed with beryllium oxide ceramics, (i) tubes designed for operation in ambient temperatures above 212° F. (100° C.), or (j) vacuum tubes specially designed for use as pulse modulators for radar or for similar applications, having a peak anode voltage rating of 100 kilovolts or more, or rated for a peak pulse power of 2 megawatts or more. (Specify by type number.) (7)⁵
- 72930 Other TR and anti-TR tubes, n.e.c. (Specify by name and type number.) (11)^{6,54}
- 72930 Commercial standard television broadcasting camera tubes. (Specify by name and type number.) (13)^{6,54}
- 72930 Other television camera tubes. (Specify by name and type number.) (11)^{6,14,54}
- 72930 Other cathode ray tubes with screen afterglow longer than one-half second; and other alpha-numeric and similar data or information display tubes in which the displayed position of each character is fixed. (Specify by name and type number.) (13)^{6,54}
- 72930 Other photomultiplier tubes and phototubes, n.e.c. (Specify by name and type number.) (13)^{6,54}
- 72930 Other cathode ray tubes, n.e.c. (Specify by name and type number.) (14)^{6,9}
- 72930 Rectifier bulbs for automotive battery chargers, Geiger-Mueller counter tubes, proportional counter tubes, and electron tube types described or listed in § 399.2, Interpretation 13. (Specify by name and type number.) (14)^{6,9}
- 72930 Other electron tubes, n.e.c., including military versions of types described or listed in § 399.2, Interpretation 13. (Specify by name and type number.) (11)^{6,54}
- 72930 Semiconductor diodes, as follows: (a) Any semiconductor diode in which the bulk material is other than silicon, germanium, selenium, or copper-oxide, (b) signal diodes in which the bulk material is silicon or germanium (including mixer, frequency-changing, and switching diodes) as follows: (i) Point-contact type diodes designed for use at frequencies over 1,000 megacycles, or (ii) junction-type diodes designed for use at input frequencies greater than 300 megacycles or designed for switching rates (repetition frequency) higher

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- than 1 megacycle, (c) power diodes in which the rated maximum recurrent reverse voltage exceeds 1,000 volts per junction at 77° F. (25° C.) under any conditions of cooling, except those in which the rated forward current per junction under continuous operation exceeds 200 amperes and the rated maximum recurrent reverse voltage does not exceed 1,300 volts per junction, (d) controlled diodes (i.e., those which operate similarly to grid controlled gas-filled tubes) designed for use at switching rates (repetition frequency) higher than 100 kilocycles, or (e) tunnel diodes. (Specify by type number.) (21)⁶
- 72930 Transistors and related devices (or related semiconductor amplifying devices such as fieldistors, spacistors, and technetrons) having any of the following characteristics: (a) Having four or more active junctions within any single block of semiconductor material, (b) using a bulk semiconductor material other than germanium or silicon, (c) germanium types having either (i) an average f_T of 40 to 240 megacycles and designed to have a maximum collector dissipation greater than 150 milliwatts, or (ii) an average f_T greater than 240 megacycles, or (d) silicon types having any of the following characteristics: (i) An average f_T of up to 500 kilocycles and designed to have a maximum collector dissipation greater than 5 watts, (ii) an average f_T from greater than 500 kilocycles to 3 megacycles and designed to have a maximum collector dissipation greater than 500 milliwatts, (iii) an average f_T from greater than 3 megacycles to 20 megacycles and designed to have a collector dissipation greater than 250 milliwatts, (iv) an average f_T greater than 20 megacycles, (v) majority carrier devices, including but not limited to field effect transistors and metal oxide semiconductor transistors, or (vi) a modulus of the current gain in the common emitter configuration of 10 or more for collector currents of 100 microamperes or less. (Specify by type number.) (22)⁶
- 72930 Integrated circuits. (Specify by name and type number.) (25)^{6,9}
- 72930 Other solar cells and photosensitive semiconductor devices, n.e.c. (Specify by name and type number.) (28 and 30)^{6,9}
- 72930 Semiconductor diodes, as follows: (a) Germanium point contact diodes designed for operation at frequencies below 250 megacycles; (b) germanium junction diodes designed for operation at frequencies of 50 megacycles or less and not designed for switching speeds (repetition frequency) greater than 1 megacycle; (c) silicon regulator (zener) diodes; and (d) silicon junction power diodes (not including radio frequency or switching diodes) having a peak inverse voltage of 1,000 volts per junction or less. (Specify by type number.) (30)^{6,9}
- 72930 Transistors listed in § 399.2, Interpretation 18. (Specify by type number.) (30)^{6,9}

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- 72930 All other transistors, diodes, and solid state semiconductor devices. (Specify by name and type number.) (27 and 29)^{6 69}
- 72941 Spark plugs, aircraft and automotive types, and parts. [Report insulators in Export Control Commodity No. 72320.] (2)³
- 72941 Other electrical starting and ignition equipment, n.e.c., aircraft type, and specially designed parts. (3)⁶⁶
- 72941 Other electrical starting and ignition equipment for other internal combustion engines; and parts. (5)³
- 72942 Other motor vehicle lighting equipment, signalling equipment, horns, electrical windshield wipers, and defrosters; and parts therefor. (2, 3, and 4)⁷⁰
- 72951 Other electricity supply meters. [Report parts in Export Control Commodity No. 86199.] (2)²
- 72952 Cathode ray oscilloscopes (oscillographs) possessing any of the following characteristics: (a) An amplifier bandwidth greater than 30 megacycles per second (defined as the band of frequencies over which the deflection on the cathode ray tube does not fall below 70.7 percent of that at the maximum point measured with a constant input voltage to the amplifier); (b) a time base shorter than 30 nanoseconds per centimeter, including calibrated magnified sweep factor; (c) employing accelerating potentials in excess of 10 kilovolts; (d) containing or designed for the use of a cathode ray tube with three or more electron guns; (e) containing or designed for use of (i) cathode ray memory tubes, or (ii) cathode ray tubes with traveling wave or distributed deflection structure or incorporating other techniques to minimize mismatch of fast phenomena signals to the deflection structure; (f) ruggedized to meet a military specification; (g) rated for operation over a range of ambient temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.); (h) incorporating a calibrated variable sweep delay with an incremental accuracy (measured at the 90 percent delay point) of better than 3 percent; (i) including any device which increases the capabilities of the oscilloscope to enable it to meet specifications (a) or (b) of this entry; or (j) having a rise time of less than 12 nanoseconds. (Specify by name and model number.) (5 and 7)¹⁹
- 72952 Other cathode ray oscilloscopes (oscillographs) possessing any of the following characteristics: (a) An amplifier bandwidth greater than 12 megacycles per second, (b) a time base less than 0.04 microsecond per centimeter, (c) employing accelerating potentials in excess of 5 kilovolts, (d) containing or designed for use of three or more cathode ray tubes, or (e) including any device which increases the capabilities of the oscilloscope to enable it to meet specifications (a) or (b) of this entry. (Specify by name and model number.) (5 and 7)¹⁹

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- 72952 Magnetometers, except geophysical magnetometers, but including gaussmeters, of the following types: (a) Fluxgate, (b) electron-beam sensing, (c) paramagnetic, (d) nucleonic, and (e) Hall effect. (Specify by name.) (10 and 25)⁵
- 72952 Instruments designed for testing or calibrating the following equipment: (a) Compasses and gyroscopic equipment, Export Control Commodity Nos. 72952 and 86191, which are subject to the Import Certificate/Delivery Verification Procedure, (b) aircraft integrated flight instrument systems which include gyrostabilizers and/or automatic pilots, (c) gyrostabilizers other than those for aircraft control or for stabilizing an entire surface vessel, (d) automatic pilots other than those for aircraft or surface vessels, (e) astro compasses, (f) star trackers, and (g) accelerometers designed for use in inertial navigation systems or in guidance systems. (25 and 79)^{3 11}
- 72952 Measuring and controlling instruments and apparatus containing crystals having spinel, hexagonal or garnet crystal structures, or containing thin film devices, as follows: (a) Single aperture forms having (i) a switching speed of 0.5 microsecond or less at the minimum field strength required for switching at (104° F.) (40° C.), or (ii) a maximum dimension less than 45 mils (1.14 mm.), (b) multi-aperture forms having (i) a switching speed of 1 microsecond or less at the minimum field strength required for switching at (104° F.) (40° C.), (ii) a maximum dimension less than 100 mils (2.54 mm.), or (iii) having 10 or more apertures, or (c) thin film memory storage or switching devices. (Specify by name and characteristics.) (25, 31, and 45)^{5 11}
- 72952 Personal nuclear radiation monitoring instruments enabling direct reading on a graduated scale as follows: (a) Dosimeters, where more than one-fourth of the total single exposure range falls between 15 and 500 rads or roentgens, or (b) dose rate meters, where more than one-fourth of the total range falls between 1 and 80 rads or roentgens per hour, except dosimeters and dose rate meters specially designed for use with medical radiation equipment or used in food and plastics processing. (26)⁵
- 72952 Underwater detection apparatus, and specialized component instruments (for example, hydrophones), except marine depth sounders of a kind used solely for measuring the depth of water or the distance of submerged objects or fish and/or whales vertically below the apparatus. (Specify by name and model number.) (32)⁶
- 72952 Analog-to-digital and digital-to-analog converters as follows: (a) Electrical-input types possessing (i) a peak conversion rate capability in excess of 50,000 complete conversions per second, (ii) an accuracy in excess of 1 part in more than 10,000 of full scale, or (iii) a figure

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- of merit of 5 times 10⁶ or more (derived from the number of complete conversions per second divided by the accuracy), (b) mechanical-input types (including but not limited to shaft-position encoders and linear displacement encoders, but excluding complex servo-follower systems): (i) Rotary types having an accuracy of maximum incremental accuracy better than plus or minus 1 part in 10,000 of full scale, or of size 11 (1.1 inches in diameter) and smaller, (ii) linear displacement types having an accuracy better than plus or minus 5 microns, (c) employing solid state Hall effect, or (d) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (plus 125° C.). (Specify model or type number.) (34)⁶
- 72952 Numerical control systems specially designed for controlling coordinated simultaneous (contouring continuous path) machining movements in a machine tool in two or more axes. [Report machine-tool controls other than electric or electronic in Export Control Commodity No. 71954.] (See § 399.2, Interpretation 7.) (36, 40, and 79)⁵
- 72952 Combination balancing and correcting machines designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) movements in two or more axes. (See § 399.2, Interpretation 7.) (37)⁵
- 72952 Numerical control servo-driven measuring or gauging machines specially designed for measuring at any point of the contour the dimensional shape and contour characteristics of two- or three-dimensional objects, including objects of revolution. (79)^{5 11}
- 72952 Geophysical magnetometers of the following types: (a) Fluxgate, (b) electron beam sensing, (c) paramagnetic, (d) nucleonic, and (e) Hall effect. (41 and 44)⁵
- 72952 Gear testers designed for the testing of gears of diametral pitch finer than 48. (See § 399.2, Interpretation 3.) (57)⁵
- 72952 Testing devices specially designed for testing electronic assemblies produced by depositing or printing on insulating panels, plates, or wafers or otherwise forming in situ component parts other than basic wiring. (58)⁶
- 72952 Testing devices specially designed for testing electronic assemblies produced by: (a) Automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semiautomatically assembling, wiring, and/or packaging mounted modular insulated panels, plates, or wafers. (58)^{5 6}
- 72952 Environmental chambers capable of pressures of 26 Torr or less, including those with a pressure capability only and those which also have a capability of simulating other environments, such as radiation and temperature. (62)⁶

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- 72952 Other industrial process indicating, recording, and/or controlling instruments containing one or more electronic components (incorporating one or more electron tubes or transistors), except large case potentiometric instruments (that is, those with one face dimension 6 inches or larger). (Specify by name.) (66)¹⁴
- 72952 Test benches, electrical, for automotive engines, brakes, pumps, and speedometers. (67)²
- 72952 Compasses and gyroscopic equipment as follows: (a) Gyrocompasses possessing one or more of the following characteristics: (i) Automatic correction for the effects on compass accuracy of changes in ship's speed, acceleration, or latitude, (ii) provision for accepting ship's data as an electrical input, (iii) provision for setting in corrections for current set and drift, (iv) utilization of accelerometer, rate gyro, rate integrating gyros, or electrolytic levels as sensing devices, (v) provision for determining and electrically transmitting ship's level reference data (roll, pitch) in addition to own ship's course data; (b) integrated flight instrument systems for aircraft which include gyrostabilizers and/or automatic pilots; (c) gyrostabilizers used for other purposes than aircraft control, excluding those for stabilizing an entire surface vessel; (d) automatic pilots used for other purposes than aircraft control excluding marine type for surface vessels; (e) gyros with a rated free directional drift rate (rated free precession) of less than 0.5 degrees per hour in a 1 g environment; and (f) gyrocompasses which incorporate gyros described in (e) above or which, when operated in a gyrocompass mode, have a compass error, before compensation, due to gyrodrift rate of less than one-thirtieth of a radian ($6/\pi$ degrees) at 0 degrees latitude. (Specify by name and model number.) (54)⁷¹
- 72952 Other electric or electronic instruments for indicating, measuring, testing, inspecting, or controlling nonelectrical quantities. (79)⁷
- 72960 Electromechanical hand tools; and parts. (1)³
- 72991 Permanent magnets having any of the characteristics set forth in § 399.2, Interpretation 6. (Give metal analysis.) (5, 6, and 8)^{5 20}
- 72991 Other permanent magnets, electromagnets, and electromagnetic appliances. (8 and 9)⁷²
- 72992 Electric vacuum furnaces as follows: (a) Consumable electrode vacuum arc furnaces with a capacity in excess of 5 tons, (b) skull type vacuum arc furnaces, (c) electron beam vacuum furnaces, (d) resistance vacuum furnaces designed to operate at temperatures higher than 1650° C. (3002° F.), except (i) furnaces for heat treatment, 12 inches x 12 inches x 12 inches (304 mm. x 304 mm.) (28,320 cubic centimeters), designed for temperatures not higher than 2300° C. (4172° F.), (ii) furnaces for heat treatment, up to 600 cubic centimeters, designed for temperatures not higher than 2700° C. (4860° F.),

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- and (iii) melting furnaces up to 3,200 cubic centimeters, designed for temperatures not higher than 2300° C. (4172° F.), (e) cold crucible vacuum induction furnaces designed to operate at pressure lower than 0.1 millimeter of mercury and at temperatures higher than 1100° C. (2012° F.), or (f) vacuum induction furnaces other than cold crucible, designed to operate at temperature higher than 1650° C. (3002° F.), except furnaces with work piece space of 13,000 cubic centimeters or less and designed to operate not higher than 1900° C. (3452° F.), and furnaces with a work piece space of 3,200 cubic centimeters or less with no single dimension (length, width, height or diameter) of that space in excess of 10 inches and designed to operate at temperatures not higher than 2300° C. (4172° F.). (Specify by name and characteristics.) (2)⁵
- 72992 Electric arc devices, n.e.c., for generating a flow of ionized gas in which the arc column is constricted, except (i) devices wherein the flow of gas is for isolation purposes only, and (ii) devices of less than 80 kilowatts for cutting, welding, plating, and/or spraying; equipment incorporating such devices; and specially designed parts, accessories, and controls, n.e.c. (9)⁹
- 72992 Electric arc devices of less than 80 kilowatts which utilize or generate a flow of ionized gas for cutting, welding, plating, and/or spraying; equipment incorporating such devices; and specially designed parts, accessories, and controls, n.e.c. (9)^{5 9}
- 72994 Flashing, intermittent, and rotating lights for aircraft; aircraft alarm, warning, and signaling instruments, n.e.c. (for example, fire detectors and indicators, engine failure indicators, wheel, flap, cowl flap, control position indicators, etc.); and parts. (1)⁹⁸
- 72995 Tantalum or niobium electrolytic capacitors as follows: (a) Types designed to operate permanently at temperatures over 185° F. (85° C.), (b) sintered types, except those having a casing made of epoxy resin or sealed with epoxy resin, or (c) foil types. (Specify by name and type number.) (2)⁶
- 72995 Sintered electrolytic tantalum capacitors having a casing made of epoxy resin or sealed with epoxy resin; and specially designed parts. (Specify by name and type number.) (2 and 3)^{5 9 14}
- 72995 Ignition capacitors (condensers) designed for aircraft, and parts. (6)⁹⁸
- 72996 Other lighting carbons, brush stock, and carbon brushes. (5)³
- 72998 Quartz crystals and assemblies thereof in any stage of fabrication (worked, semifinished, or mounted), as follows: (a) For use as filters: (i) Specially designed crystals, or (ii) assemblies of crystals, or (b) for use as oscillators: (i) Designed for operation over a temperature range wider than 70° C., (ii) designed for a frequency stability of plus or minus 0.003 percent or better over the rated tem-

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

- perature range, (iii) mounted in glass holders, (iv) mounted in thermocompression welded metal holders, or (v) capable, when mounted, of being passed through a circular hole with a diameter of 0.42 inches (10.7 mm.). (Specify by name and type number.) (3)⁹
- 72998 Other quartz crystals, mounted. (Specify by name and type number.) [Report unmounted in Export Control Commodity No. 66700.] (3)^{5 9 14}
- 72998 Electronic components, n.e.c., as follows: (a) Consisting of or containing assemblies and subassemblies constituting one or more functional circuits with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter), or (b) modular insulator panels (including wafers) mounting single or multiple electronic elements, except panels constructed of paper base phenolics, glass cloth melamine, glass cloth epoxy resins, or other materials with an operating temperature range not exceeding that of the aforementioned materials and which are not types defined in (a) above or which incorporate any semiconductors, diodes, transistors, etc., which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity No. 72980. (4)^{9 97}
- 72998 Other modular insulator panels (including wafers) mounting single or multiple electronic elements. (4)⁹
- 72998 Electronic components and parts as follows: Thin film memory storage or switching devices; electrical filters in which the coupling elements make use of the electromechanical properties of ferrites; devices employing gyromagnetic resonance effects, including microwave ferrites and garnet devices; and other electronic components and parts containing crystals having spinel, hexagonal, or garnet crystal structures, as follows: (a) Monocrystals of ferrites and garnets, synthetic, (b) single-aperture forms having (i) switching speed of 0.5 microsecond or less at the minimum field strength required for switching at 104° F. (40° C.), or (ii) a maximum dimension less than 45 mils (1.14 mm.), or (c) multiaperture forms having (i) switching speed of 1 microsecond or less at the minimum field strength required for switching at 104° F. (40° C.), (ii) a maximum dimension less than 100 mils (2.54 mm.), or (iii) having 10 or more apertures. (Specify by name and characteristics.) (5)⁶
- 72999 Synchros and resolvers having any of the following characteristics: (a) rated electrical error of 10 minutes or less, or of 0.25 percent or less of maximum output voltage, (b) a rated dynamic accuracy for receiver types of 1° or less, except that for units of size 30 (3 inches in diameter) or larger a rated dynamic accuracy of less than 1°, (c) multi-speed from single shaft types, (d) of size 11 (1.1 inches in diameter) and smaller, (e) employing solid state Hall effect, (f) designed for gimbal mounting, or (g) designed to operate below minus 67° F.

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

(minus 55° C.) or above plus 257° F. (plus 125° C.) (specify by name and model number); and specially designed parts and accessories, n.e.c. (5)⁵

TRANSPORT EQUIPMENT

73105 Railway cars equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (1 and 2)^{5 10}

73105 Railway cars equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. (1 and 2)^{5 10}

73163 Containers suitable for transport by rail, road, and ship, all metals, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (1 and 2)^{5 10}

73163 Other containers suitable for transport by rail, road, and ship all metals, jacketed only, 500 gallons capacity or over, for the transportation of liquefied gases. (1 and 2)^{5 10}

73202 Military and nonmilitary motor vehicles equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.) as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (1 and 2)^{5 10}

73202 Military and nonmilitary motor vehicles equipped with other jacketed containers of 500 gallons capacity

Export Control Commodity Number and Commodity Description—Continued

TRANSPORT EQUIPMENT—Continued

or over, for the transportation of liquefied gases. (1 and 2)^{5 10}

73202 Other military trucks, truck chassis, and truck tractors (assembled or unassembled). (4)⁶⁰

73202 Nonmilitary trucks, truck chassis, and truck tractors (assembled or unassembled), having front and rear axle drive. (5)⁶⁰

73203 Military and nonmilitary vehicles equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) designed only for liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (10 and 12)^{5 10}

73203 Military and nonmilitary vehicles equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. (10 and 12)^{5 10}

73203 Truck-mounted concrete mixers (built-in mixers); mobile bituminous combination batching-mixing outfits; mobile gravel and tar spreaders; mobile derricks; snow plows, road motor, self-propelled with built-in equipment; Tower-mobile®, and rubber-tired mine shuttle cars. (19)⁷

73205 Truck bodies equipped with or consisting of jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar-type insulation under vacuum, (b) with other insulating systems having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (1 and 2)^{5 10}

73205 Truck bodies equipped with or consisting of other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. (1 and 2)^{5 10}

73205 Other military truck bodies. (3)⁶⁰

73280 Other parts and accessories for wheel tractors, except contractors' off-highway tractors. (2 and 3)⁷³

73280 Tanks designed as parts for nonmilitary or military vehicles as follows: (a) Jacketed containers of 250 to 500 gallons capacity, designed for the handling of liquid fluorine, or (b) jacketed containers of 500 gallons capacity or over designed for liquid nitrogen, oxygen, hydrogen, ozone, helium, argon, or fluorine, (excluding two-shell or three-shell containers rated for an

Export Control Commodity Number and Commodity Description—Continued

TRANSPORT EQUIPMENT—Continued

average evaporation loss of over 5 percent per 24-hour period. (11)⁷⁴

73280 Other liquefied gas jacketed containers of 500 gallons capacity or over, designed as parts for nonmilitary vehicles. (12)⁷⁴

73280 Other parts and accessories designed for, or intended for use on, military vehicles. (15)⁶⁰

73280 Other parts and accessories specially designed for front and rear axle drive nonmilitary vehicles. (16)⁶⁰

73280 Heaters for nonmilitary vehicles; and parts. (17)²

73291 Other motorcycles, motor bikes, and motor scooters. (2)²

73292 Parts and accessories for other motorcycles, motor bikes, and motor scooters. (2)²

73300 Logging wagons; and parts. [Report off-highway trucks and trailers in Export Control Commodity No. 73203.] (1)³

73300 Military and nonmilitary trailers or other vehicles, n.e.c., equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (3 and 4)^{5 10}

73300 Military and nonmilitary trailers or other vehicles, n.e.c., equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. (3 and 4)^{5 10}

73410 Nonmilitary helicopters as follows: (a) Over 10,000 pounds empty weight, or (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered. (Specify make and model.) (1 and 2)^{5 60}

73410 Nonmilitary aircraft, heavier-than-air, of types which have been in normal civil use for 1 year or less, except piston engine powered. (Specify make and model.) (1 and 2)^{5 60}

73410 Other nonmilitary helicopters and aircraft. (Specify make and model.) (1 and 2)^{5 60}

73492 Parts and accessories specially designed for helicopters, aircraft, airships, and balloons and wholly made of fluorocarbon polymers or copolymers (including parts for propellers, landing gear, and power transmissions). (1, 4, and 7)⁶

73492 Power transmission systems for nonmilitary helicopters over 10,000 pounds empty weight; and specially designed parts. (Specify make and model of helicopter.) (9)^{5 11}

73492 Other power transmission systems for other nonmilitary helicopters; and parts. (Specify make and model of helicopter.) (9)⁹

Export Control Commodity Number and Commodity Description—Continued

TRANSPORT EQUIPMENT—Continued

- 73492 Rotors and rotor blades, for non-military helicopters: (a) Over 10,000 pounds empty weight, and (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered; and parts. (Specify make and model of helicopter.) (3 and 5)^{5,11}
- 73492 Other rotors, rotor blades, and propellers for helicopters, aircraft, airships, and balloons; and parts. (Specify make and model.) (3)⁹
- 73492 Landing gear assemblies specially designed for: (a) Aircraft which have been in normal civil use for 1 year or less, except piston engine powered, and (b) nonmilitary helicopters (i) over 10,000 pounds empty weight, and (ii) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered; and parts. (Specify make and model.) (6 and 8)^{5,9}
- 73492 Other landing gear assemblies for helicopters, aircraft, airships and balloons; and parts. (Specify make and model.) (6 and 8)⁹
- 73492 Parts and accessories specially designed for nonmilitary helicopters (a) over 10,000 pounds empty weight, and (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered. (Specify make and model of helicopter.) (9)^{5,11}
- 73492 Parts and accessories specially designed for aircraft, heavier-than-air which have been in normal civil use for 1 year or less, the following only: (e) Fuselages or hulls, (b) wings, wing panels, and sections, or (c) rudders, elevators, and stabilizers. (Specify make and model.) (2 and 9)⁵
- 73492 Other parts and accessories, n.e.c., for helicopters, aircraft, airships, and balloons. (Specify make and model.) (2 and 9)⁹
- 73593 Buoys, all metals; pontoons for pipelines, iron or steel; and fiberglass swimming pools, floating. (2 and 3)³

SANITARY, PLUMBING, HEATING, AND LIGHTING FIXTURES AND FITTINGS

- 81210 Central heating apparatus, n.e.c., and parts, n.e.c. (1 and 2)⁷⁵
- 81230 Lavatories, sinks, and other sanitary and plumbing fixtures specially designed for aircraft; and parts. (1)⁶⁰
- 81241 Vapor-proof electric light fixtures. (1)³
- 81241 Other illuminating or signaling glassware, and parts, n.e.c. (3)⁶
- 81242 Landing lights and other lighting fixtures specially designed for aircraft. (1)⁶⁰
- 81242 Explosion-proof lighting fixtures; and vapor-proof lighting fixtures. (3)³

FURNITURE

- 82103 Mattresses, mattress supports, and similar stuffed furnishings, n.e.c., cotton. (2)²
- 82103 Other mattresses, mattress supports, and similar stuffed furnishings, n.e.c.; and bedsprings, including cushion springs and spring construction units. (1 and 3)⁶
- 82108 Plastic furniture; and laboratory furniture, metal; and parts, n.e.c. (1 and 3)⁷⁹

Export Control Commodity Number and Commodity Description—Continued

TRAVEL GOODS, HANDBAGS, AND OTHER PERSONAL GOODS

- 83100 Travel goods, handbags, and other personal goods of cotton. (1)²
- CLOTHING AND ACCESSORIES
- 84111 Men's and boys' outer garments (excludes shirts), not knit or crocheted: (a) Wholly or in chief weight of cotton or wool, or (b) safety apparel and raincoats, all materials. (1 and 2)⁷⁷
- 84112 Women's, misses', girls', children's, and infants' outer garments, including blouses, waists, and blouse shirts, not knit or crocheted: (a) wholly or in chief weight of cotton or wool, or (b) safety apparel and raincoats, all materials. (1 and 2)⁷⁷
- 84113 Men's and boys' undergarments, including outer shirts, not knit or crocheted, wholly or in chief weight of cotton or wool. (1)²
- 84114 Women's, girls' and infants' undergarments (excludes blouse shirts), not knit or crocheted, wholly or in chief weight of cotton or wool. (1)²
- 84121 Handkerchiefs, wholly or in chief weight of cotton. (1)²
- 84125 Corsets, brassieres, and girdles of cotton or other textile fibers, n.e.c., except rubberized. (1)²
- 84126 Gloves and mittens, not knit or crocheted, wholly or in chief weight of cotton or wool. (1)²
- 84127 Cuffs and collars, wholly or in chief weight of cotton or wool; and neckties, cravats, mufflers, and scarves, not knit or crocheted, all materials. (1)²
- 84129 Clothing accessories, not knit or crocheted, wholly or in chief weight of cotton or wool, n.e.c. (1)²
- 84130 Safety apparel and clothing accessories of leather. (1)²
- 84141 Gloves, knit or crocheted, wholly or in chief weight of cotton or wool. (1)²
- 84142 Hosiery, not elastic or rubberized, wholly or in chief weight of cotton or wool. (1)²
- 84143 Undergarments, including shirts, knit or crocheted, wholly or in chief weight of cotton or wool. (1)²
- 84145 Knitted or crocheted elastic fabric and articles thereof, except ankle supports, kneepads, and wristlets. (1)²
- 84146 Men's and boys' outer garments (excludes shirts), knit or crocheted, not elastic or rubberized: (a) Waterproof, all fibers, (b) neckties, cravats, mufflers, and scarves, all fibers, and (c) other outer garments, wholly or in chief weight of cotton or wool. (1 and 2)²
- 84147 Women's and misses' outer garments, knit or crocheted, not elastic or rubberized: (a) Waterproof, all fibers, (b) mufflers and scarves, all fibers, and (c) other outer garments, wholly or in chief weight of cotton or wool. (1 and 2)²
- 84148 Girls', children's, and infants' outer garments, knit or crocheted, not elastic or rubberized: (a) Waterproof, all fibers, (b) mufflers and scarves, all fibers, and (c) other outer garments, wholly or in chief weight of cotton or wool. (1 and 2)²
- 84149 Other nonapparel articles, knit or crocheted, not elastic or rubberized. (2)²

Export Control Commodity Number and Commodity Description—Continued

CLOTHING AND ACCESSORIES—Continued

- 84154 Hat and cap materials, except hat bodies, wholly or in chief weight cotton, jute, wool or textile manufactures, n.e.c. [Report hat bodies in Export Control Commodity No. 65570.] (1)²
- 84155 Other millinery, hats, caps, and other headgear, n.e.c., including helmets. (1 and 3)⁷⁸
- 84160 Other apparel and clothing accessories, including surgeons gloves, rubber or rubberized. (2)²
- 84202 Artificial fur and articles thereof, wholly or in chief weight cotton or wool. (1)²
- FOOTWEAR
- 85100 Nonmilitary spats, leggings, and gaiters, wholly or in chief weight cotton or wool. (1)²
- PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES, AND CLOCKS
- 86111 Quartz crystals, radio grade only. (3)^{5,14}
- 86120 Protective spectacles and goggles (safety equipment). (1)²
- 86134 Other microscopes, excluding electron and proton; microprojectors; and photomicrographic equipment; and parts and accessories. (2)³
- 86135 Telescopes, including astronomical telescopes. (2)³
- 86140 Cameras specially designed for: (a) Use in the manufacture of masks for semiconductor devices, integrated circuits, and similar electronic equipment and components, or (b) the creation of a photosensitive pattern on the surface of a semiconductor or insulating substrate; and specially designed parts and accessories. (8 and 14)^{5,11}
- 86140 Streak cameras having writing speeds of less than 8 mm/microsecond, capable of recording events which are not initiated by the camera mechanism; and specially designed parts and accessories, n.e.c. (2 and 11)⁹
- 86140 Other high-speed cameras capable of recording at rates in excess of 2,000 frames per second; and X-ray powder cameras; and specially designed parts and accessories, n.e.c. (4 and 12)⁹
- 86140 Photographic microflash equipment capable of giving a flash of 1/200,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.) (10)^{5,9}
- 86140 Photographic microflash equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.) (10)^{5,9}
- 86140 Other photographic cameras (except motion picture), camera parts and accessories, and photographic flash-light apparatus and parts, n.e.c. (6, 8, and 14)⁷
- 86150 Other motion picture cameras; motion picture projectors; and motion picture sound recording and reproducing equipment; and parts. (5)⁷
- 86161 Other photographic projectors, enlargers, and reducers (other than motion picture), and parts. (2)⁷

Export Control Commodity Number and Commodity Description—Continued

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES, AND CLOCKS—Continued

- 86169 Other still picture, motion picture, photographic, and photocopying equipment, n.e.c., and parts. (1 and 3)¹⁰
- 86171 Dental hand instruments and tools for use with hand pieces, n.e.c., and parts. (3)³
- 86172 Aircraft oxygen systems, apparatus, equipment and components, n.e.c., and specially designed parts, n.e.c. (1)⁶⁸
- 86173 Whirlpool baths. (2)³
- 86182 Mechanical tachometers for aircraft engines. (1)⁶⁸
- 86182 Other revolution counters, production counters, and similar counting devices, n.e.c. (4)³
- 86191 Compasses and gyroscopic equipment as follows: (a) Gyrocompasses possessing one or more of the following characteristics: (i) Automatic correction for the effects on compass accuracy of changes in ship's speed, acceleration, or latitude, (ii) provision for accepting ship's data as an electrical input, (iii) provision for setting in corrections for current set and drift, (iv) utilization of accelerometer, rate gyro, rate integrating gyros, or electrolytic levels as sensing devices, (v) provision for determining and electrically transmitting ship's level reference data (roll, pitch) in addition to own ship's course data; (b) integrated flight instrument systems for aircraft which include gyrostabilizers and/or automatic pilots; (c) gyrostabilizers used for other purposes than aircraft control except those for stabilizing an entire surface vessel; (d) automatic pilots used for other purposes than aircraft control, except marine type for surface vessels; (e) gyros with a rated free directional drift rate (rated free precession) of less than 0.5 degrees per hour in a 1 g environment; and (f) gyrocompasses which incorporate gyros described in (e) above or which, when operated in a gyrocompass mode, have a compass error, before compensation, due to gyrodrift rate of less than one-thirtieth of a radian ($6/\pi$ degrees) at 0 degrees latitude; and specially designed parts and accessories, n.e.c. (Specify by name and model number.) (3)⁶
- 86191 Other aircraft flight instruments; and specially designed parts and accessories, n.e.c. (7)⁶⁸
- 86191 Range finders for other still cameras, except hand-type fixed focus; and motion picture cameras, except 16 mm. and 8 mm. (18)⁷
- 86193 Other drawing, drafting, marking-out and calculating instruments; clinometers; plumb bobs; tape measures, and rulers, except metal; and surveyors' trammels; and parts, n.e.c. (4 and 6)⁶
- 86193 Optical measuring and checking instruments; and parts. (5)³
- 86193 Other measuring and checking instruments, appliances and machines; and parts. (7)³
- 86194 Technical models for demonstration. [Report aircraft training devices and flight simulators in Export Control Commodity No. 89999.] (1)⁷
- 86195 Testing devices specially designed for testing electronic assemblies produced by depositing or printing on

Export Control Commodity Number and Commodity Description—Continued

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES, AND CLOCKS—Continued

- insulating panels, plates, or wafers or otherwise forming in situ component parts other than basic wiring. (6)⁹
- 86195 Testing devices specially designed for testing electronic assemblies produced by: (a) automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semiautomatically assembling, wiring, and/or packaging mounted modular insulated panels, plates, or wafers. (6)^{5 9}
- 86196 Laboratory type hydrometers and similar instruments; and thermometers, pyrometers, barometers, hydrometers, psychrometers, and any combination of these. (1)³
- 86196 Aircraft instruments, n.e.c. (for example, aircraft thermometers, hydrometers, hygrometers, and psychrometers). (2)⁶⁸
- 86197 Environmental chambers capable of pressures of 26 Torr or less, including those with a pressure capability only and those which also have a capability of simulating other environments, such as radiation and temperature. (1)⁶
- 86197 Aircraft engine instrument for measuring, checking, or automatically controlling the flow, pressure, or other variables of liquids or gases, or for automatically controlling temperature. (4)⁶⁸
- 86198 Laboratory equipment specially designed for the extraction, production, or treatment of lubricants, aviation fuels or components thereof, mineral oil, natural and refinery gases, and petrochemicals; and specially designed parts, n.e.c. (Specify by name.) (4)⁶⁸
- 86198 Spectrum measuring instruments, optical; and densitometers; and specially designed parts, n.e.c. (8 and 9)⁶
- 86198 Photographic exposure (light) meters, and parts. (17)⁷
- 86199 Parts and accessories wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (1)⁹
- 86199 Parts and accessories wholly made of polyvinyl fluoride. (1)^{5 9}
- 86199 Amplifiers, electronic or magnetic, designed for use with resolvers as follows: (a) Isolation types having a variation of gain constant (linearity of gain) of 0.2 percent or better, (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of 0.2 percent or better, (c) employing solid state Hall effect, or (d) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (plus 125° C.). (Specify by name and model number.) (7)⁹
- 86199 Amplifiers, electronic or magnetic, designed for use with resolvers as follows: (a) Isolation types having a variation of gain constant (linearity of gain) better than 0.5 percent and not less than 0.2 percent, or (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of better than 0.5 per-

Export Control Commodity Number and Commodity Description—Continued

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES, AND CLOCKS—Continued

- cent and not less than 0.2 percent. (Specify by name and model number.) (7)^{6 9}
- 86199 Parts and accessories specially designed for numerical control systems designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in two or more axes. (See § 399.2, Interpretation 7.) (14 and 15)⁵
- 86199 Parts and accessories specially designed for electronic closed loop control systems designed solely for positioning operations. (13)⁸
- 86243 Paper, paperboard, and cloth, sensitized, not developed. (1)^{2 31}
- 86246 X-ray film and plates, graphic arts film and plates, and still picture film and plates, sensitized, unexposed. (3)⁷
- 86248 Exposed sensitized plates, and exposed and developed plates, except lantern slides. (1)^{3 31}
- 86401 Other clocks, electric and nonelectric; and time recording and time stamp machines. (2 and 3)³²
- 86402 Other clock parts. (2)²
- MISCELLANEOUS MANUFACTURED ARTICLES, N.E.C.
- 89111 Television (video tape) recording and/or reproducing equipment. (Specify by name and model number.) (2)^{6 83}
- 89111 Recording and/or reproducing equipment using electrothermal and/or electrostatic techniques employing electron beams, operating in a vacuum and/or employing other means to provide a charge pattern directly on the recording surface (for example, thermoplastic recorders), and specialized equipment for the readout of material so recorded. (Specify by name and model number.) (2)^{6 88}
- 89111 Other magnetic recording and/or reproducing equipment, n.e.c. [Report specially designed seismograph recorders/reproducers under Export Control Commodity No. 72952.] (Specify by name and model number.) (2)^{6 83}
- 89111 Magnetic recording and/or reproducing equipment for voice and music only. (4)²
- 89112 Parts and accessories for magnetic recording and/or reproducing equipment for voice and music only. (5)²
- 89112 Parts and accessories specially designed for television (video tape) recording and/or reproducing equipment. (Specify by name.) (2 and 6)^{6 9}
- 89112 Parts and accessories specially designed for other magnetic recording and/or reproducing equipment. (Specify by name.) (2 and 6)^{6 9}
- 89120 Video tape and other magnetic recording media for television recording equipment. (Specify by name and type number.) (3)^{6 83}
- 89120 Recording media specially designed for recording equipment using electrothermal or electrostatic techniques included under Export Control Commodity No. 89111 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.) (3)^{6 83}
- 89120 Magnetic tape and other magnetic recording media for other magnetic recording and/or reproducing

Export Control Commodity Number and Commodity Description—Continued

MISCELLANEOUS MANUFACTURED ARTICLES, N.E.C.—Continued

- equipment. (Specify by name and type number.) (3)^{8, 83}
- 89300 Pressure sensitive synthetic tape (including metallized) suitable for dielectric use (condenser tissue), 0.0015 inch (0.038 mm. or less in thickness), except (a) tensilized polyester film with thickness greater than 0.001 inch (0.0254 mm.), and (b) untensilized and unmetallized polyester film with thickness of 0.00035 inch (0.009 mm.) up to and including 0.001 inch (0.0254 mm.). (3)¹⁰
- 89300 Pressure sensitive polyester tape suitable for dielectric use (condenser tissue), as follows: (a) Tensilized film with thickness greater than 0.001 inch (0.0254 mm.) up to and including 0.0015 inch (0.038 mm.), and (b) untensilized and unmetallized film with thickness greater than 0.00035 inch (0.009 mm.) up to and including 0.0015 inch (0.038 mm.). (4)^{5, 10}
- 89300 Manufactures, n.e.c., of polyimides, polybenzimidazoles, polyimidoazopyrrolones, aromatic polyamides, and polyparaxylenes where the value of the contained polymeric substances in 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (6 and 15)⁵
- 89300 Manufactures, n.e.c., of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the manufactured commodity. (Specify value of polymeric substances and total value of commodity.) (6)⁵
- 89300 Manufactured products, n.e.c., wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (7)^{5, 59}
- 89300 Manufactured products, n.e.c., wholly made of polyvinyl fluoride. (7)^{5, 9}
- 89300 Other finished articles, n.e.c., of artificial plastic materials, except articles wholly or partially made of polyimides, polybenzimidazole, polyimidoazopyrrolone, aromatic polyamide, polyparaxylylene, polytetrafluoroethylene, or polychlorotrifluoroethylene; or items wholly made of other fluorocarbon polymers or copolymers. (13 and 15)⁶⁴
- 89425 Artificial Christmas trees, metal; and tinsel of metal. (1)³
- 89442 Base metal wire wickets; and safety apparel and equipment for recreational purposes. (1)³
- 89512 Stapling wire (all metals) on spools; and nonferrous metal staples for hand-stapling devices. (1)³
- 89711 Jewelry and related items of carat gold, platinum, and platinum group metals, except rosaries. (1)³
- 89714 Other articles of other than precious metals, incorporating pearls or precious or semiprecious stones. (2)³
- 89715 Hollow ware, solid or plated, of precious metals; and silver leaf. (3)²
- 89715 Other goldsmiths' and silversmiths' wares, and other articles of precious metals, except jewelry. (2 and 5)⁷
- 89927 Hand sieves and hand riddles, laboratory types. (1)³
- 89927 Other wire cloth sieves. (3 and 4)⁸⁵
- 89928 Hat braids of natural or manmade fibers. (1)²

Export Control Commodity Number and Commodity Description—Continued

MISCELLANEOUS MANUFACTURED ARTICLES, N.E.C.—Continued

- 89934 Cigarette and cigar lighters of precious metals. (1)³
- 89952 Leatherette buttons. (1)²
- 89955 Corset stays, and similar supports for apparel. (1)³
- 89994 Wool-like specialty hair prepared for making wigs and similar articles. (1)²
- 89995 Wigs, false beards, and other articles, n.e.c., of wool-like specialty hair. (1)²
- 89997 Vacuum bottles, jugs, and chests, complete (assembled or unassembled), usable only for hot or cold food or drinks. (2)²
- 89997 Other vacuum bottles, jugs and chests; and parts, n.e.c. (3)⁷
- ARMS, MILITARY VEHICLES, ETC.
- 95110 Survival kits, and other military equipment not identified by kind. (1)⁹⁶

COINS, NOT GOLD, NOT LEGAL TENDER

- 96100 Coin, other than gold coin, not being legal tender. [Report numismatic and collectors coins in Export Control Commodity No. 89600; coins mounted in objects of personal adornment in Nos. 89711-89720; coins for legal tender in Nos. 68070 and 68080.] (1)²

B. Saving clause. Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., October 19, 1966, may be exported under the previous general license provisions up to and including November 14, 1966. Any such shipment not laden aboard the exporting carrier on or before November 14, 1966, requires a validated license for export.

[F.R. Doc. 66-11492; Filed, Oct. 24, 1966; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-301; Order 328]

PART 154—RATE SCHEDULES AND TARIFFS

General Terms and Conditions

OCTOBER 19, 1966.

Statement of lateral line policy in rate schedules filed by Natural Gas Pipeline Companies.

On April 12, 1966, the Commission issued in the above-entitled docket a notice of proposed rule making (31 F.R. 5972, April 19, 1966) in which it proposed to amend its regulations under the Natural Gas Act to require each natural gas pipeline company to include in its tariff a statement of its practices and policies in regard to the construction of sales lateral lines to present or prospective

customers, both resale and direct. "Such a statement," the notice said, "would specify whether such laterals are to be constructed by the selling pipeline company and, if so, the specific rules or formulas under which the cost of construction will be borne or shared by the customer."

Comments were invited from interested persons, to be submitted by May 12, 1966. Responses were submitted by or on behalf of 32 companies.¹

A substantial number of respondents supported the amendment except to the extent that it would apply to sales laterals to direct customers. They argued that the tariffs filed with the Commission by pipeline companies relate only to sales for resale, and that it would therefore be improper, under the terms of the Natural Gas Act, for the Commission to require the inclusion in such tariffs of statements regarding sales to direct customers. We proposed the amendment in the hope of eliminating, to the extent practicable, any opportunity for unjust discrimination and undue preference among customers where a pipeline company does not follow a consistent policy. We believe, insofar as data relating to a pipeline company's sales lateral arrangements with direct customers may be material in ascertaining the propriety of that company's sales lateral arrangements with resale customers, that it would not be inappropriate to require inclusion in the tariff of a pipeline company's lateral line provision, if any, pertaining to direct customers. On the other hand, because such information is normally available in pipeline certification proceedings, during which sales lateral provisions for both direct and resale customers may be compared, the direct customer provision of the proposed amendment is probably unnecessary. Accordingly, and without expressing any opinion as to its validity, we are striking from the proposed amendment the reference to sales lateral lines to direct customers.

Several respondents argued that the amendment is generally undesirable. One source of objection was the fear that the amendment would render each pipeline company's lateral line arrangements

¹ Algonquin Gas Transmission Co.; Central Hudson Gas & Electric Corp.; Cities Service Gas Co.; Consolidated Gas Supply Corp.; Columbia Gas System Service Corp. (on behalf of Atlantic Seaboard Corp., Home Gas Co., Kentucky Gas Transmission Corp., Manufacturers Light & Heat, the Ohio Fuel Gas Co., and United Fuel Gas Co.); East Tennessee Natural Gas Co.; Florida Gas Transmission Co.; Iowa Public Service Co.; Kansas-Nebraska Natural Gas Co., Inc.; Lake Shore Pipe Line Co.; Lone Star Gas Co.; Midwestern Gas Transmission Co.; Minneapolis Gas Co.; Mississippi River Transmission Corp.; Mountain Fuel Supply Co.; Natural Gas Pipeline Co. of America; Northern Illinois Gas Co.; Northern Natural Gas Co.; Panhandle Eastern Pipe Line Co.; Public Service Electric & Gas Co.; Southern Natural Gas Co.; Tennessee Gas Pipeline Co.; Texas Eastern Transmission Corp.; Texas Gas Transmission Corp.; Transcontinental Gas Pipe Line Corp.; Union Gas System, Inc.; and United Gas Pipe Line Co.

so hopelessly rigid that inherent competitive advantages would be impaired. The Commission neither seeks nor contemplates such a result. The proposed amendment would, by design, require a greater consistency in sales lateral policy than many pipeline companies have heretofore demonstrated. We believe, however, that a clear and accessible declaration of the criteria by which a pipeline company determines to what extent, if at all, it will contribute to lateral line construction is an effective means of assuring the company's customers of equitable treatment. At the same time, we do not expect the proposed requirement to produce the sort of paralysis anticipated by many respondents. A uniform lateral line policy would not require a pipeline company to enter into identical construction agreements with all of its customers. It would require only that each customer receive equitable treatment in the context of its own particular circumstances as compared with those of other customers of the same pipeline company. We are bulwarked in this view by the long-standing success of some of the pipeline companies in adopting and publicizing lateral line construction formulas. See, e.g., Michigan-Wisconsin Pipe Line Co., sub nom Midwestern Gas Transmission Co. et al., 22 FPC 775 (1959), Kansas-Nebraska Natural Gas Co., Inc., 29 FPC 1058 (1963), Northern Natural Gas Co., 22 FPC 164 (1959).

Similarly, although the declaration by a pipeline company of a particular lateral line policy will be an element in certification proceedings brought by prospective customers under section 7(a) of the Natural Gas Act, as well as in those brought by pipeline companies themselves under section 7(c), the pipeline company will not be deprived, in 7(a) proceedings, of opportunities heretofore available to show that the certification in question is not in the public interest. The rule does not require a statement of the considerations which might lead a pipeline company voluntarily to provide new or increased service to a customer. Instead, they would be required solely to set forth the basis for the financial obligations they would assume in the event they were authorized or directed to provide such service after proceedings brought under sections 7(c) or 7(a) of the Act respectively. It is not the purpose of the proposed regulation to impose undue burdens upon jurisdictional pipeline companies; it seeks only to reduce the possibility of preferential treatment for certain customers.

We see no merit in the argument that the Natural Gas Act does not empower the Commission to promulgate the regulation in question here, even as it pertains to resale customers. Section 4(b) of the Act proscribes discrimination between customers with respect to "rates, charges, service, facilities, or in any other respect," and section 4(c) authorizes the Commission to require public disclosure of "the classifications, practices, and regulations affecting * * * rates and charges * * *." We think this is ample

authority for the regulation we propose to adopt in this proceeding.

Finally, the complaint that "sales lateral" is not readily amenable to a precise definition only suggests more strongly the need for the proposed amendment. Whether all pipeline companies adhere to the same definition of sales lateral is not here in issue. We seek only to assure that each company employs the same policy for all of its customers. The definitions adopted, respectively, by the different pipeline companies subject to our regulation may therefore be expected to form an important element in their lateral line policy statements.

Of the respondents who favored the proposed amendment, some urged us to broaden the scope of the instant proceeding to encompass an investigation into the propriety of particular lateral line policies. We do not believe, however, that an inquiry into the merits of the tariff provisions to be filed would be appropriate in this proceeding.

The Commission further finds: In view of the foregoing, and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions, and other views expressed in the comments received, it is necessary and appropriate for the administration of the Natural Gas Act, that the regulations under the Natural Gas Act be amended as herein provided.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16, thereof (52 Stat. 822, 823, 824, and 830, as amended, 15 U.S.C. §§ 717c, 717d, 717f, and 717g), orders:

(A) Section 154.39, Part 154, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, is amended by designating the existing text as paragraph "(a)" and adding a new paragraph. As so amended, the section will read as follows:

§ 154.39 General terms and conditions.

(a) This section shall contain provisions which apply to all or any of the rate schedules and which may more conveniently be arranged in a separate section of the tariff. Subsections and paragraphs shall be numbered for convenient reference.

(b) The general terms and conditions of the tariff shall contain a clear statement of the company's policy with respect to the financing and building of sales lateral pipelines to its resale customers, together with a list of the rate schedules to which the policy is applicable. If it is the company's policy to build or contribute to the financing of such sales laterals, the tariff shall clearly set forth the criteria or formula under which it determines the extent to which it will contribute to the construction. If it is the company's policy not to build or contribute to any sales lateral pipelines, that policy should be clearly set forth.

(Secs. 4, 5, 7, 16, 52 Stat. 822, 823, 824, 830, as amended, 15 U.S.C. 717c, 717d, 717f, 717g)

(B) This amendment herein prescribed shall become effective upon the issuance of this order.

(C) Each natural gas pipeline company having a tariff on file with the Federal Power Commission on the effective date of this order shall file, no later than December 5, 1966 such supplements to the tariff as may be necessary to comply with the provisions of the regulation herein prescribed.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11582; Filed, Oct. 24, 1966; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-229]

PART 1—GENERAL PROVISIONS

Ports of Entry; San Diego, Calif.

OCTOBER 17, 1966.

Resolutions from the cities of Chula Vista and National City, Calif., and the Board of Port Commissioners of the San Diego Unified Port District, pointing out the need for expanding the San Diego port limits to include those tidelands in the corporate limits of the cities of Chula Vista and National City, Calif., have been received. In order to provide for the increasing need for customs services in this area, it has been decided to extend the port limits of San Diego to include the cities of Chula Vista and National City, Calif.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of San Diego, Calif., in the San Diego, Calif., district (Region VII) comprising the territory within the corporate limits of the city of San Diego are extended to include the territory within the corporate limits of the cities of Chula Vista and National City, Calif.

Section 1.2(c) of the Customs Regulations is amended by changing the period following "San Diego (T.D. 54741)" in the column headed "Ports of entry" in the San Diego, Calif., district to a semicolon and adding "(including the territory described in T.D. 66-229)."

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11592; Filed, Oct. 24, 1966;
8:47 a.m.]

[T.D. 66-232]

PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

Ascertainment of Weight of Cast, Rolled, Ordinary, Colored, or Special Glass

The purpose of this regulation is to provide a more accurate basis and uniform procedure for ascertaining the weight of cast, rolled, ordinary, colored, or special glass which is dutiable on a weight basis under Schedule 5, Part 3B, Tariff Schedules of the United States. The method prescribed retains in use the procedure prescribed in Treasury Decision 49891 for glass imported in cases weighing not more than 500 pounds per case. For glass imported in cases weighing over 500 pounds per case, a new method is prescribed under which the total weight of the shipment is determined by obtaining the actual weight in pounds per square foot of a representative sample and applying this to the total shipment. If this procedure is not practical, an alternative procedure is prescribed.

The proposed regulation in tentative form was published in the FEDERAL REGISTER on February 5, 1966 (31 F.R. 2430) at which time data, views, and arguments in writing were solicited. Upon consideration of the responses received, it has been determined that the regulation should be adopted substantially in the form proposed. Minor changes in language and arrangement have however been made.

Accordingly, Part 13 is amended by adding a new centerhead and a new § 13.20 reading as follows:

CAST, ROLLED, ORDINARY, COLORED, OR SPECIAL GLASS

§ 13.20 Ascertainment of weight; cast, rolled, ordinary, colored, or special glass.

(a) The net weight stated on the invoice or packing list covering a shipment of cast, rolled, ordinary, colored, or special glass which is dutiable on a weight basis under Schedule 5, Part 3B, Tariff Schedules of the United States may ordinarily be accepted in the discretion of the customs officer concerned when he has no reason to question the accuracy of the stated weight and shall be accepted when the net weight ascertained

in accordance with the testing procedure prescribed in paragraph (b) of this section hereof does not vary by more than 5 percent from the stated weight. The net weight ascertained in accordance with paragraph (b) of this section shall be used as a basis to compute duties if it varies by more than 5 percent from the invoice net weight. Whenever the customs officer is not satisfied as to the accuracy of the stated weight and in any event from time to time on a spot-check basis, the net weight shall be ascertained in accordance with the testing procedure.

(b) In testing the net weight of a shipment under the circumstances set out in paragraph (a) of this section, the net weight of glass in one case of each size and thickness shall be determined as follows:

(1) In cases weighing not over 500 pound each: Weigh the entire amount of glass in the case or obtain the gross weight of the case, remove and weigh all coverings, and subtract the weight of the coverings from the gross weight.

(2) In cases weighing over 500 pounds each: Remove and weigh 20 or more sheets aggregating not less than 100 square feet; divide the weight so found by the total area of the sheets weighed to obtain the weight in pounds per square foot; and multiply this by the total area of the sheets contained in the case. If this is not practicable, caliper the edges of at least 5 sheets chosen from the case at random, using a micrometer caliper, if available; multiply the average thickness in inches by 13 to obtain the weight in pounds per square foot; and multiply this by the total area of the sheets contained in the case. (The caliper method, when used for glass weighing 28 ounces or less per square foot, is subject to significant inaccuracies and its use with such glass should be avoided.)

(c) The customs officer concerned may exercise his discretion in selecting the method for determining the net weight based upon the availability of customs weighing facilities, availability of weighing facilities provided by importers, availability of personnel, and other considerations. (77A Stat. 14, 244; 19 U.S.C. 1202 (Gen. Hdnote. 12, Sch. 5, Pt. 3B, Hdnote. 2).)

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

Principal ingredient	Grams per ton	Limitations	Indications for use
Buquinolate	75 (0.00825%)	For broiler chickens; withdraw 24 hours before slaughter; do not feed to laying hens.	As an aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. necatrix</i> , and <i>E. acerrulina</i> .

(b) To assure safe use, the label and labeling of the additive, any feed additive supplement, feed additive concentrate, or feed additive premix prepared therefrom shall bear, in addition to the

Treasury Decision 49891 is hereby revoked, as of the effective date of this amendment.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: October 17, 1966.

TRUE DAVIS,
Assistant Secretary of
the Treasury.

[F.R. Doc. 66-11593; Filed, Oct. 24, 1966;
8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

BUQUINOLATE (ETHYL-4-HYDROXY-6,7-DIISOBUTOXY-3-QUINOLINECARBOXYLATE)

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6D1851) filed by Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate) in the feed of chickens as an aid in the prevention of coccidiosis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended by adding to Subpart C a new section, as follows:

§ 121.291 Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate).

Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate) may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use as follows:

other information required by the act, the following:

- (1) The name of the additive.
- (2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use.

2. Based on an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner has concluded that treatment of chickens with buquinolate in accordance with § 121.291 (amendment 1 of this document) requires establishment of a tolerance limitation to assure that the edible products of chickens are safe for human consumption. Accordingly, Part 121 is amended by adding to Subpart D a new section, as follows:

§ 121.1002 Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate).

A tolerance of zero is established for residues of buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate) in eggs and edible tissues of chickens, except for liver in which case a tolerance of 0.2 part per million is established.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in triplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: October 14, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11596; Filed, Oct. 24, 1966; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Ampicillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), the antibiotic drug regulation for the certification of

sodium ampicillin is amended to provide for additional dosage sizes of the drug (125 milligrams and 1 gram) when packaged for dispensing. Accordingly, § 146a.119(b) is revised to read as follows:

§ 146a.119 Sodium ampicillin.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, and each such container shall contain either 125 milligrams, 250 milligrams, 500 milligrams, or 1.0 gram of ampicillin. If it is packaged for dispensing, it may be packaged in combination with a container of sterile water for injection U.S.P.

This order provides for the certification of two additional dosage sizes of an antibiotic drug already on the market, presents no points of controversy, and is in the public interest; therefore, I find that notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 14, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11597; Filed, Oct. 24, 1966; 8:47 a.m.]

Title 26—INTERNAL REVENUE

**Chapter I—Internal Revenue Service,
Department of the Treasury**

**SUBCHAPTER D—MISCELLANEOUS EXCISE
TAXES**

[T.D. 6899]

PART 147—TEMPORARY REGULATIONS UNDER INTEREST EQUALIZATION TAX ACT

Interest Equalization Tax

In order to conform §§ 147.4-1, 147.9-1, and 147.9-2 of the Temporary Regulations (26 CFR Part 147) to section 4931 of the Internal Revenue Code of 1954, as amended by the Interest Equalization Tax Extension Act of 1965, approved October 9, 1965, and the provisions of Executive Order No. 11304, dated September 12, 1966, the following amendments are adopted:

PARAGRAPH 1. Section 147.4-1 is revised by amending paragraph (c) to read as follows:

§ 147.4-1 Exclusion for original or new issues where required for international monetary stability.

(c) *Notice of acquisition of Canadian issues—(1) In general.* Pursuant to applicable Executive orders, the exclusion from tax provided in paragraph (a) of this section applies to any acquisition of original or new Canadian stock or debt obligations except an acquisition, made on or after September 12, 1966, of such stock or debt obligations of a Canadian corporation, partnership, or trust, formed or availed of for the principal purpose of acquiring—

(i) Stock or debt obligations of a Canadian issuer or obligor, other than original or new Canadian stock or debt obligations described in such paragraph; or

(ii) Stock or debt obligations of any other foreign issuer or obligor, other than stock or debt obligations described in section 4916(a) of the Internal Revenue Code.

(2) *Manner of filing.* Except as otherwise provided in the instructions accompanying the form, each U.S. person claiming an exclusion for an acquisition of original or new Canadian stock or debt obligations under section 4917(a) in accordance with Executive Order No. 11304 (or in accordance with Executive Order No. 11175 with respect to an acquisition made before Sept. 12, 1966) shall file the notice of acquisition required under this section on Form 3779 with the Commissioner of Internal Revenue (Attention: Treasury, IET) Washington, D.C. 20224, and such notice shall set forth the information required by the form.

(3) *Time of filing.* Except as provided in paragraph (e) of this section—

(i) *Acquisitions occurring after July 18, 1963, and before June 25, 1965.* The notice of acquisition referred to in paragraph (a) of this section with respect to acquisitions occurring after July 18, 1963, and before June 25, 1965, shall be filed on or before August 2, 1965.

(ii) *Acquisitions occurring on or after June 25, 1965.* The notice of acquisition with respect to acquisitions occurring on or after June 25, 1965, shall be filed not before the date of such acquisition but on or before the last day of the month following the month in which such acquisition occurs.

(4) *Extensions of time.* Extensions of time within which a notice of acquisition must be filed will be granted for good cause upon request made to the district director (or, if applicable, the Director of International Operations, Washington, D.C. 20225) with whom the acquiring U.S. person files his income tax return.

PAR. 2. Section 147.9-1 is amended by amending paragraph (c)(1), the introductory text of (c)(2), and (d) as follows:

§ 147.9-1 Imposition of interest equalization tax on commercial bank loans.

(c) *Applicability to debt obligations with maturity of 1 to 3 years—(1) In*

general. (i) Section 3(e) of the Interest Equalization Tax Extension Act of 1965, in amending the Interest Equalization Tax Act, provides that subsection (c) of section 4931 (as originally enacted) is to remain in effect only to the extent provided in Executive Order No. 11198 and that subsections (d) and (e) of section 4931 (as originally enacted) are respectively redesignated subsections (c) and (d).

(ii) Except as provided in subparagraph (2) of this paragraph, each acquisition of a debt obligation of a foreign obligor having a period remaining to maturity of at least 1 year and less than 3 years, made on and after February 11, 1965, by a U.S. person which is a commercial bank is subject to a tax imposed under section 4931(c) (as originally enacted) and Executive Order No. 11198 equal to a percentage of the actual value of the debt obligation measured by the period remaining to its maturity and determined in accordance with the following table:

The tax,
as a
percentage
of actual
value, is
(percent)

If the period remaining
to maturity is:

At least 1 year, but less than 1¼ years	1.05
At least 1¼ years, but less than 1½ years	1.30
At least 1½ years, but less than 1¾ years	1.50
At least 1¾ years, but less than 2¼ years	1.85
At least 2¼ years, but less than 2¾ years	2.30
At least 2¾ years, but less than 3 years	2.75

The tax imposed under sections 4931(c) (as originally enacted) and Executive Order No. 11198 is treated as imposed under section 4911, subject to the limitations and exclusions contained in section 4912 through section 4920. For purposes of this paragraph, a demand deposit shall be treated as a debt obligation which is repayable within less than 1 year.

(2) *Exceptions.* The tax imposed under section 4931(c) (as originally enacted) and Executive Order No. 11198 shall not apply in the case of the acquisition

by a U.S. person which is a commercial bank of a debt obligation of a foreign obligor—

(d) *Treatment of original or new issues of Canadian debt obligations—*(1) *Acquisitions on or after September 12, 1966.* An acquisition made on or after September 12, 1966, by a U.S. person which is a commercial bank of a debt obligation of a Canadian obligor described in Executive Order No. 11304, dated September 12, 1966 (31 F.R. 12005) shall be excluded from the tax imposed pursuant to Executive Order No. 11198.

(2) *Acquisitions before September 12, 1966.* An acquisition made before September 12, 1966, by such U.S. person of a debt obligation of a Canadian obligor described in Executive Order No. 11175 dated September 2, 1964 (29 F.R. 12605), shall be subject to the tax imposed pursuant to Executive Order No. 11198, without regard to the provisions of Executive Order No. 11175.

* * * * *

PAR. 3. Section 147.9-2 is amended as follows:

§ 147.9-2 Exclusion for export loans.

(a) *In general.* (1) Section 4931(c) (1), as amended, provides that section 4931(b) and the tax imposed by section 4931(c) (as originally enacted) and Executive Order No. 11198 shall not apply with respect to the acquisition by a U.S. person which is a commercial bank—

(i) Of a debt obligation arising out of the sale of personal property or services, or

(ii) Of a debt obligation after February 10, 1965, arising out of the lease of personal property or services.

if the requirements of subparagraph (2) of this paragraph are satisfied. For purposes of this paragraph, the acquisition by a wholly owned subsidiary of a commercial bank of a debt obligation arising out of a lease made by such subsidiary shall be treated as the acquisition of a debt obligation by a commercial bank.

(2) The exclusion described in subparagraph (1) of this paragraph shall apply only if—

(i) Not less than 85 percent of the amount of the loan, amount paid, or

other consideration given to acquire the debt obligation referred to in subparagraph (1) of this paragraph is attributable to the sale or lease of property manufactured, produced, grown, extracted, created, or developed in the United States, or to the performance of services by U.S. persons, and

(ii) The extension of credit and the acquisition of the debt obligation related thereto are reasonably necessary to accomplish the sale or lease of property or services out of which the debt obligation arises, and the terms of the debt obligation are not unreasonable in light of credit practices in the business in which the U.S. person selling or leasing such property or services is engaged.

(b) *Illustrations.* The application of this section may be illustrated by the following examples:

* * * * *

Example (5). B, a domestic corporation, is a wholly owned subsidiary of C, a U.S. person which is a commercial bank. B purchases from R Corporation for \$10 million five aircraft manufactured in the United States. B leases the aircraft to P, a foreign corporation, for a period of 5 years commencing May 1, 1966, at an annual rental charge of \$2 million. The leasing transaction satisfies the requirements of paragraph (a) (2) of this section. B's acquisition of P's obligation to pay rent under the lease qualifies for exclusion under this section.

Because the rules prescribed in this Treasury decision are procedural and liberalizing in character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of
Internal Revenue.

Approved: October 18, 1966.

STANLEY S. SURREY,
Assistant Secretary of
the Treasury.

[F.R. Doc. 66-11499; Filed, Oct. 24, 1966;
8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-SO-82]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Shelbyville, Tenn., transition area.

The Shelbyville transition area, described in § 71.181 (31 F.R. 2149), would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.); within 5 miles N and 8 miles S of the Shelbyville VOR 272° radial extending from the VOR to 12 miles W; within 5 miles E and 8 miles W of the Shelbyville VOR 196° radial extending from the VOR to 12 miles S.

The proposed amendment would provide additional controlled airspace having a base of 700 feet above the surface north and east of the present transition area. This airspace is required for the protection of IFR aircraft departing Bomar Field during climb from 700 to 1,200 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)))

Issued in East Point, Ga., on October 17, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-11575; Filed, Oct. 24, 1966; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 11]

SOLICITATION OF PROXIES

Information To Be Furnished Stockholders

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the National Banking Laws (R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq.) and sections 12(i), 14(a) and 14(c), Securities Exchange Act of 1934, as amended, is considering the adoption of a revision of 12 CFR 11.3 relating to the inclusion of stockholder proposals in management proxy material.

Prior to the adoption of the revised regulation, consideration will be given to any written comments pertaining thereto which are submitted within 30 days of the publication hereof to the Comptroller of the Currency, Washington, D.C. (attention Room 4128F). All national banks and other interested parties are invited to submit their comments.

The proposed section, as revised, follows:

Section 11.3 of Title 12 is revised to read "Information to be furnished stockholders".

§ 11.3 Information to be furnished stockholders.

(a) No solicitation subject to this part shall be made by or on behalf of a national bank unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the applicable information specified in Schedules A and B.

(b) The form of proxy shall afford the person solicited an opportunity to specify his choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon. The proxy may provide that if the signer does not indicate a choice, the proxy confers authority to vote the shares represented thereby in favor of, or against, matters set forth therein.

(c) A proxy may confer discretionary authority with respect to matters which may come before the meeting other than those matters listed in the notice of meeting and proxy statement: *Provided*, That, except in the case of a proposal omitted from the proxy statement, notice of meeting and form of proxy pursuant to paragraph (d) of this section, the persons on whose behalf the solicitation is made are not aware a reasonable time prior to the time the solicitation is made, that any such other matters are to be presented for action at the meeting, and

provided further that a specific statement to that effect shall be made in the proxy statement or in the form of proxy.

(d) If any stockholder entitled to vote at a meeting shall submit to the management of the bank at least 50 days in advance of a day corresponding to the first date on which management's proxy statement was released to stockholders in connection with the last annual meeting of stockholders, a proposal which is accompanied by notice of intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify the proposal in its form of proxy and provide means by which stockholders can specify a choice between approval or disapproval as provided for in paragraph (b) of this § 11.3. This paragraph (d) shall not apply, however, to elections to office. If the management opposes the proposal it shall also at the written request of the proponent include in its proxy statement the name and address of the proponent or a statement that such name and address will be furnished to any stockholder upon request, and a statement of the stockholder in not more than 100 words in support of the proposal. The statement and request of the stockholder shall be furnished to the management at the same time the proposal is furnished. Neither the management nor the issuer shall be responsible for such statement. Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement, notice of meeting, and form of proxy under any of the following circumstances:

(1) If the management has at the stockholder's request included a proposal in the proxy statement and form of proxy relating to either of the last two annual meetings of stockholders or any special meeting held subsequent to the earlier of such two annual meetings and such stockholder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(2) If the proposal as submitted is not relevant to the corporate affairs of the bank, or is not a proper subject for action by stockholders, or is otherwise legally inappropriate, or appears to be primarily for the purpose of enforcing a personal claim, redressing a personal grievance, or promoting economic, political, racial, religious, social, or similar causes; or

(3) If, as submitted, the proposal or the supporting statement contains any false, misleading, or slanderous language; or

(4) If the same proposal or a proposal substantively similar in whole or material part has previously been submitted in a management proxy statement and form of proxy relating to any annual or special meeting of stockholders held within the preceding 5 calendar years, it may be omitted from the management's proxy material relating to any meeting of stockholders held within 3 calendar years after the latest such previous submission: *Provided*, That—(i) if the proposal was submitted at only one meeting during such preceding period it received less than 5 percent of the total number of votes cast with respect thereto, or (ii) if the proposal was submitted at any two meetings during such preceding period it received at the time of its second submission less than 10 percent of the total number of votes cast with respect thereto, or (iii) if the proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 20 percent of the total number of votes cast with respect thereto; or

(5) If such proposal consists of a recommendation or request that the management of the bank take action with respect to a matter relating to the conduct of the ordinary business operations of the bank; or

(6) If the same proposal or a proposal substantively similar in whole or major part of another stockholder has been received by the bank prior to the receipt of such proposal accompanied by notice of intention to present the proposal for action at the same meeting.

Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from its proxy statement and form of proxy, it shall file with the Comptroller, not later than 20 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to § 11.4(a), or such shorter period prior to such date as the Comptroller may permit, a copy of the proposal and any statement in support thereof as received from the stockholder, together with a statement of the reasons why the management deems such omission to be proper in the particular case. The management shall at the same time, if it has not already done so, notify the stockholder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper.

(e) No proxy shall confer authority (1) to vote for the election to any position for which a proposed nominee is not named in the proxy statement, or (2) to vote at any meeting other than the next meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to stockholders.

(f) Any person or group of persons, including directors or attorneys for the bank may be designated to act as proxy, but not officers, clerks, tellers, or bookkeepers of the bank.

Dated: October 20, 1966.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66-11600; Filed, Oct. 24, 1966;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1005]

[Docket No. AO-177-A27]

MILK IN TRI-STATE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Charleston, W. Va., on September 7-8, 1966, pursuant to notices thereof issued on August 18, 1966 (31 F.R. 11149), and August 24, 1966 (31 F.R. 11397).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on September 27, 1966 (31 F.R. 12845; F.R. Doc. 66-10699), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 12845; F.R. Doc. 66-10699) are hereby approved and adopted and are set forth in full herein, except that in the "Reload point" discussion the second sentence in the first and 14th paragraphs is revised.

The material issues on the record of the hearing relate to:

1. Reload point,
2. Pricing diverted milk,
3. Pooling standards for supply plants, and
4. Producer definition.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Reload point.* Milk moved from the farm of a producer to a reload point and then to a pool plant should be priced at the location of the reload point. A reload point should be defined as a location at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant. A reload oper-

ation on the premises of a plant, however, would be considered a part of the plant operation and not a reload point under the order.

The order does not now define a reload point. Bulk tank milk that is assembled and reloaded at such a point for movement to a pool plant is now priced at the location of the pool plant where received. Until April of this year, there was no such operation under the Tri-State order. Since April, milk received from dairy farmers at a reload point in Madison, Wis., has been pooled under the order because of its receipt at the Athens, Ohio, plant of a Tri-State handler.

The milk of the approximately 50 producers shipping to the Madison reload point is purchased by the Tri-State handler through the producers' cooperative. The handler pays the cooperative for the milk delivered to the reload point at the f.o.b. Athens price. Milk delivered to the reload point that is not needed by the Athens handler is diverted to a non-pool plant at Norwalk, Wis., about 100 miles from Madison. The milk that is diverted to the Norwalk plant is sold back to the cooperative by the Athens handler at the Class II price.

Each producer whose milk is assigned for delivery to the Madison reload point pays 18 cents per hundredweight for hauling. This is the only hauling cost paid directly by him. All other hauling of his milk, whether to Athens, Ohio, or Norwalk, Wis., is borne collectively by the cooperative. The hauling cost for moving milk from Madison to Athens is 75 cents per hundredweight. For milk moved from Madison to Norwalk, the cooperative pays 20 cents per hundredweight.

The function of a reload point approximates that of a supply plant in that milk is assembled at such place for movement to the market. It serves for a distributing plant an essential function that is customarily performed by a supply plant. Facilities at a reload point do not have the permanence of a supply plant. This is because reload points are maintained only for the purpose of transferring milk from farm pickup tank trucks to larger tank trucks. Reload operations do not have the receiving facilities and holding tanks that supply plants must have. Hence, they cannot be expected to perform as a supply plant in all respects and should not be treated for all order purposes as a supply plant.

Currently under the order, milk which is received from the farm of a producer at a supply plant is priced at the location of the supply plant. Since the assembly function of the reload point is similar to that of the supply plant, it is appropriate that milk received at a reload point be priced in the same manner as milk received at a supply plant.

As provided elsewhere in this decision, a supply plant that qualifies monthly as a pool plant in September through March obtains pool plant status for the following April-August, whether or not any milk is shipped from the supply plant to

pool distributing plants in these latter months. Producers delivering to a reload point would, in effect, receive the same consideration. That is, their milk could be moved as diverted milk to nonpool plants throughout the months of April-July if they had otherwise qualified as producers under the order. This is because the order provides for unlimited diversion during these months.

For August-March, the diversion provisions of the order enable a producer to divert up to 50 percent of his monthly deliveries. This is comparable to the actual shipments required to be made from a supply plant to qualify as a pool plant. As proposed in this decision, a supply plant would have to ship 50 percent of its monthly receipts from dairy farmers to pool distributing plants in September-November to qualify for pooling and 40 percent monthly in other months. Hence, even if it were otherwise justified, no advantage would accrue to producers delivering to a reload point by having such reload point designated as a supply plant.

Pricing producer milk at the location of a reload point was proposed by the major producer associations in the market. They claim that the present arrangement whereby producer milk may be received by a handler from a distant reload point and be priced at his plant enables the handler to purchase milk for manufacturing purposes and utilize the pool to pay for the transportation.

The present absence in the order of a provision for reload point pricing has provided an advantage to handlers. A handler in the market buying milk from a supply plant for Class II use normally would have to assume the cost of moving the milk to his plant. However, a handler receiving milk from a reload point for Class II use does not now bear the cost of hauling the milk. The outlying bulk tank producer receives the uniform price f.o.b. market and bears the cost of hauling the milk to the market, regardless of the use made of his milk by the handler. The purchasing handler, therefore, is provided a significant advantage on distant milk so assembled for Class II purposes as compared to buying distant milk through a supply plant for similar use.

Establishing the reload point as the point of pricing would reduce the incentive to move distant milk at producers' expense to the market for Class II use. Uniform prices to producers would be enhanced since milk moved through the reload point would be priced at that location and the consequent savings on transportation applicable to the Class II portion of such milk would be reflected in the uniform price.

The Class II utilization of the Athens handler receiving milk from the Madison reload point has increased greatly since he began receiving milk from the reload point in April. In April through July in 1964 and 1965, his Class II utilization was 2.45 million and 2.36 million pounds, respectively. His April-July 1966 Class II utilization was 7.84 million. In the most recent month for which data were available at the time of the hearing, July 1966,

the handler's Class II utilization was 2.25 million pounds compared to 0.57 million in each of the months of July in 1964 and 1965.

In July 1966, the Tri-State Class II price was \$4.05 and the Athens district uniform price \$4.98, a difference of 93 cents. Producers claim that the handler's cost of the Class II milk received from the Madison reload point is now subsidized through the pool by this 93-cent difference. If the handler purchased the Class II milk at the Madison location, his cost under the order would be \$4.05 plus the cost of moving the milk from Madison to Athens.

In each month since the Athens handler began receiving milk from the Madison reload point, the quantities thus received have been less than his monthly Class II utilization. Apparently, the receipts from the reload point are used primarily in the manufacture of Class II products. A representative of the Athens handler testified that the reason for the handler's expanded Class II utilization in recent months was to supply the Class II product requirements of recently acquired Class I outlets.

It is not the purpose of the order to maintain a supply of Class II milk for the market. The Class I prices in the order are established on the basis of maintaining an adequate supply, including necessary reserves, of Class I milk for the market. Including in the pool milk that is not intended to supply the market's Class I needs, but that will be used primarily for the manufacture of Class II products, will tend to reduce the uniform price to all producers. This will tend to impair the maintenance of an adequate supply of milk for Class I use from those producers on whom the market regularly depends for its Class I needs.

When milk from the producers supplying the Madison reload point is not needed by the Athens handler, it is moved as diverted milk to a nonpool plant for manufacturing purposes. It will be no less practicable to maintain in the Madison vicinity the manufacture of the Class II products that are now manufactured at the Athens plant. Unless the milk is used as part of the Class I supply of the market, it is not economically justifiable to move it in the form of whole milk from a distant location to the market for manufacturing use instead of manufacturing it at facilities in or near the production area.

The cost of moving manufactured milk products is but a small fraction of moving their whole milk equivalent. Consequently, there is little difference in the value of milk used in manufactured products that is associated with the location of the plant receiving the milk. The present location adjustment provisions of the order are established on the basis of moving only whole milk to the market for Class I purposes. Under current conditions in the Tri-State market, it is economically inappropriate to encourage through the present order provisions the movement of whole milk to the market at producers' expense for manufacturing.

It is necessary in conjunction with reload point pricing that a handler re-

ceive a location adjustment credit from the pool for moving milk from a reload point to the market for Class I use. Under reload point pricing, the producer would incur only the cost of moving the milk to the reload point and the handler would assume the cost of hauling the milk to the market where it is used. Such credit would achieve a high degree of uniformity of milk prices to handlers f.o.b. market regardless of the location where handlers may acquire the milk. The order now provides a similar location adjustment credit on milk which is moved to the market from a supply plant and assigned to Class I.

Because the pool would bear the handler's cost (the location adjustment) of moving the milk to market from a reload point, it is also necessary to assure that the location adjustment credit be allowed only when there is a bona fide need for milk for Class I use at the handler's plant. Otherwise, the handler could obtain milk from distant sources and claim Class I use for it, and thus receive the location credit, while at the same time receive milk from nearer sources and assign this milk to Class II. This would result in the pool unnecessarily bearing the cost of moving milk from the more distant sources to the market when, in fact, the milk was not needed for Class I use.

As was indicated, it is economically unjustifiable to move whole milk from a distant location to the market for manufacturing purposes. The incentive for such movement of milk would remain, however, if a handler could receive a pool credit on milk moved from a reload point without regard to actual need for Class I use. Accordingly, it is necessary as an integral part of reload point pricing that the order provide a means of determining when a handler location adjustment credit is appropriate.

Because this concept is no less applicable to receipts of milk from a supply plant than from a reload point, the provision for handler location adjustment credits should apply to both types of sources of milk.

For the purpose of computing such credit, the order should provide that fluid milk products received at a pool plant from other pool plants and reload points shall be assigned to any Class I milk at such pool plant that is in excess of the sum of producer milk receipts (except receipts from reload points) at the plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment should be made first to receipts from plants and reload points at which no location adjustment is applicable and then in sequence beginning with receipts from the plant or reload point at which the lowest location adjustment is applicable.

This sequential assignment of milk will provide an equitable basis for facilitating the movement of milk from pool plants and reload points for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk from pool plants and reload points for other than Class I purposes at the expense of

producers supplying the Class I market. Such assignment, which is commonly provided in other Federal orders, is required to effectuate the reload point location adjustment provisions for the reasons stated.

2. Pricing diverted milk. Milk that is diverted from a pool plant to a nonpool plant should be priced at the location of the nonpool plant. Presently, diverted milk is priced at the location of the pool plant from which diverted.

A change in the pricing of diverted milk was proposed by cooperatives in the market. They proposed that milk diverted to a nonpool plant located more than 125 miles from the cities in the market designated as pricing points be priced at the plant to which diverted. In the case of milk diverted to less distant plants, the present manner of pricing would continue to apply.

Pricing diverted milk at the location of the pool plant from which diverted provides an incentive to both handlers and dairy farmers to pool milk supplies under the order which are not needed in the order market and which may have no real association with the Class I market. This makes it possible to exploit the pool by diverting milk to manufacturing plants and negates the incentive to make milk available for the market's Class I needs. Moreover, it results in producers in the market paying (through the pool) a transportation cost to the market on milk which is not moved to the market and on which an equivalent transportation charge is not incurred.

As indicated elsewhere in this decision, milk is now diverted from an Athens pool plant to a nonpool plant in Wisconsin, more than 500 miles from Athens. When this milk is received at the Athens pool plant, the hauling charge incurred on such milk from the farm to the Athens plant is 93 cents. However, the hauling cost incurred when the milk is moved to the nonpool plant from the farm as diverted milk is 18 to 38 cents. The Wisconsin producers supplying the Athens plant pay (through their cooperative) 75 cents per hundredweight for hauling their milk from the Wisconsin reload point to Athens. This approximates the location adjustment under the order for milk moved to Athens from the Wisconsin location. When the milk is not so moved, the cooperative saves the 75-cent hauling cost. Because the diverted milk is now priced f.o.b. Athens, the producers whose milk is diverted receive the uniform price applicable at Athens rather than that applicable at the nonpool plant where their milk was actually received. The difference between these prices (the location adjustment) is paid from the pool to these producers at the expense of all producers sharing in the pool proceeds.

The mileage limitation proposed by the cooperatives should not be adopted. For purposes of pricing diverted milk, there is no reason to differentiate in this market between various distances to which milk is diverted. The uniform price for such milk would be affected proportionately to the distance that milk is diverted.

3. Pooling standards for supply plants. The present basis on which a supply plant may qualify as a pool plant should be changed. A supply plant should be required to ship to pool distributing plants in September, October, and November at least 50 percent of its monthly Grade A receipts, and in any other month at least 40 percent of such receipts. A supply plant that is pooled in each of the months of September through March should be accorded pool plant status in April through August.

A supply plant may now qualify as a pool plant in any month in which not less than 50 percent of its Grade A receipts is shipped to pool distributing plants. A supply plant that is pooled in each of the months of September through December automatically qualifies as a pool plant in the following January through August period.

Several cooperatives proposed that the monthly shipping requirement be lowered to 40 percent. They proposed also that the present September-December period used for establishing automatic pool plant status be extended to include January, February, and March. Under their proposal, a supply plant qualifying for automatic pooling for the April-August period would have to ship to pool distributing plants during the September-March period an average of not less than 50 percent of its Grade A receipts.

Proponents stated that these changes are necessary to assure that a pool supply plant sharing in the Class I proceeds of the market is supplying the market when supplemental supplies are needed to meet handlers' Class I requirements. They cited recent problems which handlers operating distributing plants in the Tri-State market had in obtaining milk supplies from a pool supply plant at Circleville, Ohio.

The difficulties experienced in obtaining milk from the Circleville plant apparently stemmed from the plant's loss for a period of time of its status under the U.S. Public Health Code as a qualified "interstate milk shipper." Thus, milk from this Ohio plant was ineligible under the West Virginia health requirements to be received at distributing plants in West Virginia. The supply plant's pool status was not affected, though, as milk from the plant was eligible for distribution in the Ohio portion of the marketing area. Moreover, it was not necessary for the plant to ship milk to distributing plants at the time the milk supplies were sought because the plant was operating as an automatically qualified pool plant. A representative of the Circleville plant testified, however, that at the time of the hearing (September, a qualifying month for automatic pooling) the plant was qualified as an "interstate milk shipper."

The Circleville plant is the only supply plant that has been associated with the market on a regular basis. The plant has been customarily relied upon by Tri-State handlers as a source of supplemental milk supplies for Class I use. The plant also manufactures milk which

is surplus to the fluid needs of the market.

Shipping standards are the basis used for determining which supply plants are an integral part of the market and constitute a source of regular and dependable supplies for the market. They are intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

Shipping requirements serve the added purpose of assuring that handlers engaged in bottling and distribution operations in the market are able to obtain milk from pool supply plants for their fluid milk requirements. Without such requirements, supply plants may tend to keep milk at their plants for manufacturing when it is to their advantage to do so. In this circumstance, milk supplies would be associated with the market for manufacturing rather than fluid purposes, and returns to producers supplying the Class I needs of handlers would be inappropriately lowered.

The present pooling standards do not provide the necessary assurance that a pool supply plant will make qualified milk available to the market on a regular and dependable basis. Extending the present qualifying period for future automatic pooling would tend to provide such assurance. The benefits received by a supply plant which is allowed to be pooled without supplying the market are generally recognized. A plant with a Class I utilization lower than the average for the market is able to provide its dairy farmers with returns higher than would be possible if the plant were not pooled. This gives the plant operator an incentive to ship milk to distributing plants during the qualifying period for automatic pooling.

Lowering the shipping requirements for the months of December through August to 40 percent of a supply plant's Grade A receipts recognizes, on the other hand, handlers' lesser need during this time than in the fall months for supplemental supplies. In December, the demand for fluid milk products drops because of the customary closing of schools and colleges. Demand is similarly affected in the summer months for this reason. During the spring months, milk production is seasonally higher while demand remains relatively constant. It is not expected that the lower shipping requirements would attract additional milk supplies to the market for manufacturing purposes.

4. Producer definition. The proposal which would restrict the health approval of a producer to that given by local authorities in the marketing area should not be adopted.

The order now provides that to qualify as a producer a dairy farmer must produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority.

Cooperatives in the market proposed that producer status be accorded only to those dairy farmers who produce milk approved by the appropriate health authority in the marketing area. Under

their proposal, those dairy farmers not having such approval, even though their milk meets the Grade A inspection requirements of another health authority, would not be eligible to qualify as producers.

Producer status under the Tri-State order should not be contingent upon the health approval of authorities in a particular area. Such agencies tend to limit the scope of their dairy farm inspection to relatively nearby farms. Adoption of the cooperatives' proposal, therefore, would tend to limit the dairy farmers who may become associated with the Tri-State market.

Any dairy farmer producing Grade A milk, wherever located, should be eligible under the terms of the order to ship milk to a Tri-State pool plant. To provide otherwise would not tend to effectuate the purposes of the Act.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

In particular, two parties filed numerous exceptions to the recommended decision. The exceptions range from procedural objections to a counter-analysis of the findings and conclusions in the recommended decision. Generally, the exceptions fall into three categories: (1) Lack of notice concerning sequential location differentials; (2) objections to the hearing examiner's rulings; and (3) objections to the analysis and logic of the findings and conclusions.

Proposal number 4 to amend the location differential sections of the order (§§ 1005.53 and 1005.72), coupled with the general provision in the notice ("The public hearing is for the purpose of receiving evidence * * * which relate to the proposed amendments * * * and any appropriate modifications thereof * * *"), refutes the allegation of lack of notice. Accordingly, this exception is overruled.

Exception is taken to approximately 21 rulings of the Presiding Officer at the hearing. After careful review of the entire record, we cannot agree that the Presiding Officer's rulings are erroneous. Accordingly, the Presiding Officer's rulings are sustained.

Exceptions to the findings and conclusions in the recommended decision attack the analysis and logic thereof. By fragmentizing the findings and reviewing individual findings out of context, the exceptions point to alleged inconsistencies throughout. We cannot agree with the analysis of the exceptors nor can we agree, as the exceptors argue, that the proposed order will frustrate the declared policy of the Act and will constitute a trade barrier. Accordingly, the exceptions concerning the findings and conclusions, the analysis and results thereof are denied.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Tri-State marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 20, 1966.

JOHN A. SCHNITTKER,
Under Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area

§ 1005.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decisions issued by the Associate Administrator, on September 27, 1966, and published in the FEDERAL REGISTER on October 1, 1966 (31 F.R. 12845; F.R. Doc. 66-10699), shall be and are the terms and provisions of this order and are set forth in full herein, except that § 1005.19 is revised.

1. Section 1005.11(b) is revised to read as follows:

§ 1005.11 Pool plant.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

2. Section 1005.15 is revised to read as follows:

§ 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any or-

der (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant, at a reload point or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

3. Section 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted; *Provided*, That in any month of August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

4. A new § 1005.19 is added to read as follows:

§ 1005.19 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

5. In § 1005.32, a new paragraph (d) is added to read as follows:

§ 1005.32 Other reports.

(d) Each handler receiving milk from a reload point shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk received from such reload point.

6. Section 1005.53 is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing

area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants and reload points at a pool plant shall be assigned any remainder of Class I milk at such plant that is in excess of the sum of producer milk receipts at the plant (excluding such receipts from reload points) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants and reload points at which no location adjustment is applicable pursuant to this section and then in sequence beginning with receipts from the plant or reload point with the lowest applicable location adjustment.

7. Section 1005.72 is revised to read as follows:

§ 1005.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a pool plant shall be reduced as follows:

(1) Except as provided in paragraph (b) of this section, according to the location of the pool plant at the rates set forth in § 1005.53; and

(2) Additionally, at a pool plant at which the Gallipolis-Scioto or Athens district Class I price is applicable at the rate of 10 cents and 20 cents, respectively.

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of computations pursuant to § 1005.74(b), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

[F.R. Doc. 66-11606; Filed, Oct. 24, 1966; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARBEETS

Notice of Hearing on Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Omaha, Nebr., beginning on November 15, 1966, at 9:30 a.m., in the Hotel Sheraton-Fontenelle Ball Room.

The purpose of the hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining fair and reasonable prices for the 1967 crop of sugarbeets to be paid, under purchase or toll agreements, by producers who process sugarbeets grown by other producers and who apply for payments under the act.

Representatives of sugarbeet growers' associations throughout most of the United States have met with processor representatives with the view to revising sugarbeet purchase contracts which would retain the major features of the current contract, but would also establish a minimum basis for returns from sugarbeets related to average quoted raw cane sugar prices. The negotiations which have been conducted so far have resulted in the attainment of this objective only in one region of the sugarbeet area. Accordingly, officials of associations representing about 85 percent of the sugarbeet growers in the United States have requested that the Department hold an early hearing and issue a determination so that contracting and planting of beets may proceed in a normal manner.

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to fair and reasonable prices for sugarbeets.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

The hearing after being called to order at the time and place mentioned herein may be continued from day-to-day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice

other than the announcement thereof at the hearing by a presiding officer.

Tom O. Murphy, A. A. Greenwood, Ward S. Stevenson, and Charles F. Denny, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on October 20, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11605; Filed, Oct. 24, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redesignation Order 1, Amdt. 21]

SUPERINTENDENTS

Redesignation of Authority With Respect to Credit Matters

Order No. 1 (20 F.R. 277), Part 2, Functions Relating to Credit Matters. Order 1, as amended, is further amended under Part 2, Functions Relating to Credit Matters, to add a new section 2.132, *Approval of mortgages and deeds of trust*. Section 2.132 reads as follows:

SEC. 2.132 *Approval of mortgages and deeds of trust*. The approval of mortgages or deeds of trust pursuant to 25 CFR 121.61 given as security for loans made by any corporation, tribe, band, or credit association, pursuant to 25 CFR 91.13 and 91.16 or under a guaranty agreement approved by the Commissioner or his authorized representative.

JAMES F. CANAN,
Area Director.

Approved: October 19, 1966.

THEODORE W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 66-11584; Filed, Oct. 24, 1966; 8:46 a.m.]

Bureau of Land Management NEW MEXICO

Consolidation of Grazing Districts and Offices

Notice of consolidation of New Mexico Grazing Districts No. 1 and No. 7, Farmington and Albuquerque District Offices, published in 30 F.R. 13171, October 15, 1965, is hereby modified to provide for continuation of the special rules relating to the Navajo Indian grazing permits governing the administration of the lands formerly within New Mexico Grazing District No. 7 as such lands were ad-

ministered prior to abolishment of New Mexico Grazing District No. 7.

JOHN O. CROW,
Associate Director.

OCTOBER 19, 1966.

[F.R. Doc. 66-11585; Filed, Oct. 24, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

South Dakota State University, Brookings, S. Dak., File No. 172, for the establishment of a new noncommercial educational television station on Channel 8, Brookings, S. Dak.

University of Hawaii, 1801 University Avenue, Honolulu, Hawaii, File No. 173, to improve the facilities of noncommercial educational television station KHET, Channel 11, Honolulu, Hawaii.

The Trustees of Indiana University, Bloomington, Ind., File No. 174, for the establishment of a new noncommercial educational television station on Channel 30, Bloomington, Ind.

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, S.C., File No. 175, for the establishment of a new noncommercial educational television station on Channel 14, Allendale, S.C.

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, S.C., File No. 176, for the establishment of a new noncommercial educational television station on Channel 33, Florence, S.C.

Connecticut Educational Television Corp., 266 Pearl Street, Hartford, Conn., File No. 177, for the establishment of a new noncommercial educational television station on Channel 49, Bridgeport, Conn.

Kentucky State Board of Education, State Office Building, Frankfort, Ky., File No. 178, for the establishment of a new noncommercial educational television station on Channel 54, Covington, Ky.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television
Facilities Branch, U.S. Office
of Education.

[F.R. Doc. 66-11635; Filed, Oct. 24, 1966;
8:49 a.m.]

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOM- MERCIAL EDUCATIONAL TELEVI- SION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described application, for Federal financial assistance in the construction of non-commercial educational television broadcast facilities is accepted for filing in accordance with 45 CFR 60.7:

University of Houston, 3801 Cullen Boulevard, Houston, Tex., File No. 179, to improve the facilities of noncommercial educational television station KUHT, Channel 8, Houston, Tex.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above application with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television
Facilities Branch, U.S. Office
of Education.

[F.R. Doc. 66-11636; Filed, Oct. 24, 1966;
8:49 a.m.]

Food and Drug Administration

PILLSBURY CO.

Notice of Filing of Petition for Food Additive Glucan Polysaccharide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2098) has been filed by The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402, proposing the issuance of a regulation to provide for the safe use of a glucan polysaccharide, produced by fermentation of carbohydrate substrates by the fungus *Sclerotium rolfsii* and related species, as a suspending and emulsifying agent in food.

Dated: October 14, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11598; Filed, Oct. 24, 1966;
8:47 a.m.]

UNION CARBIDE CORP.

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25303, a temporary tolerance of 0.1 part per million in or on potatoes is established for residues of a herbicide which is a mixture consisting of 80 percent of 3,4-dichlorobenzyl methylcarbamate and 20 percent of 2,3-dichlorobenzyl methylcarbamate. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accord with the experimental permit issued by the U.S. Department of Agriculture. Distribution will be under the Union Carbide Corp. name.

This temporary tolerance expires October 14, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: October 14, 1966.

J. K. KIRK,
Associate Commissioner.
for Compliance.

[F.R. Doc. 66-11599; Filed, Oct. 24, 1966;
8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

REGIONAL DIRECTOR OF ADMINIS- TRATION, REGION III (ATLANTA)

Redelegation of Authority To Exe- cute Legends on Bonds, Notes, or Other Obligations

The Regional Director of Administration, Region III (Atlanta), Department of Housing and Urban Development, is hereby authorized within such Region to execute, on behalf of the Secretary of Housing and Urban Development, a legend on any bond, note, or other obligation being acquired by the Federal Government from a local public agency pursuant to Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation supersedes the redelegation effective September 26, 1962.

(79 Stat. 670, 5 U.S.C. 624(d); Secretary's Delegation effective March 22, 1966 (31 F.R. 4814))

Effective date. This redelegation of authority shall be effective as of October 25, 1966.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 66-11603; Filed, Oct. 24, 1966;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17615]

HILO-MAINLAND TEMPORARY SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 15, 1966, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before November 8, 1966, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., October 19, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11601; Filed, Oct. 24, 1966;
8:48 a.m.]

[Docket No. 17782]

LUFTHANSA GERMAN AIRLINES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 27, 1966, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., October 20, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11639; Filed, Oct. 24, 1966;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC FAR EAST LINE, INC., AND TRUK TRANSPORTATION CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Howard C. Adams, Vice President, Pacific Far East Line, Inc., 918 16th Street NW., Washington, D.C. 20006.

Agreement 9586, between Pacific Far East Line, Inc. (PFEL) and Truk Transportation Co., Inc. (Transco) covers the transportation of general cargo under through bills of lading between Pacific Coast ports of the United States and Hawaii served by PFEL and ports in the Trust Territory of the Pacific served by Transco with transshipment at Guam, Marianas Islands, under terms and conditions set forth in said agreement.

Dated: October 20, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11602; Filed, Oct. 24, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CS67-16, etc.]

DEPCO, INC. ET AL.

Notice of Applications for "Small Producer" Certificates¹

OCTOBER 18, 1966.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1966.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Date filed	Name of applicant
CS67-16 ¹ -----	9-14-66	Depco, Inc. et al., 825 Petroleum Club Bldg., Denver, Colo. 80202.
CS67-17-----	10- 7-66	Jack O. McCall, Post Office Box 931, Midland, Tex. 79701.
CS67-18-----	9-20-66	Meadco Properties, Ltd. et al., 1210 Vaughn Bldg., Midland, Tex. 79704.
CS67-19-----	10-11-66	N. S. Marrow, 417 Perry Brooks Bldg., Austin, Tex. 78701.

¹ Concurrently herewith Applicant has filed petitions in Docket Nos. G-19187 and G-165-679 to amend the orders issuing certificates in said dockets by authorizing Applicant to continue the Permian Basin sales of International Oil & Gas Corp.

[F.R. Doc. 66-11577; Filed, Oct. 24, 1966; 8:46 a.m.]

[Docket No. CP62-154]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 18, 1966.

Take notice that on October 12, 1966, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP62-154 a petition to amend the order issued in the instant proceeding on October 17, 1962, as amended by the order issued May 2, 1966, by requesting authorization to continue the term of service as previously authorized to Southern California Gas Co. and Southern Counties Gas Company of California (jointly "Southern"), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued May 2, 1966, amending the order issued October 17, 1962, in the instant proceeding, Petitioner was authorized to sell and deliver to Southern, under Petitioner's Rate Schedule G-X-2, FPC Gas Tariff, Original Volume No. 1, an annual maximum quantity of 63,000,000 Mcf of natural gas for a period continuing through December 31, 1966.

Petitioner, acting upon request of Southern, seeks authorization to extend the above mentioned deliveries for a further limited term commencing January 1, 1967, and continuing through October 31, 1968.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11578; Filed, Oct. 24, 1966; 8:46 a.m.]

[Docket No. CP67-94]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

OCTOBER 18, 1966.

Take notice that on October 13, 1966, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32790, filed in Docket No. CP67-94 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain lateral facilities in order to purchase natural gas from Gulf Oil Corp. (Gulf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 18 miles of 12-inch lateral supply pipeline and appurtenances extending in a generally northwesterly direction from a point of connection with an existing delivery point in Corpus Christi Bay to a point on Applicant's mainline in San Patricio County, Tex., downstream of Compressor Station No. 2 and east of the Nueces River. By means of these facilities Applicant proposes to purchase from Gulf, transport and take into its main pipeline system a daily quantity up to approximately 31,000 Mcf of natural gas.

The estimated total cost of the proposed facilities is \$1,225,000 which will be paid out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission

on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11579; Filed, Oct. 24, 1966;
8:46 a.m.]

[Docket No. CP67-93]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 18, 1966.

Take notice that on October 12, 1966, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission facilities for the sale and delivery of additional volumes of natural gas to an existing industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to sell and deliver additional volumes of natural gas to Southland Paper Mills, Inc. (Southland), near the city of Lufkin, Angelina County, Tex. In order to deliver the additional volumes Applicant requests permission to replace Emco regulators with Fisher Control Valves and modify header and valve arrangement at the existing meter station at Southland. No new pipe line is to be installed.

The estimated annual third year additional deliveries is approximately 2,095,-100 Mcf.

The total estimated cost of the proposed facilities is \$16,274.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11580; Filed, Oct. 24, 1966;
8:46 a.m.]

[Project 2614]

VANCEBURG ELECTRIC LIGHT, HEAT & POWER SYSTEM AND VANCEBURG, KY.

Notice of Application for Preliminary Permit for Unconstructed Project

OCTOBER 18, 1966.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Vanceburg Electric Light, Heat & Power System and Vanceburg, Ky. (correspondence to: Philip P. Ardery, Brown, Ardery, Todd & Dudley, 906 Kentucky Home Life Building, Louisville, Ky. 40202) for proposed Project No. 2614, known as the Greenup Project, to be located on the Ohio River at the U.S. Government's constructed Greenup Dam. The hydroelectric power facilities proposed in the application would be installed on the Ohio side of the Ohio River in Scioto County, Ohio, in the region of Greenup, Ky., and Ironton and Portsmouth, Ohio; would affect lands of the United States under the supervision of the U.S. Corps of Engineers, constructor of the Government Dam; and would utilize water from the Government Dam.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 8, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11581; Filed, Oct. 24, 1966;
8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Florida Bancorporation, Haines City, Fla., for approval of the acquisition of voting shares of 11 banks in the State of Florida.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended by Public Law 89-485) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by First Florida Bancorporation, Haines City, Fla., for approval of action to become a bank holding company through the acquisi-

tion of a sufficient number of voting shares in each of the following banks so as to bring Bancorporation's direct ownership in each bank up to at least 51 percent: National Bank of Melbourne & Trust Co., Melbourne; Florida State Bank of Sanford, Sanford; State Bank of Haines City, Haines City; Bank of Zephyrhills, Zephyrhills; The DeSoto National Bank of Arcadia, Arcadia; Okeechobee County Bank, Okeechobee; The First State Bank, Fort Meade; Bank of Lake Alfred, Lake Alfred; Bank of Mulberry, Mulberry; National Bank of West Melbourne, West Melbourne; and The United State Bank of Seminole, Sanford.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency and the Comptroller of Florida of receipt of the application and requested their views and recommendations. Each of these authorities recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 30, 1966 (31 F.R. 10343), which provided an opportunity for submission of comments and views regarding the proposed transaction. Time for filing such views and comments has expired and all those filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 19th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11583; Filed, Oct. 24, 1966;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2618]

CONSOLIDATED FOODS CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 19, 1966.

In the matter of application of the Cincinnati Stock Exchange; for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of

¹ Filed as part of the original documents. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20561, or to the Federal Reserve Bank of Atlanta.

² Voting for this action: Chairman Martin and Governors Robertson, Shepardson, Malzel, and Brimmer. Absent and not voting: Governors Mitchell and Daane.

the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Consolidated Foods Corp., file 7-2618.

Upon receipt of a request, on or before November 3, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11586; Filed, Oct. 24, 1966;
8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

OCTOBER 19, 1966.

The common stock, 50 cents par value, and \$3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 20, 1966, through October 29, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11587; Filed, Oct. 24, 1966;
8:47 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

OCTOBER 19, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 20, 1966, through October 29, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11588; Filed, Oct. 24, 1966;
8:47 a.m.]

TARIFF COMMISSION

[332-50]

CERAMIC FLOOR AND WALL TILE

Notice of Investigation

In response to a resolution adopted October 11, 1966, by the Committee on Ways and Means, U.S. House of Representatives, the U.S. Tariff Commission has instituted an investigation of the conditions of competition in the United States between ceramic floor and wall tile (glazed and unglazed, and including trim) produced in the United States and in foreign countries. The full text of the resolution is as follows:

Resolved that the U.S. Tariff Commission is hereby directed, pursuant to section 332(g) of the Tariff Act of 1930, to make an investigation of the conditions of competition in the United States between ceramic floor and wall tile (glazed and unglazed, and including trim) produced in the United States and in foreign countries, and report the results of such investigation to the Committee on Ways and Means at the earliest practicable date.

The report of the Commission shall include factual information on domestic production, foreign production, imports, consumption, channels, and methods of distribution, prices (including pricing practices), U.S. exports, U.S. customs treatment since 1930, and on other factors of competition. In the course of its investigation, the Commission shall afford interested parties opportunity to submit pertinent information through public hearings.

Formally agreed to by Committee on Ways and Means in Executive Session October 11, 1966.

(Signed) WILBUR D. MILLS, *Chairman*.

The Commission will hold public hearings in connection with this investigation, and will give public notice thereof at least 30 days in advance of the opening date.

Issued: October 20, 1966.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 66-11591; Filed, Oct. 24, 1966;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1431]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 20, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69118. By order of October 13, 1966, the Transfer Board approved the transfer to Lester Ebright, Delmont, S. Dak., of the operating rights in certificate No. MC-102570 issued May 13, 1958, to Fred Fink, Delmont, S. Dak., authorizing the transportation of: Livestock, between Delmont, S. Dak., and 15 miles, and Sioux City, Iowa, in a radial movement, and building materials, as described by the Commission, and livestock and poultry feeds from Sioux City, Iowa, to Delmont, S. Dak., and 15 miles thereof. Don A. Bierle, 322 Walnut Street, Yankton, S. Dak. 57078, attorney for applicants.

No. MC-FC-69119. By order of October 13, 1966, the Transfer Board approved the transfer to Paramount Moving & Storage Co., Inc., Garden City, N.Y., of the operating rights in certificate No. MC-17600 issued October 23, 1963, to Levintan Moving & Storage Corp., New York, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Jerome Greenspan, attorney for transferor, 414 Clarendon Road, Uniondale, N.Y., and Alvin Altman, attorney, for transferee, 1776 Broadway, New York, N.Y. 10019.

No. MC-FC-69120. By order of October 13, 1966, the Transfer Board approved the transfer to Mel's Moving & Storage, Inc., Brooklyn, N.Y., of the operating rights in certificates Nos. MC-

72620 (Sub-No. 1) and MC-72620 (Sub-No. 2) issued March 5, 1959 and October 14, 1959, respectively, to Rapid Furniture Transport, Inc., Elmhurst, N.Y., authorizing the transportation of: New furniture, uncrated new furniture, frames, household equipment, appliances, theater display frames, ticket booths, laboratory equipment, and hair used in furniture, between points in New York, Connecticut, Maryland, Pennsylvania, Massachusetts, New Jersey, Delaware, Virginia, and the District of Columbia. Alfonso A. Ilaria, attorney for transferor, 11 Broadway, New York, N.Y. 10004, and Morris Honig, attorney for transferee, 150 Broadway, New York, N.Y. 10038.

No. MC-FC-69124. By order of October 17, 1966, the Transfer Board approved the transfer to Braddock M. Elmquist, Warren, Pa., of certificate No. MC-74618, issued December 3, 1958, to Carl R. Elmquist, doing business as Warren Transfer & Storage Co., Warren, Pa., and authorizing the transportation, over regular routes, of shirts from Morgantown, W. Va., to Warren, Pa., and automobile seat covers from Fremont, Ohio, to Warren, Pa., and over irregular routes, of household goods, between points in Warren County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Ohio, West Virginia, Maryland, Delaware, Connecticut, and the District of Columbia, and between points in Warren County, Pa., on the one hand, and, on the other, points in Massachusetts and Rhode Island, and other specified commodities, generally, from and between Warren, Pa., and points in Warren County, Pa., and points in the New England and Middle Atlantic States, Virginia, and North Carolina. S. Knox Harper, The Pennsylvania Bank & Trust Co. Building, Warren, Pa. 16365, attorney for applicants.

No. MC-FC-69126. By order of October 13, 1966, the Transfer Board approved the transfer to Delbert W. Grosse, 921 16th Avenue, Council Bluffs, Iowa, of the operating rights in certificate No. MC-105067, issued April 12, 1960, to Erwin D. Franke, Council Bluffs, Iowa, and authorizing the transportation of: Livestock, animal feeds, farm machinery and building materials, over irregular routes, between Council Bluffs, Iowa, and points in Iowa within 15 miles thereof, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC-69127. By order of October 13, 1966, the Transfer Board approved the transfer to Blincoc Trucking Co., a corporation, Stockton, Calif., of certificate of registration No. MC-120194 (Sub-No. 1) issued February 3, 1964, to Francis Earl Blincoc, doing business as Blincoc Trucking Co., Stockton, Calif., and corresponding in scope to the grant of intrastate authority in certificate of public convenience and necessity in decision No. 60184, dated May 25, 1960, as amended, issued by the Public Utilities Commission of California. Frank Loughran, 100 Bush Street, San Fran-

cisco, Calif. 94104, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11608; Filed, Oct. 24, 1966; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 20, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40755—*Class and commodity rates from and to Gapac, Fla.* Filed by O. W. South, Jr., agent (No. A4954), for interested rail carriers. Rates on property moving on class and commodity rates, between Gapac, Fla., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40756—*Returned shipments between points in the United States.* Filed by Trans-Continental Freight Bureau, agent (No. 437), for interested rail carriers. Rates on property returned to original point of shipment, in carloads, between points in the United States.

Grounds for relief—Carrier competition.

FSA No. 40757—*Soil compounds from Wellsville, Colo.* Filed by Western Trunk Line Committee, agent (No. A-2474), for interested rail carriers. Rates on soil compounds, also kindred and related articles, in carloads, from Wellsville, Colo., to points in official (not including Illinois) territory.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Western Trunk Line Committee, agent, tariff ICC A-4620.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11609; Filed, Oct. 24, 1966; 8:48 a.m.]

[Notice 273]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 19, 1966.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is

published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3961 (Sub-No. 5 TA), filed October 17, 1966. Applicant: JOHN MCINTYRE, doing business as J & H MCINTYRE, 261 Kearny Avenue, Jersey City, N.J. 07305. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing steel bars* (not exceeding 45 feet in length), for the account of Capitol Steel Corp., New York, N.Y., from Jersey City, N.J., to New Paltz, N.Y., for 120 days. Supporting shipper: Capitol Steel Corp., 419 Park Avenue South, New York, N.Y. 10016. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Compliance and Operations, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 94265 (Sub-No. 194 TA), filed October 14, 1966. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee at Deerfield, Ill., and from warehouses storing the Kitchens of Sara Lee's products in Chicago, Ill., to points in Connecticut, Massachusetts, Maryland, Delaware, District of Columbia, Pennsylvania, Rhode Island, New Jersey, New York, West Virginia, and Virginia, for 180 days. Supporting shipper: Kitchens of Sara Lee, Deerfield, Ill. 60015. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 10502 Federal Building, Richmond, Va. 23240.

No. MC 111069 (Sub-No. 38 TA), filed October 14, 1966. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, Ind. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) from Louisville, Ky., Atlanta, Ga., and New Albany, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina,

Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) from East Greenville, Pa., to Atlanta, Ga.; New Albany, Ind., and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: The Pillsbury Co., Post Office Box 222, Minneapolis, Minn. 55440. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 111729 (Sub-No. 173 TA), filed October 14, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.J. 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Fitchburg, Mass., on the one hand, and, on the other, points in Connecticut; points in Ashland, Auburn, Biddeford, Bingham, Brownville Junction, Bucksport, Calais, Camden, Chisholm, Ellsworth, Fort Kent, Greenville Junction, Hiram, Kittery, Lewiston, Locke Mills, Lubec, Machias, Madison, Mexico, Millinocket, Mount Desert, Naples, Newcastle, Newport, Norway, Oakland, Portland, Porter, Presque Isle, Rockland, Rumford, Sanford, South Berwick, South West Harbor, Warren, Waterville, Wilton, and Yarmouth, Maine; points in Ashland, Bennington, Berlin, Charleston, Chester, Claremont, Concord, Errol, Franconstown, Gorham, Greenville, Hampton, Hanover, Hillsboro, Hopkinton, Hudson, Keene, Lancaster, Littleton, Manchester, Milford, Milton, Nashua, New London, New Market, Newport, North Sutton, Pittsfield, Plymouth, Raymond, Rindge, Rochester, Somersworth, Troy, Whitfield, Wilton, Winchester, Windham, Woodsville, New Hampshire; and points in Rhode Island. (2) *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Paramus, N.J., and New York, N.Y., (b) between New York, N.Y., on the one hand, and, on the other, Searsport and South Portland, Maine; Fall River and Waltham, Mass.; East Brooklyn, Md.; and Springfield, Va. (3) *Checks, business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Clifton, N.J., on the one hand, and, on the other, points in Fairfield, Litchfield, and New Haven Counties, Conn.; points in Nassau (except Great Neck), Suffolk, Richmond, Westchester, Sullivan, Rockland, Orange, and Dutchess Counties, N.Y.; and points in Bucks, Lehigh, Northampton, Chester, Delaware, Berks, and Lancaster Counties, Pa., (b) between

points in Hartford County, Conn., on the one hand, and, on the other, Nassau County, N.Y., (4) *meter books, meter reading scan sheets, sales slips, cashier payment stubs, data runs and audit media*, between Westboro, Mass., on the one hand, and, on the other, Leganon, N.H., and Providence, R.I., for 180 days. Supporting shippers: Art Photo Service, Inc., 260 Lunenburg Street, Fitchburg, Mass., Shell Oil Co., 1250 Sixth Avenue, New York 20, N.Y., Univac, 210 Washington Street, Hartford, Conn. 06106, Paramus Service, Inc., 26 Park Place, Paramus, N.J. 07652, New England Power Service Co., Westboro, Mass., Automatic Data Processing, Inc., 1040 Highway 46, Clifton, N.J. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 115917 (Sub-No. 15 TA), filed October 14, 1966. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 348, Crossnore, N.C. 28616. Applicant's representative: Wilmer A. Hill, Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in Buncombe County, N.C., to points in Ashe, Avery, Buncombe, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Watauga, and Yadkin Counties, N.C., restricted to traffic which has had an immediately prior movement by rail, for 180 days. Supporting shipper: International Salt Co., Whitney Bank Building, New Orleans, La. 70130. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 115931 (Sub-No. 17 TA), filed October 14, 1966. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Post Office Box 1961, Billings, Mont. 59101. Applicant's representative: Stockton, Lewis & Mitchell, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings and components or parts therefor*, from points in Fayette County, Ohio, and Vigo County, Ind., to points in Montana and Wyoming, for 180 days. Supporting shippers: Curran Construction Co., Inc., 219 East Main Street, Suite A, Box 1064, Missoula, Mont. 59801; Eaton Steel Building Co., 123 North 13th Street, Post Office Box 1687, Billings, Mont. 59103; Dick Hoff Construction Co., Post Office Box 1944, Casper, Wyo.; Palmer Steel Structures, 1324 Central Avenue West, Box 2326, Great Falls, Mont. 59401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 117136 (Sub-No. 25 TA), filed October 14, 1966. Applicant: BUSY BEE, INC., 6805 Southeast Milwaukie, Portland, Ore. 97202. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Benton, Polk, and Yamhill Counties, Ore., to points in California, for 180 days. Supporting shippers: Griswold Lumber Co., Post Office Box 25037, Portland, Ore., Western Wood Supply, 437 Terminal Sales Building, Portland, Ore., Fillmore Lumber Sales, Post Office Box 02006, Portland, Ore., Patrick Lumber Co., Terminal Sales Building, Portland, Ore. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 119808 (Sub-No. 4 TA), filed October 17, 1966. Applicant: ROBERT F. DuBOIS, doing business as DuBOIS TRUCKING, Stonybrook Road, Northfield, Vt. 05663. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, ground, crushed, pulverized and broken, in bulk in dump vehicles, from Swanton, Vt., to Plattsburgh, N.Y., for 180 days. Supporting shipper: Swanton Lime Works, Inc., Swanton, Vt. 05488. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 123310 (Sub-No. 5 TA), filed October 14, 1966. Applicant: VERNON L. HUNT, doing business as, HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. 82001. Applicant's representative: Ward A. White, Post Office Box 568, 1600 Van Lennan Avenue, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater, Idaho, and Kootenai Counties, Idaho, to points in Colorado, for 180 days. Supporting shipper: North Idaho Cedar Sales, Post Office Box 38, Elk River, Idaho 83827. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, D & S Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 123476 (Sub-No. 4 TA), filed October 14, 1966. Applicant: CURTIS TRANSPORT, INC., Post Office Box 215, Valley Park, Mo. 63088. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic panels laminated with aluminum or wood*, from Cape Girardeau, Mo., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper: The Dow Chemical Co., Eastman Road Building, Midland, Mich., Joe G. Thomason, Traffic Manager. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Com-

mission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 124576 (Sub-No. 5 TA), filed October 14, 1966. Applicant: WILLIAMS TRANSPORTATION, INC., Post Office Box 182, Belle Fourche, S. Dak. 57717. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, piling, and lumber*, from points in Lawrence County, S. Dak., and Crook County, Wyo., to points in South Dakota, Montana, Wyoming, Nebraska, Iowa, Minnesota, and North Dakota, for 180 days. Supporting shipper: Glen L. Westburg, Whitewood Post & Pole, Whitewood, S. Dak. 57793. Supporting shipper: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 127232 (Sub-No. 2 TA), filed October 14, 1966. Applicant: BELFORD TRUCKING, LTD., 3014 Cedar Creek Drive, Cookville, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from ports of entry on the international boundary line between the United States and Canada at or near Buffalo, Niagara Falls, and Lewiston, N.Y., to points in New York, and *returned shipments* on return, for 150 days. Supporting shipper: Milton Brick Co., Ltd., Baseline Road, Milton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y. 14203.

No. MC 128300 (Sub-No. 3 TA), filed October 17, 1966. Applicant: ROSS A. FISH AND JACK VERKLER, doing business as FISH & VERKLER, 1017 East Eighth Street, Mesa, Ariz. 85201. Applicant's representative: A. M. Bernstein, 1327 Guaranty Bank Building, 3550 North Central, Phoenix, Ariz. 850. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Show Low, Payson, Flagstaff, Snowflake, Fredonia, and Cutter, Ariz., to points in New Mexico, Texas, and Utah, for 180 days. Supporting shippers: Kaibab Lumber Co., Post Office Box 12196, Phoenix, Ariz., Western Pine Sales, Inc., Post Office Box 40, Snowflake, Ariz., Reidhead Lumber Co., Inc., Box E, Show Low, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 4006 Federal Building, Phoenix, Ariz. 85025.

No. MC 128610 TA (Amendment), filed September 28, 1966, published FEDERAL REGISTER, issue of October 5, 1966, and republished as amended this issue. Applicant: ALCO SHIPPING AGENCIES BAHAMAS, Ltd., Port Laudania, Dania, Fla. Applicant's representative: Bernard C. Pestcoe, Suite 412 City National

Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those commodities injurious, or contaminating to other lading), from Port Laudania or Port Everglades, Fort Lauderdale, Fla., to points in Dade, Broward, and Palm Beach Counties, Fla., and from points in Dade, Broward, and Palm Beach Counties, Fla., to Port Laudania or Port Everglades, Fort Lauderdale, Fla., restricted to traffic having a prior or subsequent movement by water aboard vessels owned or operated by applicant, for 180 days. Supporting shippers: Port Everglades Steel Corp., Post Office Box 13065, Fort Lauderdale, Fla. 33316, Smith, Richardson & Convoy, Inc., 3500 Northwest 62d Street, Miami, Fla., 33147, General Electric Co., Southeastern District, 3655 Northwest 71st Street, Miami, Fla. 33147, Adobe Brick & Supply Co., 2056 Scott Street, Hollywood, Fla., Dant & Russell, Inc., Port Everglades Station, Fort Lauderdale, Fla., E & I Inc., 3000 West State Road 84, Fort Lauderdale, Fla. 33312, Coronet Kitchens, Inc., 4200 Northwest 10th Avenue, Oakland Park Station, Fort Lauderdale, Fla. 33307, J. & L. Feed & Supply, Post Office Box 568, Dania, Fla., United Purveyors, Inc., Post Office Box 593, Allapattah Station, Miami, Fla. 33142, Forest Products Corp., Post Office Drawer 1341, Fort Lauderdale, Fla., East Coast Supply Corp., 2725 Hillsboro Road, West Palm Beach, Fla., Angelo's Seafood and Frozen Foods, 500 Northeast Third Street, Fort Lauderdale, Fla. 33302, Marine Construction & Engineering Co., Ltd., Freeport, Grand Bahama Island, Causeway Lumber Co., 2627 South Andrews Avenue, Fort Lauderdale, Fla., Temcurt Import-Export Corp., 7 North Federal Highway, Fort Lauderdale, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128633 (Sub-No. 1 TA), filed October 14, 1966. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Dover, Del.; McGuire Air Force Base, N.J.; Albany, N.Y.; Boston, Mass.; Newark Airport, N.J.; LaGuardia Airport, N.Y.; Kennedy International Airport, N.Y.; Charleston, S.C.; Norfolk, Va.; Washington, D.C.; Philadelphia International Airport, Pa.; Baltimore International Airport, Md.; Dulles International Airport, Va. Restricted to shipments having a subsequent or prior movement by aircraft, under a contract with Trans World Airlines, Inc., for 150 days. Supporting

shipper: Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128645 (Sub-No. 1 TA), filed October 14, 1966. Applicant: JOE BLATTNER, Carson, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer lumber*, from Carson, Wash., to points in Oregon, for 180 days. Supporting shipper: Wilkins, Kaiser & Olsen, Inc., Goldendale, Wash. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 128648 TA, filed October 14, 1966. Applicant: TRANS UNITED, INC., 2531 Nebraska Street, South Gate, Calif. 90280. Applicant's representative: Murchinson and Stebbins, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and loader attachments or parts and articles, equipment, materials and supplies* used in the manufacture, processing, and distribution of tractor and loader attachments or parts, between points in States in the United States except Alaska and Hawaii, moving under a continuing contract with Westrac, a corporation, for 180 days. Supporting shipper: Westrac, 1309 West Sepulveda Boulevard, Torrance, Calif. 90508. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC-128649 TA, filed October 17, 1966. Applicant: JACK CHAMBLESS, doing business as CLOVIS MOVING & STORAGE, 700 East Tatum Street, Post Office Box 697, Clovis, N. Mex. 88101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, which have previously moved in unregulated freight forwarder service, between Clovis, N. Mex., and points in Curry, Quay, Roosevelt, and De Baca Counties, N. Mex., for 180 days. Supporting shippers: Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807, Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133, Asiatic Forwarders Inc., 325 Valencia Street, San Francisco, Calif. 94103. Send protests to: Jerry R. Murphy, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 109 U.S. Courthouse, Albuquerque, N. Mex. 87101.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11610; Filed, Oct. 24, 1966; 8:48 a.m.]

[Notice 274]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 20, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 2196 TA), filed October 18, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Clay Center, Kans., and Manhattan, Kans., serving no intermediate points, from Clay Center, in an easterly direction over U.S. Highway 24 to Manhattan, and return over the same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting shipper: Hutchinson Manufacturing, Inc., Box 33, Clay Center, Kans. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 75330 (Sub-No. 14 TA), filed October 18, 1966. Applicant: MORRIS DRAYING COMPANY, 190 98th Avenue, Oakland 1, Calif. Applicant's representative: Marvin Handler, 405 Mont-

gomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated, relocatable structures* (except, buildings in sections mounted on wheeled under carriages with hitchball connector and trailers designed to be drawn by passenger automobiles), from Newark, Calif., to points in Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, and Texas, for 180 days. Supporting shipper: Modulux Inc., 38505 Cherry Street, Newark, Calif. 94560. Send protests to: Howard O. Gaston, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif.

No. MC 78786 (Sub-No. 266 TA) (Correction), filed September 23, 1966, published FEDERAL REGISTER, issues of October 1, and October 7, 1966, and republished this issue. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: T. T. Edwards (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, commodities requiring special equipment, class A and B explosives and household goods as defined by the Commission, between points in California, Arizona, New Mexico, and Nevada, as follows: (A) (1) From San Francisco, Calif., to Stockton, Calif., over U.S. Highway 50; (2) from junction U.S. Highway 50 and California Highway 120 near Banta, Calif., over California Highway 120 to junction U.S. Highway 99, (3) from Banta, Calif., over California Highway 33 to Los Banos, Calif., (4) from Vernalis, Calif., to Modesto, Calif., over California Highway 132, (5) from Gustine, Calif., to Merced, Calif., over California Highway 140, (6) from Los Banos, Calif., to junction U.S. Highway 99 and California Highway 152 over California Highway 152, (7) from Sacramento, Calif., to Calexico, Calif., over U.S. Highway 99 to junction U.S. Highway 60, thence over U.S. Highway 60 to Coachella, Calif., thence over California Highway 86 to El Centro, Calif., thence over California Highway 111 to Calexico, Calif., (8) from Coachella, Calif., to Brawley, Calif., over California Highway 111, (9) from San Diego, Calif., to Yuma, Ariz., over U.S. Highway 80, (10) from Arcata, Calif., to Santa Ana, Calif., over U.S. Highway 101, (11) from Benson, Ariz., to Lordsburg, N. Mex., over U.S. Highway 80.

(12) From San Simon, Ariz., to junction U.S. Highway 80 near Steins, N. Mex., over Arizona Highway 86, and (13) from Casa Grande, Ariz., to Gila Bend, Ariz., over Arizona Highway 84; and return over the same routes in (1) through (13) above serving all intermediate points and off-route points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Marin, Mendocino,

Merced, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba, and the Arizona Counties of Yuma, Maricopa, Pinal, Santa Cruz, Cochise, Graham, Greenlee, Gila, and Pima which are stations on the rail lines of Southern Pacific Co. and its wholly owned rail subsidiaries (Northwestern Pacific Railroad Co., Petaluma & Santa Rosa Railroad Co., Visalia Electric Railroad Co., San Diego & Arizona Eastern Railroad, and Holton Inter-Urban Railway Co.). (B) (1) Alternate routes: From Alturas, Calif., to Reno, Nev., over U.S. Highway 395, (2) from Hawthorne, Nev., to Phoenix, Ariz., over U.S. Highway 95 to junction U.S. Highway 93 near Boulder City, Nev., thence over U.S. Highway 93 to Kingman, Ariz., thence over U.S. Highway 66 to junction Arizona Highway 93, thence over Arizona Highway 93 to junction U.S. Highway 89, thence over U.S. Highway 89 to Phoenix, (3) from Las Vegas, Nev., to Yuma, Ariz., over U.S. Highway 95, serving Las Vegas for purposes of joinder only; (4) from Indio, Calif., to Phoenix, Ariz., over U.S. Highway 60, (5) from Globe, Ariz., to Glenbar, Ariz., over U.S. Highway 70, (6) from Canby, Calif., to Susanville, Calif., over California Highway 299 to Adin, Calif., thence over California Highway 139 to Susanville, Calif.; and return over the same routes, as alternate routes for operating convenience only, serving no intermediate points, for 180 days.

NOTE: Applicant states it proposes to tack the authority sought in (A) above to authority presently held by it in its certificate MC-78786; in Items 13, 20, 22B, 34, 36, 37, 38, 40, 97, 99, 100, 102, and Sub 219, 110, 113, 115, and 116. Applicant also states it proposes to interline traffic carried under the subject authority with other connecting motor common carriers at the usual gateways, namely El Paso, Tex.; Phoenix, Yuma, and Tucson, Ariz.; San Diego, Santa Ana, El Centro, Los Angeles, Bakersfield, Fresno, Stockton, San Francisco, Oakland, Sacramento, Willits, Eureka, Red Bluff, and Redding, Calif.; and Medford, Klamath Falls, Coos Bay, Roseburg, Eugene, Albany, Salem, and Portland, Oreg. Supporting shippers: The application is supported by statements from 176 shippers, which statements may be examined here at the Interstate Commerce Commission in Washington, D.C., and at the District office named below. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102. NOTE: The purpose of this correction is to clearly set forth the off-route points proposed to be served in (A) above.

No. MC 110525 (Sub-No. 804 TA), filed October 18, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown,

Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Baltimore, Md., to Schenley, Pa., for 150 days. Supporting shipper: Schenley Distillers, Inc., Mary Street, Lawrenceburg, Ind. 47025. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 119315 (Sub-No. 7 TA), filed October 18, 1966. Applicant: FREIGHT-WAY CORPORATION, 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fibers and glass fiber products*, from Vienna, W. Va., to points in Delaware, Maryland, New York, New Jersey, and the District of Columbia for the account of Johns-Manville Corp., for 180 days. Supporting shipper: Johns-Manville, Fiber Glass Division, Post Office Box 5128, Vienna, W. Va. 26105. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124111 (Sub-No. 10 TA), filed October 18, 1966. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fresh*, from

plantsite of Aurora Packing Co., Inc., at North Aurora, Ill., to Baltimore, Md.; Landover, Md.; Linden, N.J.; New York, N.Y., commercial zone as defined by the Commission, and Washington, D.C., for 180 days. Supporting shipper: Aurora Packing Co., Inc., Post Office Box 1263, Aurora, Ill. 60507. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124328 (Sub-No. 27 TA), filed October 18, 1966. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Francis D. Partlan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency and coin*, between Cincinnati, Ohio, and Barbourville, Corbin, Cumberland, Harlan, Jenkins, Lancaster, London, Middlesboro, Neon, Nicholasville, Paintsville, Pikeville, Pineville, Prestonburg, Salyersville, Somerset, Stanford, Whitesburg, and Williamsburg, Ky., for 150 days. Supporting shippers: There are 30 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086 U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127623 (Sub-No. 3 TA), filed October 18, 1966. Applicant: R & R FREIGHT TRUCKING, INC., 812 Greene Street, Cumberland, Md. 21502. Applicant's representative: Earl Edmund Manges, 120 South Liberty Street, Cum-

berland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, sand, and gravel*, in bulk, from Frostburg and Cumberland, Md., to points in Garrett, Allegany, and Washington Counties, Md., for 150 days. Supporting shipper: International Salt Co., Clarks Summit, Pa., Attention: James F. Rehr. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1220, Washington, D.C.

No. MC 128647 (Sub-No. 1 TA), filed October 18, 1966. Applicant: JO-ED TRUCKING CO., INC., 138 Summer Street, Orange, N.J. 07050. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated cabana swimming pools* knocked-down, uncrated and *swimming pools accessories* from the plant site of Hendon Fabricating Division, Hendon, Construction Co., Monachie, N.J., to points in Connecticut, Massachusetts, Maryland, New York, Pennsylvania, Rhode Island, and Washington, D.C., restricted to deliveries to residential sites, for 180 days. Supporting shipper: Hendon Fabricating Division, Executive Offices, Little Ferry, N.J. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11611; Filed, Oct. 24, 1966; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page
PROCLAMATIONS:	
3749	12935
3750	12995
3751	13197
3752	13635
EXECUTIVE ORDERS:	
Sept. 24, 1847 (revoked by PLO 4100)	12950
April 17, 1926 (revoked in part by PLO 4098)	12950
10126 (superseded by 14 CFR 73.87)	13422
10154 (superseded by EO 11313)	13417
10558 (superseded by EO 11313)	13417
10686 (superseded by EO 11313)	13417
11122 (superseded by EO 11307)	12917
11215 (amended by EO 11309)	13075
11307	12917
11308	12919
11309	13075
11310	13199
11311	13413
11312	13415
11313	13417
11314	13419

4 CFR	
Ch. II	13381

5 CFR	
213	12833, 12937, 13113, 13465, 13521, 13695
351	13521
534	13521
1700	13113

7 CFR	
51	13637
81	13203, 13527
110	13203
112	13203
113	13203
210	13035
319	12834
354	13203
401	13581, 13583
402	13588
403	13588
406	13588
407	13588
408	13589
409	13589
701	13035
719	13204
722	13035, 13036, 13132, 13168, 13205, 13303, 13465, 13529, 13530, 13589
728	13036
729	12921, 12940
751	13531
777	13502
811	13133, 13313
813	13589
849	13695
874	12940

7 CFR—Continued	Page
905	12835, 13385
908	12836, 13077, 13385, 13639
909	13134
910	12837, 13077, 13386, 13640
915	13135, 13386
932	13171
947	13171
958	12940
982	13591
984	13421, 13640
989	13696
993	13037
1038	13037
1126	13641
1421	13078, 13641
1427	13641, 13696
1443	12837
1446	13207
1475	13532
1490	12997
PROPOSED RULES:	
52	13551
725	13242
730	12952
909	13174
929	13136
948	12953
971	13551
972	13394
982	12954, 13346
984	13005
989	13244, 13552
991	13394
993	13136
994	13090
1005	12845, 13090, 13726
1006	13272
1012	13605
1013	13655
1038	12954
1041	13136
1067	13395
1069	13091
1102	13395
1103	13476
1106	13607
1126	13005, 13607
1205	13478
Ch. XI	12956

8 CFR	
211	13387
212	13114

9 CFR	
78	13465
97	13114

12 CFR	
329	12837
526	13039
531	13591
545	12838, 12839, 13000
556	13592
561	13592
563	13167
571	13593

PROPOSED RULES:	
11	13725
222	12965

13 CFR	Page
107	13532
121	12840

PROPOSED RULES:	
121	12849, 12924, 13353

14 CFR	
11	13697
21	13387
37	12941
39	12921, 13167, 13521
47	13313
61	13522
63	13522
65	13522
71	12840, 12921, 12943, 13038, 13039, 13115, 13207, 13314, 13315, 13389, 13390, 13421, 13422, 13466, 13525, 13641, 13698, 13699
73	12922, 12944, 13115, 13422, 13699
91	13525
95	12944
97	13116, 13316, 13594, 13642
121	13078
143	13522
151	13423
208	12947
295	12948
378	12948

PROPOSED RULES:	
39	12924, 13554
61	13554
71	12925, 13481, 13669, 13725
73	12925
75	13176
91	13352

15 CFR	
230	13167, 13390
372	13040
373	13040
374	13040
379	13040
382	13040
385	13040
398	13040
399	13040, 13699

16 CFR	
13	12937, 12938, 13078-13080, 13208, 13209, 13337, 13423
15	13210, 13423

PROPOSED RULES:	
303	13353

17 CFR	
200	13533

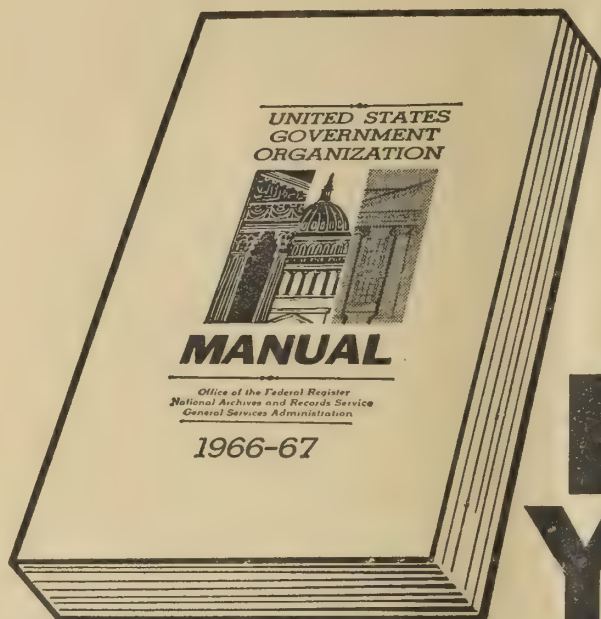
18 CFR	
141	13593
154	13720
204	12840

PROPOSED RULES:	
141	13557
260	13557

19 CFR	Page
1----- 12938, 13080, 13390,	13721
4-----	13424
13-----	13722
PROPOSED RULES:	
12-----	12964
20 CFR	
404-----	13126, 13533
405-----	13424, 13456, 13534
602-----	13466
21 CFR	
3-----	13537
8-----	12840
17-----	12949
27-----	12949
51-----	12950
53-----	12840
120-----	13210
121-----	12841, 13128, 13474, 13475,
146-----	12841
146a-----	13723
148k-----	13603
PROPOSED RULES:	
19-----	13005
121-----	12849
130-----	13347
191-----	13006
22 CFR	
41-----	13080
42-----	13080
50-----	13537
51-----	13540, 13654
52-----	13546
53-----	13546
23 CFR	
Ch. II-----	13128
24 CFR	
5-----	13081
203-----	13000
220-----	13000
221-----	13000
232-----	13000
234-----	13000
1000-----	13000
25 CFR	
PROPOSED RULES:	
131-----	13605
221-----	13242
26 CFR	
147-----	13723
177-----	13443
507-----	13466
PROPOSED RULES:	
1-----	12843, 12845, 13091, 13242
28 CFR	
PROPOSED RULES:	
5-----	13343
29 CFR	
462-----	13001
512-----	13211
PROPOSED RULES:	
40-----	13174
1207-----	13176

31 CFR	Page
520-----	13001
32 CFR	
1-----	13326
2-----	13329
3-----	13329
4-----	13330
7-----	13331
8-----	13332
11-----	13332
13-----	13336
15-----	13336
18-----	13337
156-----	13642
855-----	13081
1001-----	13217
1002-----	13217
1003-----	13217, 13547
1004-----	13217
1007-----	13218, 13547
1010-----	13219
1012-----	13548
1013-----	13219
1017-----	13220
1018-----	13220
1030-----	13220
1053-----	13220
1054-----	13220
32A CFR	
Ch. XV:	
FRS Reg. V-----	13444
PROPOSED RULES:	
Ch. X-----	12924, 13050
33 CFR	
84-----	13647
202-----	13129
203-----	13647
204-----	13129, 13445, 13647
36 CFR	
311-----	13313
326-----	13172
37 CFR	
1-----	12922
4-----	13648
38 CFR	
2-----	13548
3-----	13088, 13172, 13390, 13446
14-----	13548
36-----	13003
39 CFR	
822-----	13172
PROPOSED RULES:	
43-----	13394
41 CFR	
5-12-----	13337
9-1-----	13046
9-2-----	13046
9-3-----	13046
22-1-----	13001
42 CFR	
22-----	12939
52-----	13445

43 CFR	Page
5430-----	13446
PUBLIC LAND ORDERS:	
1195 (revoked in part by PLO 4099)-----	12950
3152 (revoked in part by PLO 4104)-----	12951
3584 (revoked in part by PLO 4104)-----	12951
4094 (corrected)-----	13473
4097-----	12950
4098-----	12950
4099-----	12950
4100-----	12950
4101-----	12951
4102-----	12951
4103-----	12951
4104-----	12951
4105-----	13549
45 CFR	
6-----	12842
7-----	12842
8-----	12842
170-----	13220
46 CFR	
12-----	13649
510-----	13650
PROPOSED RULES:	
2-----	12860
24-----	12860
30-----	12860
70-----	12860
90-----	12860
110-----	12860
175-----	12860
188-----	12860
189-----	12860
190-----	12860
191-----	12860
192-----	12860
193-----	12860
194-----	12860
195-----	12860
196-----	12860
47 CFR	
0-----	13473
1-----	13228, 13593
2-----	13230
15-----	13391
73-----	13234, 13237, 13474, 13653
83-----	13653
91-----	13230
99-----	13230
PROPOSED RULES:	
31-----	13244
33-----	13244
73-----	12965, 13245, 13246, 13481
49 CFR	
7-----	13446
PROPOSED RULES:	
Ch. I-----	13392
95-97-----	13393
50 CFR	
32-----	12923,
	12939, 13003, 13004, 13048, 13049,
	13088, 13130, 13240, 13241, 13342,
	13447, 13475, 13549, 13550.
33-----	12939, 13391, 13447, 13475, 13550



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FEDERAL REGISTER

VOLUME 31 • NUMBER 208

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Pages 13743-13782

Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Delaware River Basin Commission
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
General Services Administration
Interstate Commerce Commission
Land Management Bureau
National Bureau of Standards
Reclamation Bureau
Securities and Exchange Commission
Small Business Administration
Tariff Commission

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations	
Pink bollworm; domestic quarantine notices.....	13747

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations	
Sugarcane, 1966 Florida crop; fair and reasonable prices.....	13748

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

CIVIL AERONAUTICS BOARD

Notices	
Montreal-Tampa/Miami case; notice of oral argument.....	13780

COMMERCE DEPARTMENT

See National Bureau of Standards.

CONSUMER AND MARKETING SERVICE

Rules and Regulations	
Dried prunes produced in California; miscellaneous amendments	13751
Limitation of shipments on fruit grown in lower Rio Grande Valley in Texas:	
Grapefruit	13750
Oranges	13750
Milk in Delaware Valley marketing area; order suspending certain provisions; correction.....	13751
Poultry and poultry products; domestic consumption program:	
Cross reference.....	13747
Recodification	13747
Proposed Rule Making	
Proposed expenses and rate of assessment:	
Grapefruit grown in the Indian River District of Florida.....	13758
Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County.....	13758

CUSTOMS BUREAU

Rules and Regulations	
Customs field organization; changes.....	13755
Rumania; special tonnage tax and light money.....	13755

DELAWARE RIVER BASIN COMMISSION

Notices	
Comprehensive plan; notice of public hearing.....	13761

FEDERAL AVIATION AGENCY

Rules and Regulations	
Airworthiness directives; Boeing Model 707 and 720 Series airplanes.....	13751

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations	
FM broadcast stations; table of assignments.....	13755
Notices	
Canadian broadcast stations; list of changes, proposed changes and corrections in assignments.....	13767
Hearings, etc.:	
Associated Bell System Companies.....	13761
Domestic noncommon carrier communications-satellite facilities.....	13763
Osborne, Marvin H.....	13763
Sunset Broadcasting Corp., et al.....	13764
Syracuse Television, Inc., et al.....	13764
Use of Carterphone device in message toll telephone service.....	13762

FEDERAL POWER COMMISSION

Notices	
Hearings, etc.:	
Bachus Oil Co.....	13772
Cumberland Gas Co., et al.....	13767
South Georgia Natural Gas Co.....	13773
Southern Natural Gas Co.....	13773

FEDERAL TRADE COMMISSION

Rules and Regulations	
Administrative opinions and rulings:	
Trade association code governing dealings with customers.....	13754
Product certification program.....	13754
Prohibited trade practices:	
Hargo Woolen Mills, Inc., et al.....	13753
National Health and Life Insurance Co.....	13753

FISH AND WILDLIFE SERVICE

Rules and Regulations	
Tishomingo National Wildlife Refuge, Oklahoma; hunting.....	13757

GENERAL SERVICES ADMINISTRATION

Notices	
Motor vehicle replacement standards (2 documents).....	13773, 13774

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; Reclamation Bureau.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations	
Explosives and other dangerous articles; miscellaneous amendments.....	13756
Notices	
Boxcar distribution:	
Central Railroad Company of New Jersey and Lehigh Valley Railroad Co.....	13780
Lehigh Valley Railroad Co., and Norfolk and Western Railway Co.....	13780
Norfolk and Western Railway Co., and Illinois Central Railroad Co.....	13780
Fourth section applications for relief.....	13775
Motor carrier:	
Alternate route deviation notices.....	13775
Applications and certain other proceedings (2 documents) ..	13776, 13778
Intrastate applications.....	13779
Transfer proceedings.....	13780

LAND MANAGEMENT BUREAU

Notices	
California; filing of protraction diagram.....	13760
Nevada; filing of plat of survey and order opening public lands.....	13760

NATIONAL BUREAU OF STANDARDS

Rules and Regulations	
Standard reference materials; miscellaneous amendments.....	13752

RECLAMATION BUREAU

Notices	
Transfer of administrative jurisdiction of land:	
Snoqualmie National Forest, Washington.....	13761
Wenatchee National Forest, Washington.....	13760

SECURITIES AND EXCHANGE COMMISSION

Notices	
Granite State Electric Co., and New England Electric System; proposed increase in shares and sale of common stock and sale to holding company.....	13774

SMALL BUSINESS ADMINISTRATION

Proposed Rule Making	
Small business manufacturer; definition for certain purposes.....	13758

(Continued on next page)

TARIFF COMMISSION**Notices**

Olives; notice of investigation---	13774
Workers' petition for determination of eligibility to apply for adjustment assistance; notice of investigation and hearing-----	13775

TREASURY DEPARTMENT

See Customs Bureau.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

6 CFR	13 CFR	19 CFR
530----- 13747	PROPOSED RULES:	1----- 13755
	121----- 13758	4----- 13755
7 CFR	14 CFR	47 CFR
207----- 13747	39----- 13751	73----- 13755
301----- 13747		
873----- 13748	15 CFR	49 CFR
906 (2 documents)----- 13750	230----- 13752	71-79----- 13756
993----- 13751		
1004----- 13751	16 CFR	50 CFR
PROPOSED RULES:	13 (2 documents)----- 13753	32----- 13757
912----- 13758	15 (2 documents)----- 13754	
947----- 13758		

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter V—Consumer and Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 530—POULTRY AND POULTRY PRODUCTS

CROSS REFERENCE: For a document transferring the regulations in Subchapter B (consisting of Part 530) of Chapter V to Chapter I of Title 7 and recodifying these regulations in new Part 207 of new Subchapter M, see F.R. Doc. 66-11655, *infra*.

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER M—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 207—POULTRY AND POULTRY PRODUCTS

The following changes are made in the codification of Title 7 of the Code of Federal Regulations:

1. A new subchapter heading is added following Part 205 of Title 7 to read as set forth above.

2. The regulations appearing in Part 530 of Title 6 are transferred to Chapter I of Title 7 and are hereby redesignated as Part 207. Sections 530.1 to 530.19 of Title 6 are hereby redesignated §§ 207.1 to 207.19 of Title 7.

Done at Washington, D.C., this 20th day of October 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-11655; Filed, Oct. 25, 1966; 8:48 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

NOTICE OF QUARANTINE

On September 14, 1966, there was published in the FEDERAL REGISTER (31 F.R. 12023) as F.R. Doc. 66-10042, a notice of public hearing and notice of rule making pertaining to Notice of Quarantine No. 52 relating to the pink bollworm and the regulations supplemental to said quarantine (7 CFR 301.52, 301.52-1 et

seq.). After due consideration of all relevant matters presented at the hearing and in response to the notice of rule making, and pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the said notice of quarantine is hereby revised to read as follows:

QUARANTINE

§ 301.52 Notice of quarantine.

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it is determined that it is necessary to quarantine the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas to prevent the spread of the pink bollworm, a dangerous insect injurious to cotton, okra, and kenaf, and not heretofore widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined or continued to be quarantined because of said insect, and under the authority of said Act and the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee) supplemental regulations are prescribed in this subpart governing the movement of carriers of said insect. Hereafter the following shall not be moved from the quarantined States into or through any other State, Territory, or District of the United States in manner or method or under conditions other than those prescribed in the regulations as from time to time amended:

(1) Okra and kenaf, including all parts of the plants; (2) cotton and wild cotton, including all parts of both cotton and wild cotton plants; (3) seed cotton; (4) cotton lint; (5) cotton linters; (6) cotton waste produced at cotton gins, cotton seed oil mills, or textile mills; (7) gin trash; (8) cottonseed; (9) cottonseed hulls; (10) cottonseed cake; (11) cottonseed meal; (12) used bagging and other used wrappers for cotton; (13) used cotton harvesting equipment; and (14) other farm products, other farm equipment, farm household goods, ginning and oil mill equipment, other cotton processing machinery, and means of conveyance, and, unlimited by the foregoing, any other products and articles of any character whatsoever, not within subparagraphs (1) through (13) of this paragraph, when it is determined in accordance with the regulations (§§ 301.52-1 to 301.52-10) that they present a hazard of spread of the pink bollworm. Moreover, movement of products, articles, and means of conveyance designated above from a quarantined State or portion thereof into or through another quarantined State or portion thereof may be restricted or prohibited under the regulations. The requirements of this quarantine and the regulations in this subpart with respect to the products, arti-

cles, and means of conveyance designated above, are hereby limited to the areas in any quarantined State which may be designated as within the regulated area as provided in the regulations, as long as in the judgment of the Deputy Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of the pink bollworm, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of live pink bollworms and the other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine regulations and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Deputy Administrator, are adequate to prevent the spread of the pink bollworm within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles or means of conveyance to which the regulations apply, making it safe to modify, by making less stringent, the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for all or such portion of the regulated area and for such products, articles, and means of conveyance as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area.

(b) Regulations governing the movement of live pink bollworms are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, in accordance with said part.

(c) As used in this subpart, unless the context otherwise requires, the term "State, Territory, or District of the United States" means State, the District of Columbia, Guam, Puerto Rico, or the Virgin Islands of the United States.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This revision shall become effective October 26, 1966, when it shall supersede the notice of quarantine effective August 31, 1957, as amended, and as republished January 1, 1966 (7 CFR 301.52).

Pursuant to a notice published in the *FEDERAL REGISTER* on September 14, 1966 (31 F.R. 12023), a public hearing was held in San Diego, Calif., on October 4, 1966, regarding quarantining California on account of the pink bollworm. After due consideration of all relevant matters presented at the hearing and in response to the notice of rule making, it has been decided to add California to the list of States quarantined because of the pink bollworm.

Since this action imposes restrictions necessary to prevent the interstate dissemination of pink bollworm infestations, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause in accordance with the provisions of 5 U.S.C., section 553, that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 21st day of October, 1966.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-11662; Filed, Oct. 25, 1966;
8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 873.19]

PART 873—SUGARCANE; FLORIDA

Fair and Reasonable Prices for 1966 Crop

Pursuant to the provisions of section 301(c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Belle Glade, Fla., on June 17, 1966, the following determination is hereby issued:

§ 873.19 Fair and reasonable prices for the 1966 crop of Florida sugarcane.

A producer of sugarcane in Florida who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1966 crop grown by other producers and processed by him, or shall have processed sugarcane of other processor-producers under a toll agreement, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 7 domestic contract, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington,

D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section which he determines will reflect the true market value of raw sugar.

(2) "Season's average price of raw sugar" means (i) the weighted average price of raw sugar for the months in which 1966-crop sugar is delivered to the purchaser, determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1966-crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (ii) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner.

(3) "Raw sugar" means raw sugar, 96° basis.

(4) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor.

(5) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(6) "Standard sugarcane" means net sugarcane containing 12.5 percent sucrose in the normal juice.

(7) "Average percent sucrose in normal juice" means (i) the average percent crusher juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (ii) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producers' sugarcane. However, the method of subdivision (ii) of this subparagraph shall be used by the processor where the crusher juice is diluted or where the sugarcane of one producer is commingled with the sugarcane of another producer.

(8) "Average percent crusher juice sucrose" referred to in subparagraph (7) (i) of this paragraph means the percentage of sucrose in crusher juice as determined by direct analysis. "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice as derived by multiplying factory dilute juice purity by factory normal juice Brix. Factory normal juice Brix is determined by multiplying factory crusher juice Brix, as determined by direct analysis by a dry milling factor which represents the ratio of normal juice Brix to crusher juice Brix. "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix as determined by direct analysis.

(9) "Average percent sample mill juice sucrose" referred to in subparagraph (7) (ii) of this paragraph means the percentage of sucrose in juice extracted from producers' sugarcane by a

sample mill determined by direct analysis. "Factory normal juice sucrose" is derived in one of the following ways: (1) When sugarcane is washed and/or "cush-cush" is distributed in such a manner as to become commingled with sugarcane in front of the crusher mill (or first mill in the absence of a crusher), the crusher or first expressed juice is diluted and consequently cannot be used as a basis for computing factory normal juice Brix and sucrose. In such case, crusher juice Brix is derived by multiplying the daily average of all sample mill juice Brix determinations with respect to producers' sugarcane by a dilution compensation factor representing the ratio of factory crusher juice Brix to sample mill juice Brix extracted from dry sugarcane as determined by direct analysis. Such factory crusher juice Brix is multiplied by a dry milling factor to obtain factory normal juice Brix. Factory normal juice Brix is multiplied by the factory dilute juice purity to obtain factory normal juice sucrose; or (ii) where the crusher juice is not diluted due to sugarcane washing or the return of cush-cush, factory normal juice Brix is determined by multiplying factory crusher juice Brix by a dry milling factor and factory normal juice sucrose is obtained by multiplying factory normal juice Brix by factory dilute juice purity.

(10) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(11) "State Office" means the Florida State Agricultural Stabilization and Conservation Service Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

(12) "State Committee" means the Florida State Agricultural Stabilization and Conservation Committee.

(b) *Basic price for purchased sugarcane.* (1) The basic price for sugarcane purchased by a processor from producers shall be not less than \$1.09 per ton of standard sugarcane for each 1-cent per pound of the season's average price of raw sugar.

(2) Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice	Standard sugarcane quality factor ¹
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

¹ The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(3) Molasses payment: The processor shall pay to the producer for each ton of net sugarcane ground an amount equal to the product of 5.9 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, basis f.o.b. tank truck or railroad car at mill, sold during the 12-month period ending May 31, 1967: *Provided*, That if the processor sells molasses for his own account and for the account of another processor the weighted average net sales price of molasses for all processors involved shall for the purpose of this paragraph be determined on the basis of the price at which all molasses was sold by such processor during such 12-month period.

(4) General:

(i) The price for sugarcane specified in this paragraph is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill: *Provided*, That if sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs): *Provided further*, That if the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay to the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(ii) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1966-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(iii) Nothing in subdivision (ii) of this subparagraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State Office.

(iv) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State Office upon a determination by the State Committee that the payment is fair and reasonable.

(v) The processor shall submit to the State Office for approval: (a) A statement setting forth the weighted average price of raw sugar upon which settle-

ments with producers are based; and (b) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses.

(c) *Salvage sugarcane*. The price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State Office.

(d) *Toll agreements*. The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

(e) *Subterfuge*. The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General*. The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1966 crop grown by other producers.

(b) *Requirements of the act*. Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1966 price determination*. This determination continues the provisions of the 1965 crop determination without change.

A public hearing was held in Belle Glade, Fla., on June 17, 1966, at which interested persons were afforded the opportunity to present their views on fair and reasonable prices for the 1966 crop of sugarcane. A witness testifying on behalf of the United States Sugar Corp. recommended that the determination not be changed in any way which would add to the burden of the processor. He stated that the 1964 determination had changed the basic price per ton of cane from \$1.07 to \$1.09 for each 1-cent per pound of the price of raw sugar, and that the 1965 determination had denied the sharing of warehouse storage costs with producers and had changed the basic price for molasses from f.o.b. mill tank to f.o.b. tank truck or rail car, all of which influenced the sharing ratio in favor of the producer at the expense of the processor. He also recommended adoption of a standard deduction of 6 percent for trash delivered with sugarcane. He stated that all cane produced in Florida is grown on similar land and harvested in a similar manner, and that there is actually very little variation in average trash. He said that individual tests to determination for each producer

the percentage of trash would be more expensive as well as less accurate.

A representative of Osceola Farms Co. recommended that the alternative method of determining the season's average price be modified by omitting the words "with a refiner" so that a company which sold all of its raw sugar production through a broker rather than to a refinery could elect this method of settlement. An independent producer of sugarcane testified that if inequities exist under the present method of trash determination, he favored individual tests only insofar as the cost of such tests are not passed on to the producer. Another witness characterized individual trash tests as unworkable.

Consideration has been given to the recommendations presented at the hearing, to data on the returns, costs, and profits of producing and processing sugarcane obtained by field survey for recent crops and recast in terms of conditions likely to prevail for the 1966 crop, and to other pertinent factors. This analysis indicates that the sharing relationship established between producers and processors provided by the 1965 crop determination continues to be equitable for the 1966 crop.

The recommendation for a standard factor or deduction of 6 percent for trash in sugarcane has not been adopted. The standard percentage method was abandoned with the 1964 crop determination in favor of the factory average method. This change was made in order to provide a more current method that will keep pace with changing harvesting conditions. A return to the earlier method of determining net sugarcane would not be in line with this objective.

Recommendations that producers share in the unusual raw sugar storage and handling costs and that the alternative method of determining the season's average price of raw sugar be modified to permit processors who sell all their sugar to a single broker have not been adopted. To allow processors to settle with producers on the basis of a single contract with a broker would not provide sufficient safeguards in the producers' interest. Storage and handling costs associated with raw sugar are considered to be normal processing costs and as such are considered in the development of the cost sharing ratio.

This determination provides that the molasses payment to producers is to be based on 5.9 gallons of blackstrap molasses per net ton of sugarcane, the same as last year. There has been no change in the 5-year average recovery of molasses from sugarcane.

On the basis of an examination of all the pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 301, Stat. 929; 7 U.S.C. Supp. 1131, as amended)

Effective date. This determination shall become effective on October 26, 1966, and is applicable to the 1966 crop of Florida sugarcane.

Signed at Washington, D.C., on October 21, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11661; Filed, Oct. 25, 1966;
8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 10]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906, 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on October 18, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and

effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.322 Orange Regulation 10.

(a) **Order.** (1) During the period beginning at 12:01 a.m., c.s.t., November 1, 1966, and ending at 12:01 a.m., c.s.t., December 1, 1966, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than $2\frac{1}{16}$ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective terms in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680-51.712 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 21, 1966.

PAUL A. NICHOLSEN,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11658; Filed, Oct. 25, 1966;
8:48 a.m.]

[Grapefruit Reg. 11]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Or-

der No. 906, as amended (7 CFR Part 906, 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on October 18, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.323 Grapefruit Regulation 11.

(a) **Order.** (1) During the period beginning at 12:01 a.m., c.s.t., November 1, 1966, and ending at 12:01 a.m., c.s.t., December 1, 1966, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; U.S. No. 2; or U.S. No. 3: *Provided*, That not more than 10 percent, by

count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may fail to meet the requirements of the U.S. No. 3 grade;

(ii) Any grapefruit of any variety, grown as aforesaid, which are of a size smaller than $3\frac{3}{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3\frac{3}{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620-51.685 of this title).

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11657; Filed, Oct. 25, 1966; 8:48 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Receiving of Prunes by Handlers

Notice was published in the October 11, 1966, issue of the FEDERAL REGISTER (31 F.R. 13136) regarding proposed amendment of the Subpart—Administrative Rules and Regulations (7 CFR Part 993; 31 F.R. 2777, 5751). The proposal was based on a unanimous recommendation of the Prune Administrative Committee. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the

proposal. No such comments were submitted.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found that the amendment of the Subpart—Administrative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That § 993.149(b)(2) (vi) and (vii) and the first sentence of (d)(2) are revised to read:

§ 993.149 Receiving of prunes by handlers.

* * * * *

(b) *Incoming inspection*—* * *

(2) *Certification*. * * * (vi) in any crop year in which a reserve percentage other than 0 percent is established, the average size count of all prunes in the lot; and (vii) if substandard, the percentage by weight of off-grade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom for the lot to be standard prunes, and the percentage by weight and the average size count of those off-grade prunes with defects of mold, imbedded dirt, insect infestation, and decay, and the percentage by weight, of prunes with such defects necessary to be removed in order for the balance of the lot to be within the tolerance for such defects.

* * * * *

(d) *Prunes for nonhuman consumption only*—* * *

(2) *Regulation on substandard prunes accumulated by a handler pursuant to § 993.49(c)*. To satisfy the obligation imposed by § 993.49(c) to dispose of excess defective prunes, other than those of subparagraph (1) of this paragraph, each handler shall dispose of, in non-human consumption outlets, a weight of such prunes equal to the excess in substandard lots received and such prunes shall be prunes with defects of mold, imbedded dirt, insect infestation, or decay, as of their receipt by the handler, and shall not exceed by more than 20 prunes per pound the weighted average size count of prunes with those defects in lots with an excess of such prunes. * * *

* * * * *

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This action will, among other things, change certain information currently required to be shown on an inspector's inspection certificate issued with respect to a lot of dried prunes not returned by a handler to the producer or dehydrator thereof; (2) this action would reduce the number of size count determinations of dried prunes which must be made by the inspection service during the current 1966-67 crop year; (3) handlers are now receiving prunes from pro-

ducers and dehydrators in substantial volume; (4) reduction in the number of required size counts will result in substantial savings to the inspection service for the 1966-67 crop year; (5) these savings will be passed on to handlers with the result that the net cost to handlers of inspections during the current 1966-67 crop year will be reduced; (6) handlers will require no additional advance notice to comply with this action; and (7) this relieves restrictions on handlers as to required size counts.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 20, 1966, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11631; Filed, Oct. 25, 1966; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Order Suspending Certain Provisions; Correction

In the suspension order issued June 29, 1966, to be effective July 1, 1966, through March 31, 1967 (31 F.R. 9045) the provision "first," was inadvertently omitted in setting forth the provisions being suspended. The wording of the suspension set forth in paragraph (a) is corrected to read:

In § 1004.50(a), all of the figures contained in the first, third, and fourth columns of the Class I price schedule in subparagraph (2) except the figure "6.20" and all of subparagraph (3).

Signed at Washington, D.C., on October 21, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-11656; Filed, Oct. 25, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7263; Amdt. 39-295]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 39-243 (31 F.R. 7675), AD 66-16-1, as amended by Amendment 39-253 (31 F.R. 8870), requires inspection of the vertical fin rear spar attachment fittings and repair or replacement if cracks

are found on Boeing Model 707 and 720 Series airplanes. After issuing Amendment 39-253, the Agency determined that the results of evaluations conducted by the manufacturer and recent service experience made it necessary to require additional repetitive inspections of these fittings and establish a service life limit until modification. Therefore, the AD is being further amended to require repetitive inspection in accordance with Revision 7 of the manufacturer's Service Bulletin, to establish a service life limit for these fittings until modification in accordance with Boeing Service Bulletin 2422, and provide that the rework required by paragraphs (a) through (f) may be accomplished in accordance with a later FAA-approved revision of the Service Bulletin than that specified in the AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-243 (31 F.R. 7675), AD 66-16-1, as amended by Amendment 39-253 (31 F.R. 8870), is further amended as follows:

1. Paragraphs (a) through (f) are amended by inserting the words "or later FAA-approved revision" immediately after the words "Bulletin 2399 (R-2)" wherever they appear therein.

2. Paragraph (i) is amended to read as follows:

(i) For fittings, P/N 5-84487, with the largest hole $\frac{1}{2}$ inch or greater in diameter, that have never been inspected in accordance with Boeing Service Bulletin No. 2399 (R-2) or later FAA-approved revision, inspect in accordance with Part 1b of Boeing Service Bulletin No. 2399 (R-7) or later FAA-approved revision within the next 150 hours' time in service after October 26, 1966, or within the next 700 hours' time in service after rework in accordance with Boeing Service Bulletin No. 2399 (R-2) or later FAA-approved revision. Thereafter reinspect at the times indicated in Column 2 of the applicable table in paragraph (j) opposite the hours' time in service in Column 1 since rework in accordance with Bulletin No. 2399 (R-2) or later FAA-approved revision, until modified in accordance with Boeing Service Bulletin No. 2422 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

3. The following new paragraphs are inserted after paragraph (i):

(j) For fittings P/N 5-84487, with the largest hole $\frac{1}{2}$ inch or greater in diameter that have been inspected in accordance with Boeing Service Bulletin No. 2399 (R-2) or later FAA-approved revision before October 26, 1966, reinspect in accordance with Part 1b of Boeing Service Bulletin No. 2399 (R-7) or later FAA-approved revision at the times indicated in Column 2 of the applicable table

in this paragraph opposite the hours' time in service in Column 1 since rework in accordance with Bulletin No. 2399 (R-2) or later FAA-approved revision, until modified in accordance with Boeing Service Bulletin No. 2422 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. However, the next inspection after October 26, 1966, need not be made until 150 hours' time in service after October 26, 1966.

REPETITIVE REINSPECTION TABLE FOR FITTINGS WITH LARGEST HOLE $\frac{1}{2}$ INCH OR GREATER BUT LESS THAN $\frac{5}{16}$ INCH IN DIAMETER

Column 1	Column 2
Hours' time in service since rework	Repetitive reinspection requirements during periods specified in column 1
Less than 2,100----	At intervals not to exceed 700 hours' time in service from the last inspection.
2,100 or more but less than 2,400.	Within the next 700 hours' time in service from the last inspection but not later than 2,400 hours' time in service after rework.
2,400 or more but less than 3,000.	After the accumulation of 2,400 but before the accumulation of 2,500 hours' time in service after rework, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until replaced in accordance with paragraph (k) or (l).

REPETITIVE REINSPECTION TABLE FOR FITTINGS WITH LARGEST HOLE $\frac{5}{16}$ INCH OR GREATER IN DIAMETER

Column 1	Column 2
Hours' time in service since rework	Repetitive reinspection requirements during periods specified in column 1
Less than 1,400----	At intervals not to exceed 700 hours' time in service from the last inspection.
1,400 or more but less than 1,700.	Within the next 700 hours' time in service from the last inspection but not later than 1,700 hours' time in service after rework.
1,700 or more but less than 2,500.	After the accumulation of 1,700 but before the accumulation of 1,800 hours' time in service after rework, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until replaced in accordance with paragraph (k) or (l).

(k) Replace any fitting found cracked during an inspection specified in paragraph (i) or (j), before further flight, with a new uncracked fitting of the same part number or modify in accordance with Boeing Service Bulletin No. 2422 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(l) Replace fittings, P/N 5-84487, having the largest hole of the size listed in Column 1 of the following table with a new uncracked fitting of the same part number upon the accumulation of the number of hours' time in service listed in Column 2 since the incorporation of that hole until modification in accordance with Boeing Service Bulletin No. 2422 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

REPLACEMENT TABLE

Column 1	Column 2
Diameter of largest hole in fitting	Service life limit after modification in accordance with Boeing Service Bulletin No. 2399 (R-2) or later FAA-approved revision
$\frac{1}{16}$ inch or less-----	7,000 hours.
More than $\frac{1}{16}$ inch but less than $\frac{1}{8}$ inch.	4,000 hours.
$\frac{1}{8}$ inch or larger but less than $\frac{5}{16}$ inch.	3,000 hours.
$\frac{5}{16}$ inch or larger--	2,500 hours.

This amendment becomes effective October 26, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on October 24, 1966.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 66-11714; Filed, Oct. 25, 1966; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Miscellaneous Amendments

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment adds standard reference materials 355, 356, 715, and 716, revises standard reference materials 1090, 1091, and 1092 and changes the price of standard reference material Oil I.

The following amends 15 CFR Part 230:

Subpart C—Standards of Certified Chemical Composition

Section 230.7-2 Steels (solid form) is amended to revise standards 1090, 1091, and 1092 in paragraph (b) (6) as follows:

(6) Ferrous materials (for oxygen). * * * Standards 1090 and 1092

are 1/4 inch in diameter while standard 1091 is 5/16 inch in diameter. (Note that two titanium-base standards, NBS Nos. 355 and 356, found in § 230.7-11, are available for the determination of oxygen.)

Section 230.7-11 *Titanium-base alloys* is amended to add standards 355 and 356 as follows:

(c) *Titanium-base materials (for oxygen)*: These standards are intended to provide material of known composition primarily for the determination of oxygen by vacuum fusion or inert gas fusion. The materials are supplied in rods approximately 1/2 inch in diameter and 2 inches long. (Note that a group of fer-

rous materials, NBS standards 1090, 1091, and 1092, found in § 230.7-2, also are available for the determination of oxygen.)

Sample Nos.	Kind	Oxygen ppm	Price
355 356	Unalloyed Alloy, 6Al-4V	3031 1332	\$20.00 20.00

Subpart D—Standards of Certified Properties and Purity

Section 230.8-8 *Viscometer calibrating liquids* is amended to revise the price of Oil I as follows:

Oil	Viscosity, in poises, at—				Kinematic viscosity, in stokes, at—				Price per sample f.o.b. Washington, D.C.
	20 °C	25 °C	100 °F	210 °F	20 °C	25 °C	100 °F	210 °F	
I	0.12	0.10	0.066	0.017	0.14	0.12	0.081	0.022	\$22.50

Section 230.8-9 *Glass viscosity standards* is amended to add standards 715 and 716 as follows:

Sample Nos.	Kind	Unit of issue (grams)	Price
715	Alkali-free aluminosilicate glass, 1/4" diameter cane (13 pieces—6" long).	200	\$25.00
716	Neutral (borosilicate) glass 1/4" diameter cane (6 pieces—6" long).	250	25.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.)

Dated: October 12, 1966.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 66-11614; Filed, Oct. 25, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8665]

PART 13—PROHIBITED TRADE PRACTICES

Hargo Woolen Mills, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended,

secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Hargo Woolen Mills, Inc., et al., Keene, N.H., Docket 8665, Sept. 13, 1966]

In the Matter of Hargo Woolen Mills, Inc., a Corporation, Wallisford Mills, Inc., a Corporation, Wallisford Mills of Vermont, Inc., a Corporation, and Walter T. Ransburg and Benjamin H. Erskine, Individually and as Officers of Said Corporations; and Peterborough Mills, Inc., a Corporation

Consent order requiring four affiliated New Hampshire and Vermont fabric manufacturers to cease violating the Wool Products Labeling Act by deceptively labeling and falsely invoicing their products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hargo Woolen Mills, Inc., a corporation, and its officers, Wallisford Mills, Inc., a corporation, and its officers, and Wallisford Mills of Vermont, Inc., a corporation, and its officers, and Benjamin H. Erskine and Walter T. Ransburg, individually and as officers of said corporations; and respondent Peterborough Mills, Inc., a corporation, and its officers; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce of fabrics or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, or label or other means of identification showing in a clear and conspicuous manner each element of information re-

quired to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Hargo Woolen Mills, Inc., a corporation, and its officers, Wallisford Mills, Inc., a corporation, and its officers, and Wallisford Mills of Vermont, Inc., a corporation, and its officers, and Benjamin H. Erskine and Walter T. Ransburg, individually and as officers of said corporations; and respondent Peterborough Mills, Inc., a corporation, and its officers; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of woolen fabrics or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character and amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the complaint insofar as it relates to respondent Charles J. McGowan be, and the same hereby is, dismissed.

It is further ordered, That the respondents named in the order to cease and desist shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11619; Filed, Oct. 25, 1966; 8:45 a.m.]

[Docket No. C-1116]

PART 13—PROHIBITED TRADE PRACTICES

National Health and Life Insurance Co.

Subpart—Advertising falsely or misleadingly: § 13.260 *Terms and conditions*: 13.260-40 Insurance coverage. Subpart—Misrepresenting oneself and goods—Goods: § 13.1760 *Terms and conditions*: 13.1760-40 Insurance coverage. (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, National Health & Life Insurance Co., St. Louis, Mo., Docket C-1116, Sept. 30, 1966]

Consent order requiring a St. Louis, Mo., health and life insurance company to cease misrepresenting the coverage and benefits provided in its insurance policies.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent National Health and Life Insurance Co., a corporation, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with

the offering for sale, sale, or distribution of any insurance policy or policies, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication:

1. By the use of such words, terms, or phrases as, "guaranteed to pay," "Iron-clad guarantee," "no gimmicks," "no exceptions," "no exclusions," "no limitations," "no ifs, ands, or buts," or of any other words, terms, or phrases that the policy provides insurance coverage broader than that which is actually provided.

2. That any policy provides for indemnification against accident, in any amount or for any period of time, unless a clear definition of the word "accident," in language understandable to persons not familiar with insurance law, is conspicuously and prominently set forth in close conjunction with the representation.

3. That any policy provides for indemnification against accident, in any amount or for any period of time, when the policy provides any limitation on coverage of a loss resulting from accident because of a prior existing condition, unless a clear disclosure of the exact nature of such limitation, in language understandable to persons not familiar with insurance law, is conspicuously and prominently set forth in close conjunction with the representation.

4. That any policy provides for indemnification, in any amount or for any period of time, unless a statement of all the conditions, exceptions, restrictions, and limitations affecting the indemnification actually provided is set forth conspicuously, prominently, and in sufficiently close conjunction with the representations as will fully relieve it of all capacity to deceive.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 30, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11620; Filed, Oct. 25, 1966;
8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Product Certification Program

§ 15.96 Product certification program.

(a) The Federal Trade Commission advised a producer association that its proposed certification program for its industry product, including the award of a certification mark, would not be objected to under Commission-administered law provided certain conditions are met.

(b) Under the proposed program, certification would be based on availability of production personnel with defined

minimum training and experience, the possession of minimum test and quality control equipment, and the use of recognized production techniques. A certification mark could be awarded to, and used by, those qualifying.

(c) Certified producers would be subject to periodic checks to insure that the required standards were being maintained. Failure to maintain standards could result in decertification and withdrawal of the right to use the mark.

(d) The Commission opinion contained the following conditions:

(1) All present or future producers are to have free, unrestricted, and nondiscriminatory access to the program, whether association members or not.

(2) The association will affirmatively offer and accord to nonmembers an equal opportunity for certification at a cost no greater than, and on conditions no more onerous than, those imposed upon comparably situated association members for whom comparable services are rendered.

(3) A uniform certification mark will be awarded to all who qualify.

(4) General supervision of the certification program will be vested in a policy board, or committee, substantially representative of all producers, such board, or committee, to have, among its other duties, the responsibility for insuring nondiscriminatory access to the program.

(e) Finally, the Commission noted (1) that it expresses no opinion as to the validity of the standards which are adopted, and (2) that its approval would be of no force or effect should the proposed program be implemented in a way which contravened Commission-administered law.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 25, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11621; Filed, Oct. 25, 1966;
8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association Code Governing Dealings With Customers

§ 15.97 Trade association code governing dealings with customers.

(a) The Commission rendered an advisory opinion advising a trade association of suppliers that a number of serious questions would be likely to arise from an agreement by its members as to a code or set of conditions governing the members' dealings with their customers.

(b) Among the conditions singled out by the Commission for question was one creating uniformity in the terms of delivery. The Commission stated its view to be that the method and manner of delivery can be an element of competition among the members of an industry which this provision would at least have a tendency to eliminate. The creation of uniformity in the terms of delivery may be

convenient for the members of an industry but this factor is outweighed by the benefits to the public of competition among those members and it is this competition which the law seeks to protect and preserve.

(c) Much the same objection was raised to the sections which provided that by accepting goods the purchaser shall be deemed to have approved them and no action shall lie against the vendor except as regards hidden defects; that claims for defects must be made within 30 days; and that the purchaser shall not be entitled to any compensation for any consequential loss whatsoever. The Commission advised that while it may be that a unilateral agreement among the members could not change the legal liabilities as between the parties when disputes arise, entering into this agreement could result in the suppliers presenting a solid front to their customers. In the Commission's view, such matters are best left to the business judgment of the individual suppliers.

(d) The Commission then singled out the provision dealing with prices, which provided that the purchaser shall pay the prices current in the relative trade area at the time of delivery and that the vendor shall, if so requested, send to the purchaser a list stating the prices of goods and the period for which such prices are to apply. Noting that the section was ambiguously worded and susceptible of more than one interpretation, the Commission concluded that the suppliers might well feel justified thereunder in agreeing among themselves to adhere to their published price lists until such are changed. Under well-settled principles of antitrust law, such an agreement would clearly be illegal.

(e) The Commission also expressed some concern with the section dealing with payments, which provides that the purchaser shall pay the invoiced amounts within 30 days after date of delivery and if payment is made at a later date the vendor shall be entitled to interest. The Commission advised that it could not put its stamp of approval upon an agreement by the members of an industry as to the length of time during which credit is to be extended, stating that it would seem such matters are best left to the independent judgment of each supplier and should not be determined adversely to the interests of the customers by agreement among those suppliers.

(f) Finally, the Commission took note of the provision dealing with contracts, which stated that all or part of the conditions could be declared applicable to a contract entered into for a specified period, which could be a calendar year unless otherwise agreed. Such contract shall imply that the purchaser agrees that during the period specified in the contract all and any goods specified "or as customarily purchased from such suppliers will be obtained solely from the vendor * * *." The Commission felt that this clearly sanctions full requirements contracts for periods of 1 year or more and that such contracts are nothing more than exclusive dealing agreements for limited periods of time. Whereas

they are not per se illegal, generally, the law may be stated to be that they are illegal if they foreclose competition in a substantial share of the market. This would naturally require knowledge of a number of factors not known to the Commission and not likely to be known when dealing with a proposed course of action. In the case of any particular supplier, the Commission would need to know the duration of the agreements, the number of customers covered by such agreements and the percentage of the total market which would thereby be foreclosed to competitors. In view of these uncertainties, the Commission felt the best it could do would be to advise that the problem exists but that no opinion could be expressed on a prospective basis because of lack of knowledge of the essential factors which would need to be known before an opinion could be rendered.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 25, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11622; Filed, Oct. 25, 1966;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-233]

PART 1—GENERAL PROVISIONS

Customs Regions, Districts, and Ports

OCTOBER 19, 1966.

The port of Tacoma, Wash., is presently servicing McChord Air Force Base, Wash., and the town of Ruston, Wash. In order to provide for the increasing need for customs services in these two areas, it is desirable to extend the port limits of Tacoma, Wash.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of Tacoma, Wash., in the Seattle, Wash., customs district (Region VIII) comprising the territory within the corporate limits of Tacoma, Wash., are extended to include the following territory:

Ruston, Wash. (an incorporated fourth-class town), the limits of which are adjacent to those of Tacoma, Wash.; section 31, T. 20 N., R. 3 E., W.M.; section 6, T. 19 N., R. 3 E., W.M., Pierce County, State of Washington; and McChord Air Force Base.

Section 1.2(c) of the Customs Regulations is amended by inserting "(including the territory described in T.D. 66-233)" after "Tacoma" in the column headed "Ports of entry" in the Seattle customs district.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary
of the Treasury.

[F.R. Doc. 66-11651; Filed, Oct. 25, 1966;
8:47 a.m.]

[T.D. 66-235]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money, Rumania

OCTOBER 19, 1966.

The Secretary of State advised the Secretary of the Treasury on February 18, 1966, that the Department of State has obtained satisfactory proof from the Government of Rumania that no discriminating duties of tonnage or imposts are imposed or levied in ports of Rumania upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Rumania in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization given to me by Treasury Department Order No. 190, Rev. 4, December 15, 1965 (30 F.R. 15769), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Rumania, and the produce, manufactures, or merchandise imported into the United States in such vessels from Rumania or from any other foreign country. This suspension and discontinuance shall take effect from February 18, 1966, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Rumania" immediately after "Portugal" in the list of countries exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4228, as amended; sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 23, 46 U.S.C. 3, 121, 128, 141)

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary
of the Treasury.

[F.R. Doc. 66-11652; Filed, Oct. 25, 1966;
8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16762; FCC 66-935]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of §73.202, Table of Assignments, FM Broadcast Stations (Reedsburg, Wis.; Portland, Ind.; Brazil, Ind.; Winner, S. Dak.; Ardmore, Okla.; Hutchinson and St. Cloud, Minn.; Gonzales, Tex.; Cullman, Ala.; Deland, Winter Park, Live Oak, and Ocala, Fla.; Rockford, Ill.; Adrian and Jackson, Mich.; Corinth, Miss.; Albion, Chelsea, and Battle Creek, Mich.); Docket No. 16762, RM-969, RM-978, RM-984, RM-983, RM-967, RM-988, RM-971, RM-987, RM-974, RM-989, RM-977, RM-990, RM-1030.

1. In our notice of proposed rule making in this proceeding, FCC 66-637, issued on July 14, 1966 (31 F.R. 9808) we invited comments on a proposal advanced by Gerity Broadcasting Co. (RM-989), licensee of WABJ(AM), Adrian, Mich., to add FM Channel 296A to Adrian by making a change in Jackson as follows:

City	Channel No.	
	Present	Proposed
Adrian, Mich.	280A	280A, 296A
Jackson, Mich.	231, 291, 296A	231, 240A, 291

Adrian, located midway between Jackson, Mich., and Toledo, Ohio (30 miles from each), has a population of 20,347. Lenawee County, in which it is the largest community and county seat, has a population of 77,789. Station WLEN (FM) operates on the sole FM assignment (Channel 280A) and the only AM station in the community is a Class IV station (WABJ), licensed to Gerity.

2. Washtenaw Broadcasting Co., licensee of Station WPAG(AM), Ann Arbor, Mich., opposes the Adrian request and urges instead that Channel 296A be assigned to Ann Arbor. Washtenaw submits that Ann Arbor has a population of 67,340 and its SSMA has a population of 172,440; that it is one of the educational and research centers of the United States; that it is one of the few urbanized areas which does not have an FM assignment; and that while FM Station WOIA, Channel 275, is licensed to Ann Arbor, specifies the station's community as Ann Arbor, this is not truly an Ann Arbor station in view of the fact that it duplicates the programs of its AM station in Saline, WOIB, and the channel is assigned in the Table to Saline, a small community of 2,334 persons located some miles from Ann Arbor. Washtenaw urges that the assignment of Channel 296A to Ann Arbor, rather than Adrian, would represent a more fair and equitable distribution of available facilities under section 307(b) of the Act, since Adrian already has an

FM assignment which can satisfy its local needs. With respect to the Adrian proposal to assign Channel 240A to Jackson as a substitute for 296A, Washtenaw points out that this is not technically feasible since there would result a short spacing because of mileage separation requirements and principal-city signal requirements. These assertions are correct, and thus either proposed use of Channel 296A would reduce Jackson's FM assignments from three to two. This party contends that its counterproposal should be adopted even if Jackson does not obtain a substitute for Channel 296A since it still has two Class B stations and since the city of Ann Arbor and its urbanized area are larger than Jackson and its area. As pointed out by Washtenaw, a site for channel 296A at Ann Arbor will have to be located about 4 to 5 miles west of the city to meet all the spacing requirements.¹

3. On September 12, 1966, E. Harold Munn, Jr., one of the principals of Community Service Broadcasters, Inc., licensee of WYNZ(AM), Ypsilanti, Mich., filed still another conflicting petition for rule making, RM-1030, urging the assignment of Channel 244A to Chelsea, Mich., by making other needed changes in the Table as follows:

City	Channel No.	
	Present	Proposed
Michigan:		
Chelsea		244A
Albion	244A, 285A	285A, 296A
Jackson	231, 291, 296A	231, 291
Battle Creek	277	243, 277

Since Channel 296A cannot be assigned to Adrian, Ann Arbor, and Albion, the requests are mutually exclusive. Munn states that WYNZ, licensed as a daytime-only station in Ypsilanti, has been seeking nighttime operation, that the only hope of providing a choice of aural broadcast services to the residents of Washtenaw County is FM, and that there is a need for an FM station in the area proposed. He urges that his proposal will also result in a second Class B assignment to Battle Creek but acknowledges that Channel 243 was previously deleted from that city in view of a problem of interference to television reception on Channel 10.²

4. The Munn petition for a first FM assignment in Chelsea was filed on September 12, 1966, after the time for filing comments in this proceeding expired. Further, the petition was not filed as a comment and counterproposal in the proceeding; nor was it directed to RM-989, the Adrian request which initiated the proceeding. Orderly procedure and

the importance of reasonably rapid provision of FM assignments, stations, and service require that allocation rule making proceedings be resolved with reasonable dispatch. On the other hand, if after a rule making proceeding is closed, but before a final decision is rendered, a highly meritorious petition is filed which conflicts with the subject matter of the pending proceeding, we cannot ignore it, if we are to make our allocation decisions in the general public interest. This has been our policy in the past. See second report and order issued on March 19, 1965 in Docket No. 15542, FCC 65-222. In this instance we do not find the Munn request to be of such merit as to warrant placing it into the proceeding involving Adrian and Ann Arbor. The proposal is to assign a first FM channel to Chelsea, a community of only 3,355 persons. The Munn proposal has other defects. For example, it would substitute Channel 296A for 244A at Albion, Mich. An application for Channel 244A for Marshall, Mich. (under the 25-mile rule) has been on file since September 30, 1965. The proposed site would not conform to the spacing requirements on Channel 296A but would on 244A. This applicant, Triad Stations, Inc., has pointed this out in an opposition to the Munn proposal. If, as the petitioner claims, the purpose of the proposal is to assign an FM channel to Washtenaw County, then the assignment of Channel 296A to Ann Arbor will result in fulfillment of this objective. He can apply for the assignment. We therefore believe that consideration of the Munn proposal should not be permitted to delay a decision in the subject proceeding and that it should be denied.

5. Our study of the comments and data submitted in the proceeding and the situation in the respective communities of Adrian and Ann Arbor leads us to the conclusion that the much larger city of Ann Arbor merits its first FM assignment before Adrian is assigned its second. In making this determination we take into account the fact that the station located in Saline and using a channel assigned there is licensed to Ann Arbor. However, we would reach the same conclusion were we to decide on a second FM assignment for Ann Arbor, much the larger of these two communities, as against a second for Adrian. While Ann Arbor has three AM stations, only one of these is an unlimited time operation. Adrian also has an unlimited time AM station. On balance then we conclude that Ann Arbor is to be preferred. Therefore, we are assigning Channel 296A to Ann Arbor by deleting it from Jackson. This will result in two Class B assignments to Jackson, two FM assignments at Ann Arbor (including the Saline channel) and one in the smaller city of Adrian, and appears to represent a fair and equitable distribution of available facilities under the circumstances presented herein.

6. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective November 30, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to read, with respect to the communities named only, as follows:

City	Channel No.
Ann Arbor, Mich.	296A
Jackson, Mich.	231, 291

8. *It is further ordered*, That the petition of E. Harold Munn, Jr., RM-1030, is denied and that this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 20, 1966.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11663; Filed, Oct. 25, 1966; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order 70]

PARTS 71-79—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 11th day of October A.D. 1966.

Upon consideration of Order No. 70, Docket 3666, Explosives and Other Dangerous Articles Board, herein, dated April 14, 1966, and of:

(1) Petition for leave to file a petition for reconsideration, Association of American Railroads, filed July 11, 1966;

(2) Petition for reconsideration, Association of American Railroads, filed July 11, 1966;

(3) Letter from Radium Chemical Co., Inc., dated May 18, 1966;

(4) Letter from Eastman Kodak Co., dated June 6, 1966;

(5) Letter from Air Transport Association, dated June 7, 1966;

It appearing, that the petition for leave to file a petition for reconsideration of the Association of American Railroads presents good cause for reevaluation and reconsideration of Order No. 70, such petition is hereby granted and the petition for reconsideration of the Association of American Railroads is hereby accepted for consideration;

It further appearing, that said letters submitted by the Radium Chemical Co., Inc., Eastman Kodak Co., and Air Transport Association, although not considered as petitions, are of such substance as to warrant concurrent consideration with

¹ Gerity's very brief comments in support of its Adrian proposal have been summarized above. After the Washtenaw counterproposal was advanced, Gerity requested and received additional time to reply, but then did not file reply comments.

² See supplement to third report, memorandum opinion and order in Docket No. 14185, FCC 63-765, issued Aug. 1, 1963.

the petition for reconsideration of the Association of American Railroads;

And it further appearing, that the objections brought forth in the petition and letters are not of sufficient degree as to warrant revision of the provisions of Order No. 70, and that granting of the petitioners' request would not be in the public interest;

It is ordered, That the petition and letter requests in all respects be, and they are hereby, denied;

It is further ordered, That Order No. 70, which became effective on July 12, 1966, shall remain in effect until further order of the Commission;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Division 3, acting as an appellate division.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11641; Filed, Oct. 25, 1966;
8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

The public hunting of squirrels on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels subject to the following special conditions:

(1) The open season for hunting squirrels on the refuge extends from May 15

through September 30, 1967, inclusive; and from November 1, 1967, through January 1, 1968, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and national holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1968.

The public hunting of rabbits on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) The open season for hunting rabbits on the refuge extends from January 1 through January 15, 1967, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays; and from January 16 through February 15, 1967, inclusive.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

The public hunting of coyotes, wolves, and bobcats on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of coyotes,

wolves, and bobcats subject to the following special conditions:

(1) The open season for hunting coyotes, wolves, and bobcats on the refuge extends from January 1 through September 30, 1967, inclusive; and from November 1 through December 31, 1967, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

The public hunting of raccoons, skunks, and opossums on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of raccoons, skunks, and opossums subject to the following special conditions:

(1) The open season for hunting raccoons, skunks, and opossums on the refuge extends from December 1 through December 31, 1967, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

EARL W. CRAVEN,
Refuge Manager, Tishomingo
National Wildlife Refuge, Ti-
shomingo, Okla.

OCTOBER 11, 1966.

[F.R. Doc. 66-11623; Filed, Oct. 25, 1966;
8:45 a.m.]

Proposed Rule Making

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Manufacturer for Purpose of Bidding on Government Procurements for Aircraft and for Purpose of SBA Business Loans

Notice is hereby given that the Administrator of the Small Business Administration proposes to further amend the Small Business Size Standards Regulation (Rev. 6), as amended, by establishing a new definition of a small business manufacturer for the purpose of bidding on Government procurements for aircraft, and a new definition of a small business aircraft manufacturer for the purpose of receiving SBA business loans.

The present definition of a small business manufacturing concern for the purpose of bidding on Government procurements for aircraft is that a concern be independently owned and operated, not dominant in the field of operation in which it is bidding, and, together with its affiliates, employ no more than 1,000 employees.

The present definition of a small business concern primarily engaged in the manufacture of aircraft, for the purpose of SBA business loans, is that a concern be independently owned and operated, not dominant in its field of operation, and together with its affiliates, employ no more than 1,000 employees.

It has been brought to SBA's attention that in the past year, there has been a substantial increase in the Government purchase of aircraft. Because of this fact, small concerns with less than 1,000 employees have or will have to increase their employment to meet the increased demands. It is probable that some of the concerns qualifying under the present procurement and SBA business loan size standards will, because of the increase in production, become ineligible as small business concerns; yet their competitive positions within the industry will not have changed. Based on the foregoing, it is proposed to increase the employment size standard for the purpose of a small business manufacturer bidding on Government procurements for aircraft from 1,000 employees to 1,500 employees. It also is proposed to increase the financial assistance size standard for aircraft manufacturers from 1,000 employees to 1,500 employees.

Interested persons may file with the Small Business Administration within 15

days after publication of this proposal in the **FEDERAL REGISTER**, written statements of fact, opinions, or arguments concerning the new definitions.

All correspondence shall be addressed to:

Deputy Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to change the definitions of a small business manufacturing concern for the purpose of bidding on Government procurements for aircraft and for the purpose of receiving SBA business loans as follows:

The Small Business Size Standards Regulation (Rev. 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572) is hereby further amended by:

(1) Revising the size standard for SIC Industry 3721, *Aircraft*, in Schedule B, § 121.3-8 to read as follows:

Census classification code	Industry	Employment size standard (number of employees)
3721.....	Aircraft.....	1500

(2) Revising the size standard for SIC Industry 3721, *Aircraft*, in Schedule A, § 121.3-10 to read as follows:

Census classification code	Industry	Employment size standard (number of employees)
3721.....	Aircraft.....	1500

Dated: October 19, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11628; Filed, Oct. 25, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 912]

GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1966-67 Fiscal Period

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating

the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, during the period beginning August 1, 1966, and ending July 31, 1967, will amount to \$25,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 912.41, be fixed at \$0.005 per standard packed box.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the **FEDERAL REGISTER**. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11659; Filed, Oct. 25, 1966; 8:48 a.m.]

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, and is ef-

fective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 947.219 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1966, and ending June 30, 1967, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$24,465.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be four-tenths of 1 cent (\$0.004) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1967, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11660; Filed, Oct. 25, 1966; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of State Protraction Diagram

OCTOBER 17, 1966.

Notice is hereby given that effective November 28, 1966, the following protraction diagrams, approved September 14, 1966, are officially filed and of record in the Sacramento Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 44

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 S., R. 24 E.,
Sec. 33, SE $\frac{1}{4}$;
Sec. 34, SW $\frac{1}{4}$.
T. 9 S., R. 24 E.,
Secs. 4, 5 and 8;
Sec. 9, N $\frac{1}{2}$.
T. 9 S., R. 25 E.,
Sec. 1, N $\frac{1}{2}$;
Sec. 2, N $\frac{1}{2}$;
Sec. 3, N $\frac{1}{2}$;
Sec. 4, N $\frac{1}{2}$;
Sec. 5, N $\frac{1}{2}$;
Sec. 6, N $\frac{1}{2}$.

CALIFORNIA PROTRACTION DIAGRAM No. 52

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 15 N., R. 11 W.,
Sec. 5, All except Lots 1 and 2;
Secs. 6, 7 and 8;
Sec. 9, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 10, S $\frac{1}{2}$;
Secs. 15, 16, 17, 18, 19, 20, 21, 22, 27, 28 and 29.

Copies of these diagrams are for sale at one dollar (\$1.00) each by the Survey Records Office, Bureau of Land Management, Room 4025, Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

JOHN E. CLUTE,
Chief,

Branch of Title and Records.

[F.R. Doc. 66-11624; Filed, Oct. 25, 1966;
8:45 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

OCTOBER 18, 1966.

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m., on November 22, 1966.

MOUNT DIABLO MERIDIAN, NEVADA

T. 45 N., R. 52 E. (Group 429).

2. The surveyed area described above aggregates 15,597.96 acres. The plat was accepted September 9, 1966. Available data indicates the land surveyed ranges from about 5,650 to 8,650 feet above sea level. The soil is sandy loam and rocky. Principal users of this area are cattlemen. Access into the township is by trail roads. The general drainage of the surveyed area is mostly westward. On the north slopes there is dense quaking aspen and scattered fir and spruce timber, and general vegetation consists of dense native grasses, wild berry bushes, and sagebrush.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract and Desert Land Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., November 22, 1966, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 66-11625; Filed, Oct. 25, 1966;
8:46 a.m.]

Bureau of Reclamation

WENATCHEE NATIONAL FOREST, WASH.

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over those portions of the following described lands, which lie within or adjacent to exterior boundaries of the Wenatchee National Forest, Wash., and which were acquired by the Bureau of Reclamation in the development of the Keechelus and Kachess Reservoirs, Yakima Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

WILLAMETTE MERIDIAN

KEECHELUS RESERVOIR

T. 21 N., R. 11 E.,
Sec. 1, lots 1, 2, 3, 4, 5, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 11, lots 1, 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 22 N., R. 11 E.,
Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 23, lot 1, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, lots 1, 2, 3, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 35, lots 1, 2, 3, 4, 5, 6, 7.
T. 21 N., R. 12 E.,
Sec. 15, lot 1, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

KACHESS RESERVOIR

T. 20 N., R. 13 E.,
Sec. 3, lot 1;
T. 21 N., R. 13 E.,
Sec. 5, lots 1, 2, 3, 4, 5;
Sec. 7, lot 1;
Sec. 9, lot 1;
Sec. 17, lots 1, 2, 3, 4;
Sec. 21, lots 1, 2, 3;
Sec. 27, lots 1, 2, 3, 4;
Sec. 33, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 22 N., R. 13 E.,
Sec. 17, lots 1, 2, 3, 4, 5, 6, 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 29, lots 1, 2, 3, 4, 5, 6, 7, 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands: *Provided*, That all lands and waters within the Keechelus and Kachess Reservoir areas needed or used for the operation of the project, or for other Reclamation purposes, shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 18, 1966.

G. G. STAMM,
Acting Commissioner
of Reclamation.

[F.R. Doc. 66-11626; Filed, Oct. 25, 1966;
8:46 a.m.]

SNOQUALMIE NATIONAL FOREST, WASH.

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over those portions of the following described lands, which lie within or adjacent to exterior boundaries of the Snoqualmie National Forest, Wash., and which were acquired by the Bureau of Reclamation in the development of the Tieton Reservoir, Yakima Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

WILLAMETTE MERIDIAN

TIETON RESERVOIR

T. 13 N., R. 13 E.,
Sec. 5, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands: *Provided*, That all lands and waters within the Tieton Reservoir area needed or used for the operation of the project or for other Reclamation purposes, shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 18, 1966.

G. G. STAMM,
Acting Commissioner
of Reclamation.

[F.R. Doc. 66-11627; Filed, Oct. 25, 1966;
8:46 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

The Delaware River Basin Commission will hold a public hearing on October 26, 1966, in Room 1306 of the State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. Notice of this hearing was previously given which describes eight projects which are proposed to be included in the Commission's Comprehensive Plan. The following project, not listed in the previous notice, is also scheduled for hearing at the same time and place:

Neshaminy Creek Watershed. A multipurpose plan for the Neshaminy Creek Watershed in Bucks and Montgomery Counties, Pa., for the development of the water resources, including land treatment, flood control, recreation, and municipal and industrial water sup-

ply. To be phased over an 8-year development period, the plan includes eight single-purpose flood prevention structures and two multipurpose structures for flood prevention, recreation, and municipal and industrial water supply. Details of the project are set forth in a report, "Neshaminy Creek Watershed Work Plan", Bucks and Montgomery Counties, Pa., May 1966.

Documents relating to the above project may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; Telephone 609-883-9500.

W. BRINTON WHITALL,
Secretary.

OCTOBER 17, 1966.

[F.R. Doc. 66-11629; Filed, Oct. 25, 1966;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16943; FCC 66-925]

ASSOCIATED BELL SYSTEM COMPANIES

Order Instituting Investigation

In the matter of The Associated Bell System Companies, Docket No. 16943; tariffs for channel service for use by community antenna television system.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of October 1966;

1. The Commission has under consideration Tariff FCC No. 34 of The Chesapeake & Potomac Telephone Co. of Virginia; Tariff FCC No. 27 of The Chesapeake & Potomac Telephone Co. of West Virginia; Tariff FCC No. 31 of The Cincinnati & Suburban Bell Telephone Co.; Tariff FCC No. 34 of The Diamond State Telephone Co.; Tariff FCC No. 33 of The Illinois Bell Telephone Co.; Tariff FCC No. 30 of The Indiana Bell Telephone Co., Inc.; Tariff FCC No. 33 of The Michigan Bell Telephone Co.; Tariff FCC No. 48 of The Mountain States Telephone & Telegraph Co.; Tariff FCC No. 37 of The New England Telephone & Telegraph Co.; Tariff FCC No. 34 of The New York Telephone Co.; Tariff FCC No. 37 of The Northwestern Bell Telephone Co.; Tariff FCC No. 34 of The Ohio Bell Telephone Co.; Tariff FCC No. 2 of The Pacific Northwest Bell Telephone Co.; Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co.; Tariff FCC No. 52 of The Southern Bell Telephone & Telegraph Co.; Tariff FCC No. 30 of The Southern New England Telephone Co.; Tariff FCC No. 55 of The Southwestern Bell Telephone Co.; and Tariff FCC No. 32 of The Wisconsin Telephone Co.

2. The Commission also has under consideration a petition filed October 11, 1966, by International Cable T.V. Corp. requesting suspension and investigation of certain revisions to the aforementioned Tariff FCC No. 119 of The Pa-

cific Telephone & Telegraph Co. which are published and filed to become effective October 24, 1966, namely Second Revised Page 1, Original Page 4 and Attachment C thereof. However, this petition was filed 13 days before the effective date of the tariff revision in question rather than 14 days prior thereto as required by § 1.773 of our rules and will be dismissed for noncompliance therewith.

3. The Commission has reviewed the provisions in the tariffs specified in paragraph 1 above and is of the opinion that there are numerous provisions therein that do not appear to be in conformance with the form and content requirements of Part 61 (47 CFR Part 61) of the Commission's rules and that the provisions of these tariffs present substantive questions as to whether they are lawful within the meaning of sections 201(b), 202(a), and 203 of the Communications Act of 1934, as amended, and as to whether the requirements of section 214 of that Act have been met.

4. The Commission is unable to determine at this time whether or not such tariffs are or will be just and reasonable or otherwise lawful and is concerned that, if the aforementioned Second Revised Page 1, Original Page 4 and Attachment C of Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co. are permitted to become effective on the October 24, 1966, date specified thereon, substantial injury to the public may result therefrom. Pending hearing and decision thereon, the Commission is of the opinion that the effectiveness of such revised tariff schedules should be suspended in order to avoid any substantial injury to the public.

5. *It is ordered*, That pursuant to the provisions of sections 201, 202, 203, 204, 205, 214, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariffs of the Bell System companies specified in paragraph 1 hereof and any amendments thereto and reissues thereof;

6. *It is further ordered*, That, pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the aforementioned Second Revised Page 1, Original Page 4 and Attachment C of Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co. are suspended until January 24, 1967;

7. *It is further ordered*, That, without in anyway limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the aforesaid tariffs conform to the requirements of section 203 of the Act and Part 61 of our rules implementing that section;

(4) Whether the requirements of section 214 of the Act, and Part 63 of our rules implementing that section have been met as to the facilities used to offer channel service under the aforesaid tariffs and, if not, what action, if any, the Commission should take with respect thereto.

(5) If any of such charges, classifications, practices, and regulations are found to be unlawful, whether the Commission should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be so prescribed;

8. *It is further ordered*, That, a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276, and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282;

9. *It is further ordered*, That the petition of the International Cable T.V. Corp. for suspension and investigation of the aforementioned revised pages to Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co. is dismissed for noncompliance with § 1.773 of the Commission's rules;

10. *It is further ordered*, That the Bell System companies named in paragraph 1 hereof are made party respondents hereto, and that American Telephone & Telegraph Co. and the International Cable T.V. Corp. shall be granted leave to intervene upon the filing of a notice of intention to appear and participate within 20 days of the release date of this order.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11664; Filed, Oct. 25, 1966;
8:49 a.m.]

[Docket No. 16942; FCC 66-924]

USE OF CARTERPHONE DEVICE IN MESSAGE TOLL TELEPHONE SERVICE

Order Assigning Matter for Public Hearing

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of October 1966;

The Commission having under consideration the decision of the U.S. Court of

Appeals for the Fifth Circuit in *Carter, et al. v. American Telephone & Telegraph Co., et al.* (No. 23556, Slip Opinion, August 17, 1966), and the regulations published in American Telephone & Telegraph Co. Tariff FCC No. 132 (Message Toll Telephone Service) which purport to govern the extent to which telephone users may attach or connect devices to the facilities of the operating telephone companies for use in interstate or foreign message toll telephone service;

It appearing, that the Court, in the above-referred to decision affirmed a February 8, 1966, decision by the U.S. District Court for the Northern District of Texas, Dallas Division, wherein the District Court, in a private antitrust action for triple damages and injunctive relief filed by Thomas F. Carter and Carter Electronics Corp. against American Telephone & Telegraph Co. and the General Telephone Co. of the Southwest, invoked the doctrine of primary jurisdiction and referred to this Commission for resolution, the question of the justness, reasonableness, validity and effect of the tariff regulations and practices complained of in the aforesaid action and wherein the said District Court stayed the proceedings in the aforesaid action pending the conclusion of appropriate administrative proceedings initiated before the Commission, *Carter, et al. v. American Telephone & Telegraph Co., et al.*, (Memorandum Order filed Feb. 8, 1966, Civil Action No. 3-1294).

It is ordered, That, pursuant to the provision of sections 201, 202, 205, 403, and 411 of the Communications Act of 1934, as amended, a public hearing shall be held at a time and place to be hereinafter designated upon the following specific issues:

Issues. 1. The nature and extent of the public need and demand for the use of the Carterphone device in connection with interstate or foreign message toll telephone service;

2. The effect of the use of the Carterphone device upon the operation of the telephone system used to provide interstate and foreign telephone message toll telephone services to the public or upon the employees and facilities of the telephone companies providing such services or upon the public in its use of such telephone system;

3. Whether the provisions of Tariff FCC No. 132 filed by American Telephone & Telegraph Co. may properly be construed to prohibit any telephone user from attaching the Carterphone device to the facilities of the telephone companies for use in connection with interstate and foreign message toll telephone services;

4. If the aforesaid tariff provisions may properly be construed to prohibit telephone users from attaching the Carterphone device to the facilities of the telephone companies for use in connection with interstate or foreign message toll telephone services:

(a) Whether such regulations are, or will be, unjust and unreasonable and, therefore, unlawful within the meaning of section 201(b) of the Communications

Act of 1934, as amended, or are, or will be, unduly discriminatory or preferential in violation of section 202(a) of said Act;

(b) Whether, in the light of facts developed in connection with the foregoing issues, the Commission, in accordance with the provisions section 205 of the Act, should prescribe tariff regulations which will permit the use of the Carterphone device in connection with interstate and foreign message toll telephone service and, if so, the kind of tariff regulation which should be so prescribed;

5. If the aforesaid tariff regulations of the telephone companies may not properly be construed to prohibit telephone users from attaching the Carterphone device to the facilities of the telephone companies for use in connection with interstate or foreign message toll telephone services, what action, if any, should be taken by the Commission with respect thereto.

It is further ordered, That Thomas F. Carter, Carter Electronics Corp., the American Telephone & Telegraph Co., the General Telephone Co. of the Southwest, and the associated Bell System companies listed below are hereby made parties respondent to this proceeding and a copy of this order shall be served upon such party respondents;

It is further ordered, That any concurring, connecting and other participating carrier, listed as such in the aforesaid tariff, the United States Independent Telephone Association, the General Telephone & Electronics Service Corp., the National Association of Railroad and Utilities Commissioners and any State regulatory body is hereby granted leave to intervene upon the filing of a notice of intention to appear and participate in these proceedings within 30 days from the date of the publication of this order in the FEDERAL REGISTER;

It is further ordered, That a hearing examiner shall be designated to preside in the proceedings ordered herein who shall prepare an initial decision on all of the issues as provided in § 1.267 of the Commission's rules.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

THE ASSOCIATED BELL SYSTEM COMPANIES

The Bell Telephone Co. of Pennsylvania.
The Diamond State Telephone Co.
The Chesapeake & Potomac Telephone Co.
The Chesapeake & Potomac Telephone Co. of Maryland.
The Chesapeake & Potomac Telephone Co. of Virginia.
The Chesapeake & Potomac Telephone Co. of West Virginia.
The Cincinnati & Suburban Bell Telephone Co.
Illinois Bell Telephone Co.
Indiana Bell Telephone Co., Inc.
Michigan Bell Telephone Co.
The Mountain States Telephone & Telegraph Co.
New England Telephone & Telegraph Co.
New Jersey Bell Telephone Co.
New York Telephone Co.
Northwestern Bell Telephone Co.

¹ Commissioner Bartley abstaining from voting.

The Ohio Bell Telephone Co.
Pacific Northwest Bell Telephone Co.
The Pacific Telephone & Telegraph Co.
Southern Bell Telephone & Telegraph Co.
The Southern New England Telephone Co.
Southwestern Bell Telephone Co.
Wisconsin Telephone Co.

[F.R. Doc. 66-11665; Filed, Oct. 25, 1966;
8:49 a.m.]

[Docket No. 16495; FCC 66-926]

DOMESTIC NONCOMMON CARRIER COMMUNICATION-SATELLITE FA- CILITIES

Supplemental Notice of Inquiry Re- garding Establishment by Non- governmental Entities

In the matter of establishment of domestic communication-satellite facilities by nongovernmental entities; Docket No. 16495.

1. On September 21, 1965, the American Broadcasting Companies (ABC) requested an authorization in the Auxiliary Radio Broadcast Services to construct and operate a communications satellite system for television broadcast distribution in the United States. We returned the application to ABC without prejudice on March 2, 1966, and adopted on that day a notice of inquiry (FCC 66-207) into the questions raised by it, i.e., the compatibility with the Communications Satellite Act, and the technical and economic feasibility of establishing domestic non-common carrier communication satellite facilities by nongovernmental entities.

2. Briefs and comments were timely filed by 19 parties on or before August 1, 1966. Among the comments submitted were novel concepts and proposals concerning domestic common carrier service via satellite. In this regard, the Ford Foundation submitted a proposal to create a corporate entity which would furnish satellite facilities for the transmission of commercial and educational television program material, with charges to be made for those services provided to commercial users, and part of the profits and revenues therefrom to be devoted to the support of educational broadcasting. The initial notice herein expressly limited the scope of the inquiry by providing that it "is not concerned with the question of whether communications common carriers may be authorized to construct and operate communication-satellite facilities for domestic purposes." The public notice released September 8, 1966 (FCC 66-799), gave recognition to the necessarily broadened scope of the inquiry and, our order to afford sufficient time for the preparation of comment on or counterproposals to the additional matters raised by the filings herein, extended the date for submitting reply comments to November 30, 1966. Finally, provisions were made for the filing of further reply comments on or before December 30, 1966.

3. The purpose of this supplemental notice is to clarify the intent of the Commission in its public notice of September 8, 1966, as to the nature and scope of the additional matters which interested

parties are invited to address in further comments herein. Accordingly, in addition to comments on the proposals and concepts already submitted, comments are invited as to the following matters;

(a) The Commission desires to have, to the extent they are available, descriptions, from existing carriers responding to this inquiry, as well as other entities intending to seek authority to provide common carrier services, general or specialized, of their plans for using communication satellite facilities to meet domestic needs; and

(b) Whether, as a matter of law, there is any restriction on the Commission's power to authorize any communications common carrier or carriers to construct and operate communication satellite facilities for domestic communications services;

(c) Assuming legal authority, under what circumstances should the Commission issue such authorizations, and to whom (one carrier, more than one carrier, two or more carriers jointly), having due regard for, among other things:

(1) The comparative advantages of communication satellites and other communication media in meeting domestic communications needs;

(2) The effects on charges for, and quality and adequacy of, present and future public communications services;

(3) The anticipated volume of domestic communications needs through 1980, and the portion thereof that can and should be satisfied through the use of communication satellite facilities in view of expected technological developments in all media;

(4) The comparative advantages and disadvantages of meeting domestic needs (i) through the facilities of the global system; or (ii) through a separate system or systems;

(5) The effect or impact of any such authorizations upon the policies and goals set forth by the Communications Satellite Act and upon the obligations of the U.S. Government as a signatory to the Executive Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System.

(d) Whether the type of entity and service contemplated by the Ford Foundation proposal may be licensed under present statutes, and, if not, the type of legislation that would be required.

4. For the most part, comments filed thus far have not been fully responsive to the technical questions raised in the first notice of inquiry as to the adequacy of existing allocations to the communication satellite service or as to the electromagnetic interference to and from both present and projected operations of the global commercial communication satellite system and the domestic fixed public services sharing the same frequency bands. The latter question is complicated further by the fact that the plenary assembly of the CCIR (Oslo, June 1966), has recommended changes in the technical criteria applicable to the power flux density delivered at the earth's surface from space stations.

Therefore, pending resolution of the legal status of the Oslo criteria vis-a-vis those criteria now in the International Radio Regulations, interested parties, in responding to the questions raised in our prior notice and herein (which include the technical questions explicitly set out in our prior notice), should direct their responses to both the present and Oslo criteria. Additionally, to permit an evaluation of the impact from proposed systems, parties should indicate as fully as they now can the planned positioning of space stations on the equator for the system under consideration if equatorial stationary satellites are involved.

5. Reply comments and comments on the above questions should be submitted to the Commission by November 30, 1966, and further reply comments by December 30, 1966. It is requested that an original and 50 copies of all reply and further reply comments be furnished to the Commission by parties filing in this proceeding.

Adopted: October 20, 1966.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11667; Filed, Oct. 25, 1966;
8:49 a.m.]

[Docket No. 16894; FCC 66M-1422]

DR. MARVIN H. OSBORNE

Order After Prehearing Conference

In re application of Dr. Marvin H. Osborne, Jackson, Miss., Docket No. 16894, File No. BPCT-3506; for construction permit for new television broadcast station.

A prehearing conference in the above-entitled matter having been held today, as scheduled:

It is ordered, This 21st day of October 1966, that the hearing is rescheduled and in lieu of convening on November 21, 1966, it will convene at 9 a.m., on Tuesday, January 3, 1967, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the applicant will supply two copies of his engineering exhibit to counsel for the Broadcast Bureau and one copy to the Presiding Officer, and one copy of his financial exhibit to each, by not later than the close of business, December 1, 1966; and, further, that he will carry out, in timely fashion, all of the prescriptions set forth in the transcript of today's prehearing conference to the end that the hearing may be expedited.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11668; Filed, Oct. 25, 1966;
8:49 a.m.]

¹ Commissioner Cox voting to add a paragraph restricting consideration to matters on the record; Commissioner Loevinger absent.

[Docket Nos. 16924-16926]

**SUNSET BROADCASTING CORP.,
ET AL.****Memorandum Opinion and Order
Designating Applications for Con-
solidated Hearing on Stated Issues;
Correction**

In re applications of Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co., (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station.

Paragraph 12 of the memorandum opinion and order in the above-captioned proceeding (FCC 66-913, released October 18, 1966; 31 F.R. 13677), should read, and the same is hereby corrected to read, as follows:

12. The Apple Valley Application (BPCT-3648): Cascade, but not Columbia, filed a petition to deny the Apple Valley application. In addition to the Carroll question, petitioner has raised questions with respect to whether Morgan Murphy, 97.49 percent owner of the stock of the applicant's sole stockholder, has engaged in "trafficking" in broadcast authorizations, with respect to the applicant's financial qualifications, and with respect to whether a grant of the application would constitute a concentration of control of television broadcasting in a manner inconsistent with the public interest.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11669; Filed, Oct. 25, 1966;
8:49 a.m.]

[Docket No. 14368, etc.; FCC 66R-411]

SYRACUSE TELEVISION, INC., ET AL.**Memorandum Opinion and Order
Enlarging Issues**

In re applications of Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio & Television Corp., Syracuse, N.Y., Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, N.Y., Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT-2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcasting stations.

1. The Review Board has before it for consideration a petition to enlarge issues filed by Syracuse Television, Inc., on June 8, 1966.¹ Prior to a discussion of the basic qualifications issues requested by the petitioner, a short history of this proceeding may be helpful.

2. At stake in this proceeding is Commission authorization to construct and operate a commercial television station on Channel 9 at Syracuse, N.Y. The above-captioned applications² were designated for comparative hearing by Commission orders released November 15, 1961 (FCC 61-1336), and December 20, 1961 (FCC 61-1477). During the pendency of the proceeding the Commission authorized Channel 9, Syracuse, Inc. (interim corporation), an interim operation composed of all the applicants, to construct and operate a television station on Channel 9; the interim operation commenced in September of 1962. (It is the conduct of this interim operation which has given rise to the instant petition.) After an extensive hearing an Initial Decision (FCC 63D-18, released February 7, 1963) was issued recommending a grant of the Onondaga application and a denial of the other applications. In Veterans Broadcasting Co., Inc., 38 FCC 25, 4 RR 2d 375 (1965), the Commission reversed the recommendation of the Initial Decision, supra, and granted the Baker application. Approximately 1 month after the issuance of the Commission Decision five applicants³ filed separate petitions for reconsideration; a joint petition to stay the Decision (pursuant to Rule 1.106(n)); and a joint petition⁴ to vacate the Decision and to reopen the record.

3. In response to these petitions the Commission granted a stay of the decision pending action on the petitions for reconsideration and the petition to reopen the record (FCC 65-294, released April 9, 1965). On June 17, 1965, the Commission reopened the record and added issues to determine: Whether the Edward Joy Co. or its officials or owners have engaged in antitrust violations in the State of New York; the relationship, in terms of ownership and/or control, between Edward Joy Co. and Baker; and

the circumstances of Baker's failure to inform the Commission pursuant to § 1.65 of the rules of the antitrust complaint filed against Edward Joy Co.⁵ by the State of New York. See Syracuse Television, Inc., FCC 65-527, 5 RR 2d 577. A hearing on these issues has been periodically postponed at the request of the applicants to facilitate their efforts to reach a merger and/or a dismissal agreement.⁶

4. In enlarging the issues and remanding this proceeding the Commission noted in footnote 6 of its memorandum opinion and order, supra, that:

Unlike the petitioners' [requested] issues, however, the Commission's do not call for the Hearing Examiner to make a new comparative determination among the applicants. In light of the fact that a decision has already been rendered in the proceeding, it is more appropriate that the Hearing Examiner merely determine whether the evidence adduced makes advisable the selection of a new recipient for the permit.

The Commission's intention that the qualifications of applicants other than Baker were not to be reevaluated was reiterated in a subsequent Commission opinion denying Onondaga's petition for reconsideration (FCC 65-831, released Sept. 23, 1965). In that opinion the Commission refused to direct the Examiner to make a comparative reevaluation of the other applicants in the event that Baker is disqualified or assessed a comparative demerit. While it is apparent from the two opinions that the Commission is interested (at this juncture of the proceeding) only in whether conduct of Baker principals makes advisable the selection of a new permittee, the Board does not read the Commission's pronouncements as barring inquiry into the conduct of the principals of other applicants where principals of both designations are charged with the conduct and where the whole of the facts with respect to all of such principals can be ascertained with no great additional expenditures of hearing time and efforts.

5. Syracuse Television's request is based upon an alleged breach of fiduciary duty and mismanagement of the assets of the interim corporation by T. Frank Dolan, Jr., Asher S. Markson, and Ed-

¹ Other pleadings before the Board are as follows: Supplement to petition to enlarge issues, filed on Aug. 4, 1966, by Syracuse Television, Inc.; joint opposition, filed on Aug. 5, 1966, by W. R. G. Baker Radio & Television Corp., Onondaga Broadcasting, Inc., WAGE, Inc., Syracuse Civic Television Association, Inc., Six Nations Television Corp., Salt City Broadcasting Corp. and George P. Hollingbery; comments, filed Aug. 12, 1966, by the Broadcast Bureau; reply (opposition) to supplement to petition, filed on Aug. 17, 1966, by Baker, Onondaga, WAGE, Syracuse Civic, Six Nations, Salt City and Hollingbery; and reply, filed on Aug. 24, 1966, by Syracuse Television.

² Two applicants who had originally filed applications for the same facility have dropped out in the course of the proceeding.

³ Syracuse Television, Onondaga, WAGE, Syracuse Civic and Six Nations.

⁴ Hollingbery joined with the above-mentioned (Note 3, supra) applicants in this request.

⁵ The Edward Joy Co. is almost wholly owned by the families of T. Frank Dolan, Jr. and Leonard P. Markert. Dolan and Markert each own 17.27 percent of Baker's stock. Dolan is president of Baker and president, treasurer, and director of the Edward Joy Co. Markert serves as vice-president of Baker.

⁶ On Apr. 28, 1966, a merger-dismissal agreement was filed jointly by all of the applicants except Syracuse Television. The joint petition provided generally for the reimbursed dismissal of WAGE and Hollingbery and a request that the Commission reaffirm its original grant to Baker (sub nom. Veterans Broadcasting Co., Inc., supra) subject to the assignment by Baker of its construction permit to a new corporate entity composed of Baker (48.5 percent), Onondaga (19.9 percent), Six Nations (14.5 percent), Syracuse Civic (13.6 percent) and Salt City (3.4 percent). The parties in their joint petition also requested favorable resolution, without hearing, of the issues outstanding against Baker. See Note 14, infra.

ward Eagan as members of the Executive Committee.⁷ Dolan is a principal of Baker; Markson is an officer, director, and principal stockholder of Onondaga; and Eagan is an officer, director, and principal stockholder of Salt City. Dolan, Markson, and Eagan have served as members of the Executive Committee since November 1962, when they were appointed by the Board of Directors of the interim corporation.⁸ The Board of Directors is composed of a representative of each of the applicants. The intended function of the Committee is to supervise the daily operation of Channel 9 and the cash expenditures of the corporation. Syracuse Television alleges that in fact the members of the Committee failed to provide for "even minimal" supervision of cash disbursements and withdrawals, condoned improvident expense accounts and salary increases, failed to supervise and account for trade deals and condoned the diversion of specific funds for noncorporate purposes.

6. Syracuse Television relies upon the following facts to support its allegations: On December 17, 1962, the Board of Directors directed William H. Grumbles, president of the interim corporation and general manager of the station from 1962-66,⁹ to submit periodic lists of all corporate checks to the Executive Committee; the Executive Committee was to examine these check lists as part of its supervisory function; the Committee did not verify the accuracy or completeness of lists submitted by Grumbles either by reference to consecutive check numbers or otherwise; and these lists did not include all checks drawn or disbursements made. On February 17, 1963, the Board directed the Executive Committee, at the behest of Syracuse Television, to "look into the expenses and give a report." This report was given on March 29, 1963, at which time the Board was told that the financial operation of the station was in order and there was nothing "unusual" to report. On January 6, 1966, Syracuse Television made a demand on the interim corporation and members of the Executive Committee to permit inspection of all corporate records

and an examination of the minutes of the Executive Committee; this request was refused on January 11, 1966, whereupon petitioner obtained a show cause order against the interim corporation from the New York State Supreme Court. Prior to disposition of this order the parties reached a stipulation providing for the requested inspection.

7. Pursuant to this stipulation Syracuse Television retained an independent accountant to perform a sample audit. Syracuse Television reports the following results from this sample audit: During the five sample months selected¹⁰ 133 checks in the total amount of \$17,594.41 were omitted from the lists submitted to the Executive Committee; William Grumbles appropriated in excess of \$29,000 in the form of purported "advances" and "prepaid salaries" for which no authorization was made by the Directors or the Committee; substantial salary increases never brought to the attention of the Board of Directors were given to key station personnel; Christmas bonuses, far in excess of the authorized 1 week's salary, were given in 1963, 1964, and 1965 and never brought to the attention of the Board of Directors; petty cash disbursements were not properly identified or substantiated (Exhibits 2, 3); expense accounts of station employees were in some cases grossly abused and in other cases unsubstantiated (Exhibits 4, 5, 6); and cash disbursements of corporate funds were made for purposes not shown to be corporate in nature (Exhibit 7). According to Syracuse Television, the Executive Committee either permitted these abuses or was negligently unaware of the actions of the station's employees with whose supervision it was charged.

8. Syracuse Television also alleges misconduct involving trade deals.¹¹ On April 5, 1965, the Board of Directors directed the Executive Committee to review the entire trade deal procedure. Petitioner states that a complete accounting of this procedure was never in fact made; that no accurate lists of the property or credit of the corporation were ever prepared or maintained; that no accurate records were maintained as to the disposition of the property or credit of the corporation and that no other control was maintained to insure that such property or credit would not be diverted to private use. Petitioner states that as a result of these omissions corporate property was in fact diverted to the private nonbusiness use of Grumbles and other employees. (Exhibits 9, 10, 11, 12, 13, 14, and 15) Due to the inadequacy of corporate records petitioner reports that it has been impossible to determine the actual amount of merchandise received and distributed. Moreover, petitioner asserts, the procedure followed in recording and reporting trade deals is violative of the Internal Revenue Code,

as acknowledged by the corporation's own accounting firm (Exhibit 8A). In total, petitioner contends, partial examination of the corporate financial data reveals waste of corporate assets in excess of \$200,000.

9. On April 5, 1966, as a result of the sample audit, Syracuse Television demanded that the Board of Directors institute the following legal actions: Against the Executive Committee members for neglect of and failure to perform their corporate functions and to recover loss or waste of corporate assets resulting therefrom; on any surety bond available; against culpable employees of the station and Grumbles' Estate to recover amounts owed the corporation. Petitioner also demanded that the Board arrange for a complete and detailed audit of the corporation by an independent accountant. At a special Board meeting held on April 14, 1966, Syracuse Television's demand was considered as a motion and rejected for want of a second. Petitioner instituted suit against the Executive Committee members in New York State Supreme Court on April 20, 1966.¹²

10. Shortly after Syracuse Television instituted the civil suit the Board of Directors resolved, over Syracuse Television's objections, to direct the interim's corporate accountant to proceed with an audit to ascertain the nature and extent of any corporate loss or waste attributable to any present or former corporate employee. Syracuse Television objected to this resolution as being too limited in scope, as including only wrongdoings of employees and not those of directors, and as not providing for a totally independent audit. In support of the proposition that the Commission gives most careful consideration to a serious breach of fiduciary duty in assessing an applicant's qualifications, Syracuse Television cites the Commission's decision in the instant case: Veterans Broadcasting Co., Inc., supra. The petitioner further notes that all of the directors of the interim corporation have ratified and condoned the actions and inactions of the Executive Committee in that they have opposed petitioner's efforts to institute remedial actions and, in fact, on May 20, 1966, over the objection of Syracuse Television, voted to reelect Dolan as president and elected the two other Committee members to the positions of vice president and treasurer of the corporation.

11. In a joint opposition to Syracuse Television's petition, the other applicants assert that: The petition is untimely and could have been filed a long

¹² The complaint, alleging the same matters detailed above, was filed as part of petitioner's reply pleading. The defendants in the civil suit filed motions to dismiss the complaint, which were denied on July 27, 1966, by the New York State Supreme Court. In denying the motions to dismiss, the State Court held that the members of the Executive Committee are to be held to a higher standard of duty than an ordinary director. This court opinion was filed by Syracuse Television as part of a supplement to its instant petition.

¹⁰ The sample months selected were within the period from November 1963 to November 1965.

¹¹ A trade deal is a procedure whereby the station trades commercial time for the product of the advertiser.

⁷ Syracuse Television also requests issues as to the remaining applicants involved in the interim corporation. The issues requested as to these other applicants relate to their condonation and ratification of the actions and inactions of the Executive Committee members. At most, allegations made in this respect are relevant only to the comparative qualifications of the parties concerned. As noted above, this proceeding has been reopened for the limited purpose of determining the qualifications of one applicant; we have hereinafter broadened the scope of this reopening to include evidence as to two other applicants because the facts giving rise thereto are common to all members of the Executive Committee. However, no consideration can be given at this juncture to matters of comparative significance.

⁸ Dolan has also served as treasurer (1963-65), vice president (1965-66) and president (1966-present) of the interim corporation. Markson has served as treasurer (1965-present) of the interim corporation.

⁹ Grumbles resigned his positions on Feb. 28, 1966, and died on Mar. 19, 1966.

time ago; the interim nature of the corporation's operation made it impossible to "centralize authority"; William Grumbles had complete authority; the members of the Committee had no more authority than any other director;¹³ all the parties, including Syracuse Television, had contractually agreed prior to the commencement of the interim operation that "no preference or minus points shall accrue to any APPLICANT as a consequence of the interim operation." Moreover, respondents contend, the matters raised by Syracuse Television would be more appropriately handled in the state court than before the Commission. As an alternative to outright denial of the instant petition, the respondents have indicated their willingness to participate in an oral argument directed toward consideration of both the merger-dismissal agreement and the instant petition.¹⁴

12. The Broadcast Bureau contends that petitioner has adequately documented sufficient allegations to demonstrate that serious questions exist as to the management of the financial affairs of the corporation.¹⁵ The Bureau's opinion is that the substantiation of petitioner's allegations, which appears as exhibits attached to the petition and the New York State Supreme Court opinion (see Note 12, supra) are even more persuasive when it is noted that none of the objections raised in the joint opposition questions the accuracy of the facts alleged.

13. In addition to noting the absence of factual dispute in the opposition pleading, Syracuse Television advances the following arguments in its reply pleading: The contractual provision cited in the opposition was not meant to apply to serious misconduct; private parties cannot, in any event, grant immunity to one another in matters involving the public interest; the Executive Committee members knowingly undertook to carry out a detailed supervision of the corporation's financial affairs; the Executive Committee and the Board of Directors had complete power to act and control the corporation and William Grumbles did not; and the petitioner diligently

pursued his remedies within and without the corporation to correct the gross irregularities detailed in its petition. As to the timeliness argument raised in the joint opposition, petitioner notes that in view of its diligence in pursuing all available remedies it is inappropriate for the applicants who resisted its efforts and forced it to resort to legal remedies to claim the petition could have been filed earlier.

14. In view of the uncontested allegations of petitioner, the Board believes substantial questions have been raised regarding the conduct of Dolan, Markson, and Eagan while serving as officers, directors, and members of the Executive Committee of the interim corporation.¹⁶ It is axiomatic that any contractual provisions made between the applicants cannot be binding upon those charged with protection of the public interest. It is similarly well established that merely because an applicant's actions may be pertinent to a private litigation between the parties the Commission is not precluded from determining the same factual questions in a Commission proceeding. See Community Radio of Saratoga Springs, N.Y., Inc., FCC 64R-459, 3 RR 2d 644; Syracuse Television, Inc., supra; and Report on Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR (Part 3) 91:495 (1951). Moreover, in the instant case the misconduct alleged relates directly to the operation of a broadcast facility and is clearly within the mandate of section 308(b) of the Communications Act of 1934, as amended.¹⁷

15. The Board cannot conclude that the petition should be dismissed for untimeliness or noncompliance with § 1.229 of the Commission rules. Although it is arguable whether Syracuse Television could have discovered the irregularities now complained of at an earlier date, it, as a member of the Board of Directors, had a right to rely on the Executive Committee " * * * to fulfill its supervisory duties." Nowhere do the opposing applicants suggest how petitioner could have discovered the corporate irregularities at an earlier date; in fact, the oppo-

sition pleading implies that even the members of the Executive Committee, and certainly the other members of the Board of Directors, knew nothing of the financial irregularities. Petitioner has documented its repeated efforts to gain the cooperation of the interim corporation's Board of Directors and Executive Committee and their repeated refusals and inaction; it would be grossly inequitable to deny the instant petition as untimely and permit the applicants who have persistently resisted petitioner's efforts to ascertain the relevant corporate information to benefit from their own delaying tactics. While some of the allegations made by petitioner have not been properly substantiated and documented, the bulk of the allegations, which are properly presented, are more than sufficient to require the addition of an issue.¹⁸

16. Evidentiary issues to determine whether Dolan, Markson, and/or Eagan have failed to perform their fiduciary duties and obligations will be added. Issue 4 pertains solely to the conduct of Dolan. Issue 5 pertains to the conduct of Markson and/or Eagan. The Board has so divided these evidentiary issues due to the existing ultimate disqualification issue already added by the Commission as to Baker (Dolan). Thus the issues as amended hereby require an evidentiary determination as to Dolan, Markson, and Eagan and an ultimate determination as to whether Baker should be disqualified. Since petitioner's charges "relate largely to acts of omission rather than commission", the burden of proof and the burden of proceeding with the evidence under the issues herein added are placed upon Syracuse Television. See Lamar Life Insurance Co., FCC 66-815, released September 27, 1966.

Accordingly, it is ordered, This 18th day of October 1966, that the petition to enlarge issues in reopened proceeding filed by Syracuse Television, Inc. on June 8, 1966, is granted to the extent indicated herein, and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following:

4. To determine whether T. Frank Dolan, Jr. has failed to perform his duties and obligations as a member of the Executive Committee, as director and/or an officer of Channel 9, Syracuse, Inc.

5. To determine whether Asher H. Markson and Edward Eagan, jointly or individually, have failed to perform their duties and obligations as members of the Executive Committee, directors and/or officers of Channel 9, Syracuse, Inc.

It is further ordered, That existing Issue (4) be renumbered as Issue (6);

It is further ordered, That the Hearing Examiner make full use of his authority to utilize, among other procedures, pre-

¹³ This argument was specifically rejected by the New York State Supreme Court in its opinion denying the motions to dismiss filed by the interim corporation. See Note 12, supra.

¹⁴ The Commission, on September 16, 1966 (FCC 66-813), denied approval of and dismissed the merger-dismissal agreement by memorandum opinion and order. In view of this Commission action the Board does not believe an oral argument would be helpful to the orderly disposition of the matters in issue.

¹⁵ The Bureau notes certain procedural deficiencies in Syracuse Television's petition, i.e., the absence of the sample audit report and the complaint filed by Syracuse Television. In its reply pleading petitioner states that the independent auditor's report was given orally to Henry Wilcox, president of Syracuse Television, whose affidavit accompanied its petition. Petitioner also submitted a copy of the complaint as part of its reply pleading.

¹⁶ As noted in para. 4, supra, the Board is cognizant of the Commission's general intention to limit further inquiry in this proceeding to Baker's qualifications. However, the nature of the allegations is such that the inclusion of an issue relating to Markson and Eagan would not significantly lengthen the proceeding or complicate the record. On the contrary, it appears that the complete facts as to the involvement of Dolan, Markson, and Eagan can be ascertained at only slightly more effort than as to Dolan alone; and the adduction of the complete facts at this time would save hearing time in the future should the Commission ultimately conclude that the grant to Baker should be vacated.

¹⁷ The Board notes that in this same proceeding, Veterans Broadcasting Co., supra, the Commission expressed its serious concern with Markson's questionable conduct as president and director of a furniture company. This Commission concern leads the Board to conclude that the instant charges, which relate to the operation of a broadcast entity, must be given the most thorough and serious consideration.

¹⁸ Even were it held that no excuse exists for the late-filing of the petition, the Board views petitioner's total showing as sufficiently compelling to warrant the inquiry requested. Cf. West Central Ohio Broadcasters, Inc., 4 FCC 2d 934 and The Edgefield-Saluda Radio Co. (WJES), FCC 66R-372.

hearing conferences and the filing of stipulations as to facts and issues, with the objective of refining the issues, expediting the proceeding, and keeping the further hearing within practicable limits.¹⁹

Released: October 19, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,²⁰
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11670; Filed, Oct. 25, 1966;
8:49 a.m.]

[Canadian Change List 217]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

OCTOBER 7, 1966.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying Appendix containing Assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the Recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CFAR (now in operation with increased daytime power).	Flin Flon, Manitoba....	590 kilocycles 10 kw D/1 kw N.	DA-D ND-N	U	III	
CHLT (delete assignment—notified on list No. 189).	Sherbrooke, Province of Quebec.	630 kilocycles 50 kw D/10 kw N.	DA-2	U	III	
CHLT (PO: 630 kc 10 kw D/5 kw N DA-2).	Sherbrooke, Province of Quebec.	630 kilocycles 50 kw D/15 kw N.	DA-2	U	III	E.I.O. 9-20-67.
CKTS (authorized operation 900 kc 1 kw DA-1).	Sherbrooke, Province of Quebec.	900 kilocycles 10 kw	DA-2	U	II	E.I.O. 9-20-67.
CHQM (PO: 1320 kc 10 kw DA-1).	Vancouver, British Columbia.	1320 kilocycles 50 kw	DA-2	U	III	E.I.O. 9-20-67.
New.....	Elliot Lake, Ontario....	1340 kilocycles 0.25 kw	ND	U	IV	E.I.O. 9-20-67.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 66-11666; Filed, Oct. 25, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3245, etc.]

CUMBERLAND GAS CO. ET AL.

Findings and Order

OCTOBER 17, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, substituting respondents, making successor co-respondent, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to

abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Cumberland Gas Co., Applicant in Docket No. G-3245, proposes to continue sales of natural gas heretofore authorized in said docket to be made by Cumberland Gas Corp. By order issued November 15, 1965, in Docket No. G-4615, et al., Cumberland Gas Corp. was per-

²⁰ Dissenting statement of Review Board Member Kessler, in which Board Member Nelson joins, filed as part of original document.

mitted in Docket No. CI66-214 to abandon the sale of natural gas theretofore authorized in Docket No. G-3245 and its related FPC Gas Rate Schedule No. 4 was canceled. The then effective rate under said rate schedule was in effect subject to refund in Docket No. RI61-228. Therefore, Applicant will be substituted as respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking in Docket No. RI61-228 to assure the refund of any amount collected by Cumberland Gas Co. in excess of the amount determined to be just and reasonable in said proceeding.

George R. Brown, Applicant in Docket No. G-18479, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Herman Brown Estate FPC Gas Rate Schedule No. 6. Herman Brown Estate's rate schedule will be redesignated as George R. Brown FPC Gas Rate Schedule No. 19. Herman Brown Estate has filed for an increase in rate under said rate schedule which increase is suspended in Docket No. RI62-511¹ and not made effective. Accordingly, Applicant will be substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. RI62-511 and the proceeding will be redesignated.

Tenneco Oil Co. (Operator), et al., Applicant in Docket No. CI66-701, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-6591 and made pursuant to Continental Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 4. Applicant has filed an instrument of ratification of said rate schedule as its own rate schedule. The presently effective rate under Continental's rate schedule is in effect subject to refund in Docket No. RI60-340.¹ Continental has collected an increased rate under said rate schedule for a locked-in period subject to refund in Docket No. G-19666.¹ Applicant has requested to be made co-respondent in both of said rate proceedings and has submitted an agreement and undertaking to assure the refund of any amount collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made co-respondent, the proceedings will be redesigned accordingly, and the agreement and undertaking will be accepted for filing.

After due notice, a petition to intervene by Long Island Lighting Co. was filed in Docket No. CI66-701, in the matter of the application filed February 7, 1966, in said docket. The petition to intervene has been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on October 12, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and ex-

¹ Consolidated with Docket No. AR64-2, et al.

¹⁹ Syracuse Television, Inc., supra.

hibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted herein-after.

(2) The sales of natural gas herein-before described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67-156 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI64-873.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3245, G-3270, G-11861, G-12245, G-18479, G-18786, G-19246, G-20368, CI61-752, CI61-1650, CI62-207, CI63-415, CI63-1357, CI63-1494, CI64-873, CI65-564, CI65-956, and CI66-595 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	New certificate and/or amendment to add acreage
G-6591 -----	CI66-701
G-13633 -----	CI64-873
G-15166 -----	CI67-145
G-15373 -----	CI64-145
CI61-752 -----	CI67-180
CI61-1146 -----	CI67-180
CI64-15 -----	CI67-113
CI64-1405 -----	CI67-90

(8) The sale of natural gas proposed to be abandoned by Applicant in Docket No. CI67-163, as hereinbefore described, all as more fully described in the tabulation herein and in the application, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act and the abandonment should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cumberland Gas Co. should be substituted in lieu of Cumberland Gas Corp. as respondent in the proceeding pending in Docket No. RI61-228, that said proceeding should be redesignated accordingly; and that Cumberland Gas Co. should be required to file an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that George R. Brown should be substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. RI62-511 and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco Oil Co. (Operator) et al., should be co-respondent in the proceedings pending in Docket Nos. G-19666 and RI60-340, that said proceedings should be redesignated accordingly, and that the agreement and undertaking submitted by Tenneco in said proceedings should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the name of the respondent in the proceeding pending in Docket No. RI61-499 should be changed from Marshall R. Young Drilling Co. to Marshall R. Young Oil Co., and that the proceeding should be redesignated accordingly.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Com-

mission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceeding or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 5, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 18 and 25 in the attached tabulation.

(E) The certificate issued herein in Docket No. CI66-701 involving the sale of gas by Tenneco Oil Co. (Operator) et al., to its parent Tennessee Gas Pipeline Co., a division of Tenneco, Inc., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(F) A certificate is issued herein in Docket No. CI67-90 and the acceptance of the related rate schedule is contingent upon Applicant submitting a billing statement.

(G) Certificates are issued herein in Docket Nos. CI67-50 and CI67-178, authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(H) A certificate is issued herein to Sun Oil Co. in Docket No. CI67-172, au-

FEDERAL REGISTER, VOL. 31, NO. 208—WEDNESDAY, OCTOBER 26, 1966

See footnotes at end of table;

FPC rate schedule to be accepted		FPC rate schedule to be accepted		Applicant	Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		FPC rate schedule to be accepted	
Docket No. and date filed	Supp.	Description and date of document	No.					Description and date of document	No.	Description and date of document	Supp.
A C167-90 (C164-1405) F 7-27-66	1	Contract 3-30-64 ²⁹ Letter agreement 3-30-64 Various assignments ³⁰	24	Amax Petroleum Corp. (successor to Steve Gose (Operator), et al.).	C167-158 A 8-11-66 ¹³	Texaco Inc.	Texas Eastern Transmission Corp., Dallas Husky Field, Goliad County, Tex.	Contract 6-20-53 Letter agreement 3-23-54 Letter agreement 8-20-58 Amendment 12-28-62 ²⁹ Letter agreement 9-1-65 Amendment 4-4-66 ²⁰ Contract 4-6-66 ²⁰	376 376 376 376 376 1		
	2	Gose Petroleum Co., et al.; 5-9-66 ³¹	24		C167-160 A 8-11-66 ¹³	G. Fred Shewey	United Fuel Gas Co., Hardee District, Mingo County, W. Va.	Contract 12-9-57 ²⁰	1		
	3	Fain & McGaha 5-9-66	24		C167-161 A 8-8-66 ¹³	A. G. Kirschmer	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	(a)	(9)		
	4	Gose Petroleum Co., et al. 5-9-66 ³²	24		C167-163 B 8-3-66 ⁴¹	Allegheny Land and Mineral Co.	Carnegie Natural Gas Co., Glenville District, Gilmer County, W. Va.	Contract 4-4-65 Supplemental agreement 5-30-66 ²⁰ Contract 6-6-66	6 6 3		
	5	Taubert and Steed 4-27-66	24		C167-165 A 8-15-66 ²³	Delta Corp.	Cities Service Gas Co., Wakita Field, Grant County, Okla.				
	6	John Beaton & Wife 4-20-66	24		C167-167 A 8-15-66 ²³	Goff Oil Co. (Operator) et al.	Northern Natural Gas Co., Northeast Harmon Field, Woodward County, Okla.				
	7	The Clarksons Co. 5-4-66	24		C167-169 A 8-15-66 ¹³	Allegheny Land and Mineral Co.	Carnegie Natural Gas Co., Cass, Grant, and Clay Districts, Monongalia County, W. Va.	Contract 4-4-66 ²⁰	10		
	8	Howard Fry 4-6-66	24		C167-172 A 8-15-66 ⁴⁴	Sun Oil Co.	Southern Natural Gas Co., Quitman Bayou Field, Adams County, Miss.	Contract 2-16-65 ⁴⁵ Assignment 5-1-66 ⁴⁵ Effective date: 5-1-66	205 205		
	9	Gose Petroleum Co., et al. 5-9-66 ³³	24		C167-174 A 8-15-66 ²³	Southland Royalty Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 7-12-66 ²⁰	23		
	10	Hastings Harcourt 4-29-66	24		C167-178 A 8-9-66 ¹³ 27	D. D. Roberts et al.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 8-29-61 ²⁰	6		
	11	John Newman 5-2-66	24		A C167-180 (C161-752) (C161-1146) F 8-15-66 ⁴⁷ 48	Mobil Oil Corp. (successor to Atlantic Richfield Co. and J. M. Huber Corp.). Sindair Oil & Gas Co.	Michigan Wisconsin Pipe Line Co., N. W. Quinnlin Field, Woodward County, Okla.	Contract 5-27-66 Letter agreement 7-27-66 ²⁰ 49	389 389		
	12	Charles Wilds & Wife 4-20-66 ³³	24		C167-182 A 8-16-66 ²³		Northern Natural Gas Co., acreage in Ellis, Dewey, and Woodward Counties, Okla.	Contract 7-27-66 ²⁰	357		
	13	Gose Petroleum Co., et al.; 5-9-66 ³⁴	24		C167-183 A 8-16-66 ¹³	J. D. Akin	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Contract 3-20-58 ²⁰	1		
	14	John Beaton & Wife 4-20-66 ³³	24								
	15	The Clarksons Co. 5-4-66 ³³	24								
	16	Howard Fry 4-6-66 ³³	24								
	17	John Newman 5-2-66 ³³	24								
	18	Charles Wilds & Wife 4-20-66 ³³	24								
	19		24								
	20		24								
			3								
C167-112 A 8-2-66		Consolidated Gas Supply Corp., Houston Township, Clearfield County, Pa.		Harold S. McKay							
A C167-113 (C164-15) F 7-25-66		Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.		Wichita Iron & Metals Corp., Inc. (successor to Henry S. Inger).							
C167-156 ³⁷ F C164-873 (G-13633) C 8-11-66		United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.		Crystal Oil & Land Co. (successor to Union Producing Co.).							
C167-157 A 8-12-66 ¹³		United Fuel Gas Co., Henry District, Clay County, W. Va.		Montclair Oil & Gas Development Co., Inc. (Operator), agent.							

See footnotes at end of table.

¹ Agreement whereby Cumberland Gas Corp. was merged into Huntington Properties, Inc., with the continuing corporation being called Cumberland Gas Co.

² Application to amend the certificate to reflect the change in corporate name only.

³ Source of gas depleted.

⁴ Effective date: Date of this order.

⁵ Transfers properties from Herman Brown Estate to George R. Brown.

⁶ Conveys acreage from R. D. Reber, Trustee in Bankruptcy of the Estate of Henry S. Inger to Wichita Iron & Metals Corp., Inc.

⁷ Instrument conveying property placed in Docket No. G-2947.

⁸ Haynes & V. T. Drilling Co. assigns all its interest to William C. Russell.

⁹ White Sands Oil & Gas Corp. assigns all its interest to William C. Russell.

¹⁰ William C. Russell assigns all his interest to William G. Rabe.

¹¹ Deletes acreage assigned to Socony Mobil Oil Co., Inc. (now Mobil Oil Corp.).

¹² Gas well reclassified as oil well and the oil well gas is used for lease operations.

¹³ From Ralph C. Halbert to Failing Rock Co.

¹⁴ From The Schoolfield Corp. to Killam & Hurd.

¹⁵ Application to amend the certificate to add interest of a nonsignatory coowner (Mobil Oil Corp.).

¹⁶ Jan. 1, 1968, moratorium provided by Opinion No. 468.

¹⁷ No related rate filing; Mobil's letter of authorization dated May 11, 1966, has been construed as an interest statement pursuant to section 154.91 and attached to Standard's FPC GRS No. 41 as an exhibit.

¹⁸ Jan. 1, 1968, moratorium date pursuant to the Commission's statement of general policy No. 61-1, as amended.

¹⁹ Adds acreage.

²⁰ Effective date: Date of initial delivery (Applicant should advise the Commission as to such date).

²¹ Ratifies and amends gas purchase contract between Continental Oil Co. and Tennessee dated Nov. 3, 1953, designated Continental Oil Co. (Operator) et al., FPC GRS No. 4.

²² Contract dated Nov. 3, 1953, between Continental Oil Co. and Tennessee.

²³ Letter requesting withdrawal of Supplement No. 5 to Tenneco's FPC GRS No. 197.

²⁴ Assignment of Continental's interest to a depth of 7,905 feet.

²⁵ July 1, 1967, moratorium date pursuant to the Commission's statement of general policy No. 61-1, as amended.

²⁶ Adopts terms of contract dated Dec. 11, 1964, between Harper Oil Co. and C. A. Smith, Jr., and buyer.

²⁷ Service being rendered without prior Commission authorization.

²⁸ Adopts terms of contract dated Jan. 11, 1960 between Phillips Petroleum Co. and buyer (Supp. No. 1).

²⁹ Contract between Steve Gose (Operator), et al., and buyer; on file as Steve Gose (Operator), et al., FPC GRS No. 1.

³⁰ Assignments are listed by assignors.

³¹ Northern and Southern Districts, respectively.

³² McKinnon "I-C" Unit.

³³ White "C" Unit.

³⁴ Kane No. 1 and White No. 1 Units, respectively.

³⁵ Merchant No. 2 Unit.

³⁶ Between L. C. Smitherman and buyer; on file as Smitherman's FPC GRS No. 3 (Inger acquired subject acreage from L. C. Smitherman and was issued a certificate in Docket No. CI64-15, but never completed rate schedule filing).

³⁷ The application for a certificate filed in Docket No. CI67-156 will be treated as a petition to amend the certificate heretofore issued in Docket No. CI64-873, to include the sale of natural gas acquired from Union Producing Co. in Docket No. G-13633, and Docket No. CI67-156 will be canceled.

³⁸ Conveys acreage from Union Producing Co. to Applicant; on file as Union's FPC GRS No. 4.

³⁹ Amends pricing provisions to provide for periodic increases of 0.5 cent every 5 years and eliminates indefinite pricing provisions.

⁴⁰ Provides for sale of additional gas pursuant to contract dated June 20, 1953 which is on file as Texaco Inc., FPC GRS No. 97. One lease is subject to a depth limitation of 5,600 feet.

⁴¹ Applicant never filed for or received authorization to render sale.

⁴² Production of gas no longer economically feasible.

⁴³ No rate schedule on file covering this sale (copy of contract dated Nov. 5, 1963 submitted with abandonment application).

⁴⁴ Sun Oil Co. is filing to cover its own interest which service is currently being rendered under Maytex Gas Co.'s certificate in Docket No. CI65-956 and Maytex FPC GRS No. 1.

⁴⁵ Contract between Maytex Gas Co., as seller and Southern, as buyer. (Pan American, as assignee has filed to succeed Maytex Gas Co. as plant operator in Docket No. CI65-956.)

⁴⁶ Transfers properties from Maytex Gas Co. to Pan American Petroleum Corp. and Sun Oil Co.

⁴⁷ Applicant's filing covers its own dedication of acreage in addition to acreage acquired from Atlantic Richfield Co. (Docket No. CI61-752) and J. M. Huber Corp. (Docket No. CI61-1146).

⁴⁸ July 1, 1967, moratorium provided by Order No. 296 for sales from Applicant's own dedication of acreage. Aug. 1, 1967, moratorium on rate increase filings for sales from acreage acquired from Atlantic consistent with Atlantic's settlement authorized by Commission order issued Oct. 8, 1964. There is no moratorium for sales from acreage acquired from J. H. Huber Corp.

⁴⁹ The contract supersedes and the letter agreement cancels the contracts on file as Atlantic Richfield Co. FPC GRS No. 225 and J. M. Huber Corp. (Operator), et al., FPC GRS No. 44 insofar as such contracts pertain to acreage assigned to Mobil Oil Corp.

[F.R. Doc. 66-11576; Filed, Oct. 25, 1966; 8:45 a.m.]

[Docket No. RI67-97]

BACHUS OIL CO.

Order Accepting Contract Amendment, Providing for Hearing on and Suspension of Proposed Change in Rate

OCTOBER 19, 1966.

On September 26, 1966, Bachus Oil Co. (Bachus)¹ tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Contract amendment, dated August 16, 1966.² (2) Notice of change, dated September 16, 1966.

¹ Address is: 721 East Central, Wichita, Kans.

² Provides that contractual price will be increased 1.0 cent per Mcf every 5 years after Dec. 22, 1964, and deletes favored nation provision from contract.

Purchaser and producing area: Citiles Service Gas Co. (Hardtner Field, Barber County, Kans.).

Effective date: (1) October 27, 1966.³ (2) October 27, 1966.³

Rate schedule designation: (1) Supplement No. 3 to Bachus' FPC Gas Rate Schedule No. 7. (2) Supplement No. 4 to Bachus' FPC Gas Rate Schedule No. 7.

Amount of annual increase: (2) \$1,200.

Effective rate: 12.0 cents per Mcf.^{4,5}

Proposed rate: 14.0 cents per Mcf.^{4,6}

Pressure base: 14.65 p.s.i.a.

Bachus requests that its proposed rate increase be permitted to become effective as of September 16, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in sec-

³ The stated effective date is the first day after expiration of the statutory notice.

⁴ Subject to a downward B.t.u. adjustment.

⁵ Previously filed periodic rate increase from 12.0 cents to 13.0 cents per Mcf is currently suspended in Docket No. RI64-723 and not yet made effective.

⁶ Renegotiated rate increase.

tion 4(d) of the Natural Gas Act to permit an earlier effective date for Bachus' rate filing and such request is denied.

Bachus' proposed increased rate and charge exceeds the applicable area price level for increased rates for Kansas as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Concurrently with the filing of its notice of change in rate, Bachus submitted a related contract amendment dated August 16, 1966, providing for the 14.0 cents per Mcf increased rate as of December 22, 1964, and periodic 1.0 cents price escalations every 5 years thereafter. The amendment also deletes the favored nation provision from the contract. The contract amendment has been designated as Supplement No. 3 to Bachus' FPC Gas Rate Schedule No. 7. We believe that it would be in the public interest to accept for filing Bachus' aforementioned contract amendment to become effective on October 27, 1966, the date of expiration of the statutory notice, but not the proposed rate contained therein which will be suspended as indicated below.

The Commission finds:

(1) Good cause has been shown for accepting for filing Bachus' proposed contract amendment dated August 16, 1966, designated as Supplement No. 3 to Bachus' FPC Gas Rate Schedule No. 7, and for permitting such supplement to become effective on October 27, 1966, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Bachus' FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Bachus' contract amendment dated August 16, 1966, designated as Supplement No. 3 to Bachus' FPC Gas Rate Schedule No. 7, is accepted for filing and permitted to become effective on October 27, 1966.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Bachus' FPC Gas Rate Schedule No. 7.

(C) Pending a hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until March 27, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 5, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11615; Filed, Oct. 25, 1966;
8:45 a.m.]

[Docket No. CP67-95]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

OCTOBER 19, 1966.

Take notice that on October 13, 1966, South Georgia Natural Gas Co. (Applicant), Post Office Box 1279, Thomasville, Ga. 31792, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 2,400 horse-power reciprocating compressor station on its 12-inch main transmission pipeline at Holy Trinity, Ala., and to move the present 1,100 horse-power gas turbine driven centrifugal type compressor to a site at or near Albany, Ga.

Applicant also proposes to construct and operate approximately 2.6 miles of 3.5-inch O.D. pipeline from its existing 10 3/4-inch main transmission pipeline in Mitchell County, Ga., for the purpose of selling and delivering natural gas on an interruptible basis to Bridgeboro Lime & Stone Co.

Applicant further seeks authorization to construct and operate approximately 0.7 mile of 3.5-inch O.D. pipeline from its recently constructed 6-inch main transmission pipeline in Early County, Ga., for the purpose of selling and delivering natural gas on an interruptible basis to Jackson Tubing & Conduit Corp.

Applicant also requests authority to construct and operate approximately 4.9 miles of 6-inch line which will be constructed parallel to a portion of Applicant's existing 4-inch line number 19 in Gadsden County, Fla.

Metering, regulating, and related facilities are also to be installed at the place of interconnection with each proposed new customer.

The total estimated cost of the proposed facilities is \$1,035,425 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 17, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11617; Filed, Oct. 25, 1966;
8:45 a.m.]

[Docket No. CP67-96]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 19, 1966.

Take notice that on October 14, 1966, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-96 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period from December 30, 1966, through December 29, 1967, and operation of certain natural gas facilities used in the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate (1) facilities to make sales of gas to existing distributors in existing market areas, (2) facilities to make direct sales of natural gas to consumers located in areas outside the franchise area of any local natural gas distributor, and (3) facilities which represent miscellaneous rearrangements of existing facilities and will not result in any change in service.

The proposed construction will consist of line taps, metering and regulating stations, and various types of pipelines, including lateral and loop lines.

Applicant states that deliveries to any one distributor or consumer through the

proposed facilities will not exceed 100,000 Mcf annually and will not be used by the distributor or consumer for "boiler fuel purposes", as defined in § 157.7(c) (9) of the regulations under the Act.

The total estimated cost will not exceed \$300,000, with no one project exceeding \$50,000. The construction will be financed from funds on hand or from funds generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 17, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11618; Filed, Oct. 25, 1966;
8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. G-1]

MOTOR VEHICLE REPLACEMENT STANDARDS

To heads of Federal agencies:

1. *Purpose.* This temporary regulation revises the replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, as set forth in FPMR 101-38.9.

2. *Background.* In accordance with the President's memorandum of September 16, 1966, to Heads of Departments and Agencies, existing replacement standards for motor vehicles have been reexamined and revised to provide for longer use of the vehicles prior to replacement.

3. *Revised replacement standards.* Replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, are as follows:

a. Passenger cars and station wagons may be replaced when they have been

operated for 7 years or 72,000 miles, whichever occurs first.

b. Trucks, 1 ton and less, may be replaced when they have been operated for 7 years or 60,000 miles, whichever occurs first.

c. Irrespective of these revised replacement standards:

(1) Agencies shall retain those vehicles which are in usable and workable condition for at least 1 additional year.

(2) Vehicles which have been wrecked or damaged beyond economical repair may be replaced pursuant to the provisions of FPMR 101-38.908.

4. *Effect on other issuances.* This regulation is in consonance with the provisions of FPMR Temporary Regulation No. E-7, as it affects FPMR 101-25.402 and amends the standards set forth in FPMR 101-38.9.

5. *Effective date.* This temporary regulation is effective October 25, 1966.

6. *Expiration date.* This temporary regulation expires June 30, 1967, unless sooner revised or superseded.

Dated: October 24, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-11741; Filed, Oct. 25, 1966;
10:45 a.m.]

[Federal Property Management Regs.;
Temporary Reg. E-7]

MOTOR VEHICLE REPLACEMENT STANDARDS

To heads of Federal agencies:

1. *Purpose.* This temporary regulation revises the replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, as set forth in FPMR 101-25.402.

2. *Background.* Revision of the replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, is in accordance with the President's desire to curtail expenditures by adjusting replacement standards to require longer use of equipment prior to replacement.

3. *Revised replacement standards.* Replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, established by this temporary regulation, are as follows:

a. Passenger cars and station wagons may be replaced when they have been operated for 7 years or 72,000 miles, whichever occurs first.

b. Trucks, 1 ton and less, may be replaced when they have been operated for 7 years or 60,000 miles, whichever occurs first.

c. Irrespective of these revised replacement standards:

(1) Agencies shall retain those vehicles which are in usable and workable condition for at least 1 additional year.

(2) Vehicles which have been wrecked or damaged beyond economical repair may be replaced pursuant to the provisions of FPMR 101-25.402.

4. *Effect on other issuances.* This regulation is in consonance with the provisions of FPMR Temporary Regulation No. G-1, as it affects FPMR 101-38.9 and

amends the standards set forth in FPMR 101-25.402.

5. *Effective date.* This temporary regulation is effective October 25, 1966.

6. *Expiration date.* This temporary regulation expires on June 30, 1967, unless sooner revised or superseded.

Dated: October 24, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-11742; Filed, Oct. 25, 1966;
10:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4422]

GRANITE STATE ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Increase in Authorized Shares of Common Stock and Issuance and Sale Thereof to Holding Company

OCTOBER 20, 1966.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, 441 Stuart Street, Boston, Mass. 02116, and its electric utility subsidiary company, Granite State Electric Co. ("Granite"), 65 North Park Street, Lebanon, N.H. 03766, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 6(b), 7, 9(a), and 10 of the Act and Rules 42(b)(2) and 50(a)(1) and (3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Granite proposes to authorize 5,000 additional shares of its common stock, par value \$100 per share. It also proposes to issue, and NEES, the holder of all of Granite's outstanding common stock, proposes to acquire, the additional shares, for cash, at their aggregate par value of \$500,000.

Granite has outstanding \$3,900,000 of short-term notes payable to NEES which evidence borrowings made by Granite for construction purposes. The proceeds from the issue and sale of the additional shares will be applied to the payment, in part, of such notes.

The fees and expenses to be paid in connection with the proposed transactions are estimated to aggregate \$200 for NEES and \$1,250 for Granite, which latter amount includes \$1,000 for services performed at cost by the system service company.

The filing states that the Public Utilities Commission of New Hampshire has jurisdiction over the issue and sale of the additional shares of common stock, and no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 10, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11653; Filed, Oct. 25, 1966;
8:48 a.m.]

TARIFF COMMISSION

[332-51]

OLIVES

Notice of Investigation

In response to S. Res. 315 of the 89th Congress, adopted October 17, 1966, by the U.S. Senate, the U.S. Tariff Commission has instituted an investigation with respect to the importation of olives into the United States, including (but not limited to) the conditions of competition in the United States between olives bottled or canned in the United States (whether or not grown in the United States) in containers suitable for retail sale and olives bottled or canned outside the United States and imported into the United States in containers suitable for retail sale. The full text of the resolution is as follows:

S. RES. 315

IN THE SENATE OF THE UNITED STATES

October 17, 1966.

Resolved, that (a) the U.S. Tariff Commission is directed, pursuant to section 332 of the Tariff Act of 1930, to make an investigation with respect to the importation of olives into the United States, including (but not limited to) the conditions of competition in the United States between olives bottled or canned in the United States (whether or not grown in the United States) in containers suitable for retail sale and olives bottled or

canned outside the United States and imported into the United States in containers suitable for retail sale.

(b) For purposes of subsection (a), the Commission may utilize all information and data previously obtained or compiled by it in carrying out the duties and exercising the power conferred on it by section 332 of the Tariff Act of 1930.

(c) The Commission shall report the results of the investigation made by it pursuant to subsection (a) to the Senate on or before March 31, 1967.

Attest:

(Signed) Francis R. Valeo, Secretary.

The Commission will consider all written submissions received from interested parties by December 15, 1966. Submissions should be addressed to The Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, D.C. 20436.

Issued: October 20, 1966.

By order of the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 66-11633; Filed, Oct. 25, 1966;
8:46 a.m.]

[APTA-W-4]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation and Hearing

Investigation instituted. Upon receipt on October 19, 1966, of a request therefor from the Automotive Agreement Adjustment Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board on behalf of a group of workers of the Maremont Corp., Gabriel Division, Cleveland, Ohio. The petition alleged in effect that by reason of the transfer from Cleveland to Canada of the production of automotive shock absorbers, dislocation of the group of workers has occurred, and that the operation of the U.S.-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

Public hearing ordered. A public hearing, which has been requested by the petitioner in connection with this investigation, will be held at 10 a.m., on November 15, 1966, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued October 21, 1966.

By order of the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 66-11634; Filed, Oct. 25, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 21, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40758—*Lime from Detroit, Mich.* Filed by Southwestern Freight Bureau, agent (No. B-8909), for interested rail carriers. Rates on common lime, including magnesium lime, hydrated, quick, or slaked, in carloads, from Detroit, Mich., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Southwestern Freight Bureau, agent, tariff ICC 4640.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11642; Filed, Oct. 25, 1966;
8:47 a.m.]

[Notice 418]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 21, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 31),
HELM'S EXPRESS, INC., 1011 Lincoln

Highway, West Irwin, Pa., filed October 17, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Dayton, Ohio, over U.S. Highway 35 via Xenia, Ohio, to Junction Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dayton, Ohio, over Ohio Highway 4 to Springfield, Ohio, thence over U.S. Highway 40 via West Jefferson, Ohio, to Columbus, Ohio, and return over the same route.

No. MC 2202 (Deviation No. 90), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed October 11, 1966. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky., (2) from Cincinnati, Ohio, over Interstate Highway 75 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky., and (3) from Cincinnati, Ohio, over Interstate Highway 75 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Louisville, Ky., and return over the same route.

No. MC 40719 (Deviation No. 1), R. A. PAYNE, ROY PAYNE, AND TROY PAYNE, doing business as PAYNE FREIGHT LINES, 104½ Adams, Post Office Box 562, Mount Ayr, Iowa 50854, filed October 17, 1966. Carrier's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 34 and Interstate Highway 35, near Osceola, Iowa, north over Interstate Highway 35 to junction Iowa Highway 60, thence east over Iowa Highway 60 to Des Moines, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Mount Ayr, Iowa, over U.S. Highway 169 to Afton, Iowa, thence over U.S. Highway 34 to Osceola, Iowa, thence over

U.S. Highway 69 to Des Moines, Iowa, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11643; Filed, Oct. 25, 1966;
8:47 a.m.]

[Notice 981]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 21, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER* issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 99610 (Sub-No. 6) (republication), filed May 25, 1966, published *FEDERAL REGISTER* issue of June 8, 1966, and republished, this issue. Applicant: ROSS NEELY EXPRESS, INC., 3601 Fifth Avenue North, Birmingham, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. In the above-entitled proceeding applicant, in accordance with the requirements of section 206(a) (6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds an order dated August 3, 1966, which amends its certificate No. 2585 dated June 25, 1958, as amended July 17, 1961, issued by the Alabama Public Service Commission, so as to authorize additional operations, as a common carrier by motor vehicle, solely within the State of Alabama as set forth below. No one opposed the State Commission application proceeding the request by applicant to conduct operations in interstate or foreign commerce corresponding in scope to those operations for which applicant has been issued an amendatory order, that the amendment to the certificate issued August 3, 1966, by the State Commission satisfies the provisions of section 206(a) (6) of the act, and that applicant has otherwise met the requirements for a certificate of registration contained in section 206(a) (6) of the act.

An order of the Commission, Operating Rights Board No. 2, dated October 13, 1966, and served October 18, 1966, finds that upon withdrawal of the temporary authority authorized in No. MC-99610 (Sub-No. 5TA), and upon full compliance with the requirements of sections 215, 217, and 221(c) of the act and the rules and regulations of the Commission thereunder, governing the filing and approval of insurance or other security for the protection of the public, common carrier rate-filing requirements, and designation of agent for service of process, within the time specified, a certificate of registration shall concurrently be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, transporting general commodities, regular routes: Serving the plantsite of MacMillan, Bloedel, Ltd., near Pine Hill, Ala., as an off-route point to applicant's Alabama Highway 5 and U.S. Highway 43 routes. Because it is possible that interested parties, who have relied upon the notice of the application as published in the *FEDERAL REGISTER*, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority granted by this order will be published in the *FEDERAL REGISTER* and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading.

No. MC 113678 (Sub-No. 162) (republication), filed August 12, 1965, published *FEDERAL REGISTER* issue of September 1, 1965, and republished, this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. By application filed August 12, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen foods (1) from points in Adams and Hall Counties, Nebr., to points in Washington, Oregon, Idaho, and Montana, (2) from points in Adams and Hall Counties, Nebr., to Denver, Colo., for storage in transit and subsequent shipment from Denver to points in Washington, Oregon, Idaho, and Montana, and (3) from points in Adams and Hall Counties, Nebr., to Denver, Colo., for stopping in transit for partial loading or unloading of shipments destined to points in Washington, Oregon, Idaho, and Montana. An order of the Commission, Operating Rights Board No. 1, dated September 19, 1966, and served October 17, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen foods, (1) from points in Adams and Hall Counties, Nebr., and Denver, Colo., to points in

Washington, Oregon, Idaho, and Montana, and (2) from points in Adams and Hall Counties, Nebr., to Denver, Colo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 117496 (Sub-No. 2) (republication), filed December 14, 1965, published *FEDERAL REGISTER* issue of January 6, 1966, and republished, this issue. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, Post Office Box 1761, York, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. By application filed December 14, 1965, applicant sought a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of fiber glass materials and products, including material and supplies used in the installation thereof or incidental thereto, from the site and warehouses of Certain-Teed Fiber Glass Corp., Crestwood Industrial Park, Mountaintop, Wright Township, Luzerne County, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont, and pallets, platforms, skids, and refused and rejected shipments on return. By petition filed August 17, 1966, applicant seeks to amend its application to ne requesting a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a common carrier over irregular routes, of fiber glass materials and products, including material and supplies used in the installation thereof or incidental thereto, from the site and warehouses of Certain-Teed Fiber Glass Corp., Crestwood Industrial Park, Mountaintop, Wright Township, Luzerne County, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont.

A supplemental order of the Commission, Operating Rights Board No. 1, dated September 22, 1966, and served October 14, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) fiber glass materials and products, and (2) material and supplies used in the installation of or incidental to the commodities in (1) above, from the plantsite and warehouses of Certain-Teed Fiber Glass Corp. in Crestwood

Industrial Park, Mountaintop, Wright Township, Luzerne County, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9556. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, Post Office Box 102, Gerald, Mo. 63037, of a portion of the operating rights of OSCAR DUNCAN, Rolla, Mo. 55401, and for acquisition by OLIN R. FLOTTMANN, JOHN MEYER, ROY FLOTTMANN, and LEO FLOTTMANN, all also of Gerald, Mo., of control of such rights through the purchase. Applicants' attorney: Joseph R. Nacy, 117 West High Street (Post Office Box 352), Jefferson City, Mo. 65101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Vichy, Mo., and International Stockyards, Ill.; *fertilizer*, *mill feed*, and *roofing*, from International Stockyards, Ill., to Vichy, Mo., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9557. Authority sought for purchase by LAKE SHORE MOTOR TRANSIT LINES, INC., 230 North State Street, St. Joseph, Mich., of the operating rights of ILLINOIS BEE-LINE EXPRESS, INC. (NATHAN YORKE, ASSIGNEE), 2311 South Ashland Avenue, Chicago, Ill., and for acquisition by ROBERT STAHL, 1722 Forbes Avenue, St. Joseph, Mich., and KENNETH STAHL, 605 Central Avenue, St. Joseph, Mich., of control of such rights through the purchase. Applicants' attorney: William D. Parsley, 117 West Allegan

Street, Lansing, Mich. 48933. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98297 Sub 1, covering the transportation of wall paper and general freight, as a *common carrier*, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Michigan, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-1733 Sub 8 is a matter directly related.

No. MC-F-9558. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, Post Office Box 102, Gerald, Mo. 63037, of the operating rights of FISCHER TRUCKING COMPANY, 433 Elm Street, Washington, Mo. 63090, and for acquisition by OLIN R. FLOTTMANN, JOHN MEYER, ROY FLOTTMANN, and LEO FLOTTMANN, all also of Gerald, Mo., of control of such rights through the purchase. Applicants' attorneys: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101, and William J. Tate, 12th Floor, Buder Building, 7 North Seventh Street, St. Louis, Mo. 63101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between East St. Louis, Ill., and Linn, Mo., serving all intermediate and certain off-route points, between junction U.S. Highway 50 and Missouri Highway 100 and junction U.S. Highway 50 and Missouri Highway 89, between Rosebud, Mo., and Belle, Mo., between Washington, Mo., and Union, Mo., serving all intermediate points; one alternate route for operating convenience only; and *livestock*, over irregular routes, from certain specified points in Missouri, to National Stock Yards, Ill. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, and Ohio. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9548 (Philipp Transit Lines, Inc.—Purchase—Fischer Trucking Co.), filed in the October 12, 1966, issue of the FEDERAL REGISTER, on page 13187.

No. MC-F-9559. Authority sought for purchase by B AND B LINES, INC., Post Office Box 6190, Northside Station, Tulsa, Okla. 74106, of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., Post Office Box 82488, Oklahoma City, Okla. 73108, and for acquisition by J. H. JENKINS, also of Tulsa, Okla., of control of such rights through the purchase. Applicants' attorney and representatives: Martin E. Wyatt, Parcel Post Box 771, Tulsa, Okla. 74101, Richard H. Champlin and Sidney P. Upsher, both of Post Office Box 82488, Oklahoma City, Okla. 73108. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Oklahoma City, Okla., and Stillwater, Okla., between junction Oklahoma High-

way 33 and 40 near Perkins, Okla., and Drumright, Okla., serving the intermediate point of Cushing, Okla., without restriction; and the junction of Oklahoma Highways 33 and 40 only for the purpose of joining this authorized route with others of the carrier. Vendee is authorized to operate as a *common carrier* in Oklahoma and Kansas. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, Applicants request that it be held in Oklahoma City or Tulsa, Okla.

No. MC-F-9560. Authority sought for purchase by PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C., of the operating rights of OLD COLONY MOTOR LINES, INC., 70 Albany Street, Worcester, Mass., and for acquisition by R. Y. SHARPE, also of Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorney and representative: Jacob P. Billig, 1825 Jefferson Place NW., Washington, D.C. 20036, and Arthur A. Wentzell, 539 Hartford Pike, Shrewsbury, Mass. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-121397 Sub 1, covering the transportation of general commodities, over irregular routes, as a *common carrier*, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in North Carolina, Maryland, Pennsylvania, New Jersey, Virginia, Delaware, New York, South Carolina, Massachusetts, Connecticut, Rhode Island, Maine, Tennessee, New Hampshire, Vermont, Georgia, West Virginia, Ohio, Florida, Alabama, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-61264 Sub 24, is a matter directly related.

No. MC-F-9561. Authority sought for purchase by SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219, of the operating rights of SEABOARD VAN LINES, INC., 7605 Livingston Road SE., Washington, D.C. 20022, and for acquisition by RANDOLPH A. SHERWOOD and JEAN M. SHERWOOD, both of 2639 Friar Tuck, San Antonio, Tex., of control of such rights through the purchase. Applicants' attorney and representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, and Wilfred Dyer, 3802 Silver Hill Road, Silver Hill, Md. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Virginia, Kentucky, North Carolina, South Carolina, Georgia, New York, Connecticut, Rhode Island, and Massachusetts, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 40 miles of Washington, D.C. Vendee is authorized to operate as a *common carrier* in all points in the United States (except

Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9562. Authority sought for (1) purchase by JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Minn. 55403, of a portion of the operating rights and property of JEFFERSON TRANSPORTATION CO., 1114 Currie Avenue, Minneapolis, Minn. 55403, and for acquisition by JEFFERSON TRANSPORTATION COMPANY, also of Minneapolis, Minn., and, in turn by EDGAR F. ZELLE, 2270 West Lake of the Isle Boulevard, Minneapolis, Minn. 55405, of control of such rights and property through the purchase; and (2) control by JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Minn. 55403, of CROWN COACH COMPANY, 219 West Second Street, Joplin, Mo., and for acquisition by JEFFERSON TRANSPORTATION COMPANY, also of Minneapolis, Minn., and, in turn by EDGAR F. ZELLE, 2270 West Lake of the Isle Boulevard, Minneapolis, Minn. 55405, of control of CROWN COACH COMPANY, through the acquisition by JEFFERSON LINES, INC. Applicants' attorneys and representatives: L. M. Crouch, Jr., Professional Building, Harrisonville, Mo. 64701, Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606, J. G. Dail, Jr., 1815 H Street, NW, Washington, D.C. 20006, and Elvin Douglas, Jr., Professional Building, Harrisonville, Mo. 64701. Operating rights sought to be transferred: (1) Passengers and their baggage and express, newspapers and mail in the same vehicle with passengers, as a *common carrier*, over regular routes, between Minneapolis, Minn., and Kansas City, Mo., between Minneapolis, Minn., and Bethany, Mo., between Farmington, Minn., and Decorah, Iowa, between Rochester, Minn., and Albert Lea, Minn., serving all intermediate and certain off-route points; between Owatonna, Minn., and Waterloo, Iowa, between Decorah, Iowa, and Cedar Rapids, Iowa, serving all intermediate points, between Spencer, Iowa, and Floyd, Iowa, serving all intermediate and certain off-route points, between Minneapolis, Minn., and Rochester, Minn., serving the intermediate point of Fort Snelling Reservation, Fort Snelling, Minn., between St. Paul, Minn., and Rochester, Minn., between St. Paul, Minn., and Fort Snelling Reservation, Fort Snelling, Minn., serving no intermediate points, between Waterloo, Iowa, and Cedar Rapids, Iowa, serving all intermediate points, between Minneapolis, Minn., and Faribault, Minn., for operating convenience only, serving no intermediate points; passengers and their baggage, between Rochester, Minn., and Winona Junction (East Winona), Wis., serving the intermediate point of Winona, Minn., with restriction; and

(2) for control only: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Kansas City, Mo., and

Little Rock, Ark., serving all intermediate and certain off-route points, between junction U.S. Highway 71 and U.S. Highway 71 Bypass and junction Missouri Highway 58 and U.S. Highway 71, serving all intermediate points, between Holmes Park, Mo., and Kansas City, Mo., serving the site of the Pratt-Whitney Plant as an intermediate point, between Harrisonville, Mo., and Clinton, Mo., serving all intermediate and the off-route point of Urich, Mo., between Clinton, Mo., and Fort Leonard Wood, Mo., serving all intermediate points, between Lamar, Mo., and Springfield, Mo., serving all intermediate and the off-route point of Everton, Mo., between Lanagan, Mo., and Siloam Springs, Ark., between Gravette, Ark., and Bentonville, Ark., between Fayetteville, Ark., and Ozark, Ark., between junction U.S. Highway 65 and Missouri Highway 52, and Clinton, Mo., serving all intermediate points, between junction U.S. Highway 65 and Missouri Highway 52, and Warsaw, Mo., serving no intermediate points; passengers and their baggage, and light express, mail, and newspapers, in the same vehicle with passengers, between Texarkana, Tex., and Fort Smith, Ark., serving all intermediate points; passengers and their baggage, and newspapers and express in the same vehicle with passengers, between Fort Smith, Ark., and Siloam Springs, Ark., serving all intermediate points, between Greenfield, Mo., and Nevada, Mo., serving certain intermediate points; and passengers and their baggage, between Little Rock, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate points. JEFFERSON LINES, INC., holds no authority from this Commission. However, it is affiliated with GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606, which is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b). NOTE: For the portion of the operating rights not being transferred herein, see MC-F-9475 (Scenic Hawkeye Stages, Inc.—Purchase (Portion)—Jefferson Transportation Co.), published in the July 27, 1966, issue of the FEDERAL REGISTER on page 10167.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11644; Filed, Oct. 25, 1966;
8:47 a.m.]

[Notice 983]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 21, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as

filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS FOR ASSIGNED ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 107496 (Sub-No. 502), filed October 3, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement kiln dust*, in bulk, from Selma, Mo., to points in Illinois. NOTE: Common control may be involved.

HEARING: December 8, 1966, at the U.S. Court and Customhouse, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or if the Joint Board waives its right to participate before Examiner Alton R. Smith.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11645; Filed, Oct. 25, 1966;
8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 21, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-321 Sub 2 (Amendment), filed September 19, 1966, published in the FEDERAL REGISTER issue of September 28, 1966, amended October 13, 1966, and republished as amended, this issue. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Avenue SW., Grand Rapids 2, Mich. Applicant's representative: Walter N. Biene-man, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, (A) (1) between Grand Rapids and Detroit, Mich., over Interstate Highway 96; (2) between Cadillac and Detroit, Mich., over U.S. Highway 131 to junction Michigan Highway 115, thence over Michigan Highway 115 to junction U.S. Highway 10, thence over U.S. Highway 10 to Detroit. Also, from junction U.S. Highways 10 and 23, over U.S. Highway 23 to junction Interstate Highway 96, thence over Interstate Highway 96 to Detroit. Also, from junction Interstate Highway 75 and U.S. Highway 10, over Interstate Highway 75 to Detroit; and (3) serving all intermediate and off-route points within 3 miles of the routes described in (1) and (2) above and including the Commercial Zones of all points therein described.

(B) For operating convenience only: (1) Between Detroit and Traverse City, Mich., over Interstate Highway 75 to junction Michigan Highway 72, thence over Michigan Highway 72 to junction U.S. Highway 31, thence over U.S. Highway 31, to Traverse City; (2) between Detroit and Petoskey, Mich., over Interstate Highway 75 to junction Michigan Highway 32, thence over Michigan Highway 32 to junction U.S. Highway 131, thence over U.S. Highway 131 to Petoskey. Also, from Detroit, over Interstate Highway 75 to junction Michigan Highway 68, thence over Michigan Highway 68 to junction U.S. Highway 31, thence over U.S. Highway 31 to Petoskey; (3) between Lansing and Traverse City,

Mich., over U.S. Highway 27 to junction Michigan Highway 115, thence over Michigan Highway 115 to junction Michigan Highway 37, thence over Michigan Highway 37 to Traverse City. Also, from Lansing over U.S. Highway 27 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Michigan Highway 72, thence over Michigan Highway 72 to junction U.S. Highway 31, thence over U.S. Highway 31 to Traverse City; (4) between Lansing and Petoskey, Mich., over U.S. Highway 27 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Michigan Highway 32, thence over Michigan Highway 32 to junction U.S. Highway 131, thence over U.S. Highway 131, to Petoskey; and, (5) between Petoskey and Mackinaw City, Mich., over U.S. Highway 31 to junction Michigan Highway 68, thence over Michigan Highway 68 to junction Interstate Highway 75, thence over Interstate Highway 75 to Mackinaw City.

(6) Applicant proposes to serve all intermediate points otherwise authorized to be served together with all intermediate points and off-route points within 3 miles of the routes described on and south of Clare, Mich. (excluding intermediate points on U.S. Highway 27). Applicant also proposes to serve the commercial zones of all points herein described. NOTE: Applicant states that the service over the routes described in (A) and (B) above shall be restricted to the transportation of traffic which it either originates at or delivers to its authorized point of Cadillac, Mich., or points north of Cadillac.

HEARING: October 25, 26, 27, 1966, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests concerning this amended application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich., and should not be addressed to the Interstate Commerce Commission.

State Docket No. M-4112 (Amendment), filed September 15, 1966, published FEDERAL REGISTER issue of October 12, 1966, and republished as amended, this issue. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. Applicant's representative: C. J. Lincoln, 1550 Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Little Rock, Ark., and Fulton, Ark., from Little Rock, Ark., over U.S. Highway 67 to Fulton and return over the same route, service authorized at Curtis, Ark., and Fulton, Ark., and intermediate points between Curtis and Fulton, Ark., (2) between Amity, Ark., and Arkadelphia, Ark., from Amity, Ark., over Arkansas Highway 8 to Arkadelphia, Ark., and return over the same route, service not authorized at intermediate points. Service not authorized at Arkadelphia except for joinder. Both intrastate and interstate authority sought.

HEARING: Wednesday, November 9, 1966, at the Arkansas Commerce Commission's Courtroom, Justice Building, Little Rock, Ark., at 10 a.m. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Public Service Commission, Justice Building, Little Rock, Ark. and should not be directed to the Interstate Commerce Commission.

State Docket No. M-4128, filed October 12, 1966. Applicant: PLANT TRUCK LINE, Quitman, Ark. Applicant's representative: C. J. Lincoln, Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Little Rock and Guy, Ark., over Interstate Highway 40, U.S. Highway 65 and State Highway 25, serving only the intermediate points of Greenbrier and Springhill, Ark., (2) between Conway, Ark., and Guy, Ark., over U.S. Highway 65 and State Highway 25, serving only the intermediate points of Greenbrier and Springhill, Ark., and (3) between Heber Springs and Eden Isle approximately 4 miles west of Heber Springs, Ark., on Old Highway 110 for the purpose of tacking to present authority.

HEARING: Friday, December 9, 1966, at 10 a.m., at the Arkansas Commerce Commission's Courtroom, Justice Building, Little Rock, Ark. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Public Service Commission, Justice Building, Little Rock, Ark., and should not be directed to the Interstate Commerce Commission.

State Docket No. P-43941 (Amendment), filed August 8, 1966, published FEDERAL REGISTER issue of August 24, 1966, amended October 14, 1966, and republished, as amended, this issue. Applicant: ALFRED SCHULTE, doing business as REDONDO HEIGHTS TOWING, 27803 Pacific Highway South, Kent, Wash. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *buses, trucks, trailers, and other pneumatic tired vehicles or machinery* (excluding mobile homes), in wrecker service only, in King, Pierce, and Thurston Counties, Wash.

HEARING: Not known. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash. 98501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11646; Filed, Oct. 25, 1966; 8:47 a.m.]

[Notice 1432]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 21, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69133. By order of October 20, 1966, the Transfer Board approved the transfer to Phil Wagner, doing business as Phil Wagner Truck Service, Great Bend, Kans., of the operating rights in certificate No. MC-91568, issued January 31, 1958, to W. H. McCurry, doing business as McCurry Truck Service, Madison, Kans., authorizing the transportation of: Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines, over irregular routes, between points and places in Kansas and Oklahoma. Jerry M. Ward, 1501 Kansas Avenue, Great Bend, Kans. 67530, attorney for applicants.

NOTE: The subject application filed September 13, 1966, was amended on October 7, 1966, to substitute the above-named individual as transferee in lieu of B & W Trucking, Inc.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11647; Filed, Oct. 25, 1966;
8:47 a.m.]

[S.O. 981, Pfahler's Car Dist. Dir. 17; Amdt. 1]

CENTRAL RAILROAD CO. OF NEW JERSEY AND LEHIGH VALLEY RAILROAD CO.**Boxcar Distribution**

Upon further consideration of Pfahler's Car Distribution Direction No. 17

(The Central Railroad Co. of New Jersey—Lehigh Valley Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 17 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 23, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 21, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-11648; Filed, Oct. 25, 1966;
8:47 a.m.]

[S.O. 981, Pfahler's Car Dist. Dir. 18; Amdt. 1]

LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.**Boxcar Distribution**

Upon further consideration of Pfahler's Car Distribution Direction No. 18 (Lehigh Valley Railroad Co.—Norfolk and Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 18 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 23, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 21, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-11649; Filed, Oct. 25, 1966;
8:47 a.m.]

[S.O. 981, Pfahler's Car Dist. Dir. 19; Amdt. 1]

NORFOLK AND WESTERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.**Boxcar Distribution**

Upon further consideration of Pfahler's Car Distribution Direction No. 19 (Norfolk and Western Railway Co.—Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 19 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 23, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 21, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-11650; Filed, Oct. 25, 1966;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16909]

MONTREAL-TAMPA/MIAMI CASE**Notice of Oral Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on November 10, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 20, 1966.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11640; Filed, Oct. 25, 1966;
8:46 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	7 CFR—Continued	Page	12 CFR	Page
PROCLAMATIONS:		751.....	13531	329.....	12837
3749.....	12935	777.....	13502	526.....	13039
3750.....	12995	811.....	13133, 13313	531.....	13591
3751.....	13197	813.....	13589	545.....	12838, 12839, 13000
3752.....	13635	849.....	13695	556.....	13592
EXECUTIVE ORDERS:		873.....	13748	561.....	13592
Sept. 24, 1847 (revoked by		874.....	12940	563.....	13167
PLO 4100).....	12950	905.....	12835, 13385	571.....	13593
April 17, 1926 (revoked in part		906.....	13750	PROPOSED RULES:	
by PLO 4098).....	12950	908.....	12836, 13077, 13385, 13639	11.....	13725
10126 (superseded by 14 CFR		909.....	13134	222.....	12965
73.87).....	13422	910.....	12837, 13077, 13386, 13640	13 CFR	
10154 (superseded by EO		915.....	13135, 13386	107.....	13532
11313).....	13417	932.....	13171	121.....	12840
10558 (superseded by EO		947.....	13171	PROPOSED RULES:	
11313).....	13417	958.....	12940	121.....	12849, 12924, 13353, 13758
10686 (superseded by EO		982.....	13591	14 CFR	
11313).....	13417	984.....	13421, 13640	11.....	13697
11122 (superseded by EO		989.....	13696	21.....	13387
11307).....	12917	993.....	13037, 13751	37.....	12941
11215 (amended by EO 11309)	13075	1004.....	13751	39.....	12921, 13167, 13521, 13751
11307.....	12917	1038.....	13037	47.....	13313
11308.....	12919	1126.....	13641	61.....	13522
11309.....	13075	1421.....	13078, 13641	63.....	13522
11310.....	13199	1427.....	13641, 13696	65.....	13522
11311.....	13413	1443.....	12837	71.....	12840,
11312.....	13415	1446.....	13207		12921, 12943, 13038, 13039, 13115,
11313.....	13417	1475.....	13532		13207, 13314, 13315, 13389, 13390,
11314.....	13419	1490.....	12997		13421, 13422, 13466, 13525, 13641,
4 CFR		PROPOSED RULES:			13698, 13699.
Ch. II.....	13381	52.....	13551	73.....	12922, 12944, 13115, 13422, 13699
5 CFR		725.....	13242	91.....	13525
213.....	12833,	730.....	12952	95.....	12944
	12937, 13113, 13465, 13521, 13695	909.....	13174	97.....	13116, 13316, 13594, 13642
351.....	13521	912.....	13758	121.....	13078
534.....	13521	929.....	13136	143.....	13522
1700.....	13113	947.....	13758	151.....	13423
6 CFR		948.....	12953	208.....	12947
530.....	13747	971.....	13551	295.....	12948
7 CFR		972.....	13394	378.....	12948
51.....	13637	982.....	12954, 13346	PROPOSED RULES:	
81.....	13203, 13527	984.....	13005	39.....	12924, 13554
110.....	13203	989.....	13244, 13552	61.....	13554
112.....	13203	991.....	13394	71.....	12925, 13481, 13669, 13725
113.....	13203	993.....	13136	73.....	12925
207.....	13747	994.....	13090	75.....	13176
210.....	13035	1005.....	12845, 13090, 13726	91.....	13352
301.....	13747	1006.....	13272	15 CFR	
319.....	12834	1012.....	13605	230.....	13167, 13390, 13752
354.....	13203	1013.....	13655	372.....	13040
401.....	13581, 13583-13588	1038.....	12954	373.....	13040
402.....	13588	1041.....	13136	374.....	13040
403.....	13588	1067.....	13395	379.....	13040
406.....	13588	1069.....	13091	382.....	13040
407.....	13588	1102.....	13395	385.....	13040
408.....	13589	1103.....	13476	398.....	13040
409.....	13589	1106.....	13607	399.....	13040, 13699
701.....	13035	1126.....	13005, 13607	16 CFR	
719.....	13204	1205.....	13478	13.....	12937,
722.....	13035,	Ch. XI.....	12956		12938, 13078-13080, 13208, 13209,
	13036, 13132, 13168, 13205, 13303,	8 CFR			13337, 13423, 13753.
	13465, 13529, 13530, 13589.	211.....	13387	15.....	13210, 13423, 13754
728.....	13036	212.....	13114	PROPOSED RULES:	
729.....	12921, 12940	9 CFR		303.....	13353
		78.....	13465		
		97.....	13114		

17 CFR	Page	29 CFR	Page	42 CFR	Page
200-----	13533	462-----	13001	22-----	12939
		512-----	13211	52-----	13445
18 CFR		PROPOSED RULES:		43 CFR	
141-----	13593	40-----	13174	5430-----	13446
154-----	13720	1207-----	13176	PUBLIC LAND ORDERS:	
204-----	12840			1195 (revoked in part by PLO	
PROPOSED RULES:		31 CFR		4099)-----	12950
141-----	13557	520-----	13001	3152 (revoked in part by PLO	
260-----	13557			4104)-----	12951
19 CFR		32 CFR		3584 (revoked in part by PLO	
1-----	12938, 13080, 13390, 13721, 13755	1-----	13326	4104)-----	12951
4-----	13424, 13755	2-----	13329	4094 (corrected)-----	13473
13-----	13722	3-----	13329	4097-----	12950
PROPOSED RULES:		4-----	13330	4098-----	12950
12-----	12964	7-----	13331	4099-----	12950
20 CFR		8-----	13332	4100-----	12950
404-----	13126, 13533	11-----	13332	4101-----	12951
405-----	13424, 13456, 13534	13-----	13336	4102-----	12951
602-----	13466	15-----	13336	4103-----	12951
21 CFR		18-----	13337	4104-----	12951
3-----	13537	156-----	13642	4105-----	13549
8-----	12840	855-----	13081		
17-----	12949	1001-----	13217	45 CFR	
27-----	12949	1002-----	13217	6-----	12842
51-----	12950	1003-----	13217, 13547	7-----	12842
53-----	12840	1004-----	13217	8-----	12842
120-----	13210	1007-----	13218, 13547	170-----	13220
121-----	12841, 13128, 13474, 13475, 13722	1010-----	13219	46 CFR	
146-----	12841	1012-----	13548	12-----	13649
146a-----	13723	1013-----	13219	510-----	13650
148k-----	13603	1017-----	13220	PROPOSED RULES:	
PROPOSED RULES:		1018-----	13220	2-----	12860
19-----	13005	1030-----	13220	24-----	12860
121-----	12849	1053-----	13220	30-----	12860
130-----	13347	1054-----	13220	70-----	12860
191-----	13006			90-----	12860
22 CFR		32A CFR		110-----	12860
41-----	13080	Ch. XV:		175-----	12860
42-----	13080	FRS Reg. V-----	13444	188-----	12860
50-----	13537	PROPOSED RULES:		189-----	12860
51-----	13540, 13654	Ch. X-----	12924, 13050	190-----	12860
52-----	13546	33 CFR		191-----	12860
53-----	13546	84-----	13647	192-----	12860
23 CFR		202-----	13129	193-----	12860
Ch. II-----	13128	203-----	13647	194-----	12860
24 CFR		204-----	13129, 13445, 13647	195-----	12860
5-----	13081	36 CFR		196-----	12860
203-----	13000	311-----	13313	47 CFR	
220-----	13000	326-----	13172	0-----	13473
221-----	13000	37 CFR		1-----	13228, 13593
232-----	13000	1-----	12922	2-----	13230
234-----	13000	4-----	13648	15-----	13391
1000-----	13000	38 CFR		73-----	13234, 13237, 13474, 13653, 13755
25 CFR		2-----	13548	83-----	13653
PROPOSED RULES:		3-----	13088, 13172, 13390, 13446	91-----	13230
131-----	13605	14-----	13548	99-----	13230
221-----	13242	36-----	13003	PROPOSED RULES:	
26 CFR		39 CFR		31-----	13244
147-----	13723	822-----	13172	33-----	13244
177-----	13443	PROPOSED RULES:		73-----	12965, 13245, 13246, 13481
507-----	13466	43-----	13394	49 CFR	
PROPOSED RULES:		41 CFR		7-----	13446
1-----	12843, 12845, 13091, 13242	5-12-----	13337	71-79-----	13756
28 CFR		9-1-----	13046	PROPOSED RULES:	
PROPOSED RULES:		9-2-----	13046	Ch. I-----	13392
5-----	13343	9-3-----	13046	95-97-----	13393
		22-1-----	13001	50 CFR	
				32-----	12923, 12939, 13003, 13004, 13048, 13049, 13088, 13130, 13240, 13241, 13342, 13447, 13475, 13549, 13550, 13757
				33-----	12939, 13391, 13447, 13475, 13550

FEDERAL REGISTER

VOLUME 31 • NUMBER 209

Thursday, October 27, 1966 • Washington, D.C.

Pages 13783-13830

Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Agriculture Department
Atomic Energy Commission
Commodity Credit Corporation
Consumer and Marketing Service
District of Columbia Redevelopment
Land Agency
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fiscal Service
Food and Drug Administration
Foreign Assets Control Office
Interior Department
Interstate Commerce Commission
Land Management Bureau
Navy Department
Post Office Department
Securities and Exchange Commission

Detailed list of Contents appears inside.



Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

The *Weekly Compilation of Presidential Documents* began with the issue dated Monday, August 2, 1965. It contains transcripts of the President's news conferences, messages to Congress, public speeches, remarks and statements, and other Presidential material released by the White House up to 5 p.m. of each Friday. This weekly service includes an Index of Contents preceding the text and a Cumulative Index to Prior

Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

**Order from: Superintendent of Documents;
U.S. Government Printing Office,
Washington, D.C. 20402**



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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Feed grains; miscellaneous amendments 13791

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

Notices

Iowa and Texas; designation of areas for emergency loans..... 13811

ATOMIC ENERGY COMMISSION

Rules and Regulations

Procedures for review of certain nuclear reactors exempted from licensing requirements; miscellaneous amendments..... 13792

COMMODITY CREDIT CORPORATION

Notices

Sales of certain commodities; amendment of October 1966 sales list..... 13811

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Irish potatoes grown in Colorado; expenses and rate of assessment 13791

Proposed Rule Making

Oranges, grapefruit, tangerines and tangelos grown in Florida; proposed expenses and rate of assessment..... 13800

Notices

Humanely slaughtered livestock; identification of carcasses; changes in lists of establishments..... 13811

DEFENSE DEPARTMENT

See Navy Department.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Rules and Regulations

Employee responsibilities and conduct..... 13787

FEDERAL AVIATION AGENCY

Proposed Rule Making

Reduction in certain record retention periods..... 13802

Restricted area; proposed alteration 13802

Transition area; proposed designation (4 documents).... 13800, 13801

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

FM broadcast stations; table of assignments..... 13794

Proposed Rule Making

FM broadcast stations; table of assignments..... 13803

Notices

Hearings, etc.:

Branch Associates, Inc., and Ascension Parish Broadcasting Co..... 13812

Prairieland Broadcasters and Richard Lamoreaux..... 13812

Sudbury, Jones T., and Northwest Tennessee Broadcasting Co., Inc..... 13813

FEDERAL MARITIME COMMISSION

Proposed Rule Making

Overcharge claims; time limit on filing..... 13805

Notices

Afro-Asian Forwarding Co., Inc.; revocation of license..... 13813

West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference; order of investigation and hearing..... 13813

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Cities Service Gas Co..... 13815

Columbia Gulf Transmission Co. et al..... 13815

Gulf States Utilities Co..... 13816

Hunt Oil Co. et al..... 13814

Northern Natural Gas Co..... 13816

Superior Oil Co..... 13816

FEDERAL TRADE COMMISSION

Rules and Regulations

Mohawk Refining Corp. et al; prohibited trade practices..... 13792

FISCAL SERVICE

Notices

Ranger Insurance Co.; change of name 13811

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Bakery products; listing as optional ingredient:

Dried inactive torula yeast.... 13792

Lactylic stearate..... 13793

Food additives:

Adhesives 13793

Components of paper and paperboard in contact with aqueous and fatty foods..... 13793

Notices

Petitions filed:

Atlas Chemical Industries, Inc... 13811

Dow Chemical Co..... 13812

Geigy Chemical Corp..... 13812

Miner, W. H., Inc..... 13812

Monsanto Co..... 13812

FOREIGN ASSETS CONTROL OFFICE

Rules and Regulations

Ginseng from Canada; importation 13794

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See also Land Management Bureau.

Notices

Ponca Tribe of Native Americans of Nebraska; notice of termination of the Federal trust relationship and of supervision over affairs of individual members thereof 13810

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section application for relief..... 13826

Motor carrier:

Broker, water carrier and freight forwarder applications..... 13817

Temporary authority applications 13826

LAND MANAGEMENT BUREAU

Proposed Rule Making

Public domain leasing; oil and gas exploration operations..... 13799

Notices

Arizona; proposed withdrawal and reservation of lands (2 documents)..... 13807

Nevada:

Notice of public sale..... 13809

Proposed withdrawal and reservation of lands 13807

New Mexico; redelegations of authority (6 documents).... 13808, 13809

Oregon; proposed withdrawal and reservation of lands..... 13808

NAVY DEPARTMENT

Rules and Regulations

Naval Reserve and Marine Corps Reserve; physical qualifications.. 13794

POST OFFICE DEPARTMENT

Rules and Regulations

Air transportation; air carriers' responsibilities..... 13794

Proposed Rule Making

Metered stamps; meter license... 13800

(Continued on next page)

SECURITIES AND EXCHANGE COMMISSION

Notices

Hercules International Finance
Corp.; filing of application----- 13816

TREASURY DEPARTMENT

See Fiscal Service; Foreign Assets
Control Office.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

5 CFR	16 CFR	39 CFR
2200----- 13787	13----- 13792	96----- 13794
7 CFR	21 CFR	PROPOSED RULES:
775----- 13791	17 (2 documents)----- 13792, 13793	33----- 13800
948----- 13791	121 (2 documents)----- 13793	43 CFR
PROPOSED RULES:	31 CFR	PROPOSED RULES:
905----- 13800	530----- 13794	3107----- 13799
10 CFR	32 CFR	46 CFR
115----- 13792	713----- 13794	PROPOSED RULES:
14 CFR		525----- 13805
PROPOSED RULES:		47 CFR
71 (4 documents)----- 13800, 13801		73----- 13794
73----- 13802		PROPOSED RULES:
121----- 13802		73----- 13803
127----- 13802		

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter XII—District of Columbia Redevelopment Land Agency

PART 2200—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Part 735 of Title 5 of the Code of Federal Regulations, a new Chapter XII is added to Title 5 of the Code of Federal Regulations, consisting of Part 2200, which reads as follows:

Subpart A—General Provisions

Sec.	Purpose.
2200.735-101	Definitions.
2200.735-102	Interpretation and advisory service.
2200.735-103	Review of statements of employment and financial interest.
2200.735-104	Disciplinary and other remedial action.

Subpart B—Agency Regulations Governing Ethical and Other Conduct and Responsibilities of Employees

2200.735-201	Gifts, entertainment, and favors.
2200.735-202	Outside employment.
2200.735-203	Financial interests.
2200.735-204	Use of Government property.
2200.735-205	Misuse of information.
2200.735-206	Indebtedness.
2200.735-207	Gambling, betting, and lotteries.
2200.735-208	General conduct prejudicial to the Government.
2200.735-209	Miscellaneous statutory provisions.

Subpart C—Agency Regulations Governing Ethical and Other Conduct and Responsibilities of Special Government Employees

2200.735-301	Use of Government employment.
2200.735-302	Use of inside information.
2200.735-303	Coercion.
2200.735-304	Gifts, entertainment, and favors.
2200.735-305	Miscellaneous statutory provisions.
2200.735-306	General conduct.

Subpart D—Agency Regulations Governing Statements of Employment and Financial Interests

2200.735-401	Form and content of statements.
2200.735-402	Employees required to submit statements.
2200.735-403	Time and place for submission of employees' statements.
2200.735-404	Supplementary statements.
2200.735-405	Interests of employee's relatives.
2200.735-406	Information not known by employees.
2200.735-407	Information prohibited.

Sec.	Confidentiality of employees' statements.
2200.735-408	Effect of employees' statements on other requirements.
2200.735-409	Specific provisions of Agency regulations for special Government employees.

AUTHORITY: The provisions of this Part 2200 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 2200.735-101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, the regulations in this part set forth the Agency's standards covering the Agency's employees and special Government employees, prescribing standards of conduct and responsibilities, and governing statements reporting employment and financial interests.

§ 2200.735-102 Definitions.

(a) "Agency" means the District of Columbia Redevelopment Land Agency.

(b) "Board Member" means a member of the Board of Directors of the District of Columbia Redevelopment Land Agency appointed pursuant to Title 5, section 703, D.C. Code 1961.

(c) "Chairman" means the Chairman of the Board of Directors of the District of Columbia Redevelopment Land Agency.

(d) "Consultant" means an individual who serves as an adviser to an officer or instrumentality of the Government, as distinguished from an officer or employee who carries out the agency's duties and responsibilities. He gives his views or opinions on problems or questions presented him by the Agency, but he neither performs nor supervises performance of operating functions. Ordinarily, he is expert in the field in which he advises, but he need not be a specialist. His expertness may lie in his possession of a high order of broad administrative, professional, or technical experience indicating that his ability and knowledge make his advice distinctively valuable to the Agency. (Chapter 304, Federal Personnel Manual).

(e) "Division Head" means the Head of a Division within the District of Columbia Redevelopment Land Agency.

(f) "Employee" means an officer or employee of the Agency, but does not include a special Government employee.

(g) "Executive Order" means Executive Order 11222 of May 8, 1965.

(h) "Expert" means a person with excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field. His knowledge and mastery of the principles, practices, problems, methods, and techniques of his field of activity, or of a specialized area in the field, are clearly superior to those usually possessed by ordinarily competent individuals in that activity. His attainment is such that he usually is regarded as an authority or as a practitioner of unusual competence and skill by other individuals in the profession, occupation, or activity. (Chapter 304, Federal Personnel Manual.)

(i) "Head of the Agency" means the Executive Director with respect to any employee or special Government employee except Board Members; and means the Chairman with respect to the Executive Director and Board Members.

(j) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(k) "Special Government employee" means a Board Member and any officer or employee of the District of Columbia Redevelopment Land Agency who is retained, designated, appointed, or employed to perform, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time basis, or intermittent basis. (18 U.S.C. 202.)

§ 2200.735-103 Interpretation and advisory service.

(a) The General Counsel of the Agency, or such other officer as the Executive Director in his discretion shall from time to time appoint, after notification to the Civil Service Commission, shall be the Counselor for the Agency on matters of interpretation of the regulations in this part and shall be the Agency's designee to the Civil Service Commission on matters covered by the regulations in this part. The Counselor will be responsible for coordination of the Agency's counseling services provided under paragraph (b) of this section and for assuring that counseling and interpretations on questions of conflicts of interest and other matters covered by this part are available to Deputy Counselors designated under paragraph (b) of this section.

(b) The Executive Directors shall from time to time in his discretion appoint Deputy Counselors to assist the Counselor, designated in paragraph (a) of this section, in the performance of his

duties. Deputy Counselors appointed under this section shall be qualified and in a position to give authoritative advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interest and on other matters covered by the regulations in this part.

(c) Each employee of the Agency shall be notified of the availability of counseling services and of how and where these services are available.

§ 2200.735-104 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part, except statements of the Executive Director, shall be reviewed by the appropriate Division Heads of the Agency. When this review indicates a conflict between the interests of an employee or special Government employee of the Agency and the performance of his services for the Government, the Division Head shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Division Head shall forward a written report on the indicated conflict to the Head of the Agency through the Counselor for the Agency designated under § 2200.735-103. Statements of the Executive Director shall be submitted to the Head of the Agency for review within ninety (90) days from the date of approval of the regulations in this part as to the present Executive Director, and within thirty (30) days from the date a new Executive Director is appointed.

§ 2200.735-105 Disciplinary and other remedial action.

An employee or special Government employee of the Agency who violates any of the regulations in this part or adopted under § 2200.735-101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

- (a) Changes in assigned duties;
- (b) Disqualification for a particular assignment; or
- (c) Divestment by the employee or special Government employee of his conflicting interest.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Subpart B—Agency Regulations Governing Ethical and Other Conduct and Responsibilities of Employees

§ 2200.735-201 Gifts, entertainment, and favors.

- (a) Except as provided in paragraph
- (b) of this section, an employee or a

member of the employee's immediate family shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Agency;

(2) Conducts operations or activities that are regulated by the Agency; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

(b) The prohibitions of paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships (such as those between the employee and his parents, children, or spouse) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(3) Participation of Agency employees in widely attended lunches, dinners, and similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest to Government and the public. Participation by Agency employees is appropriate where the host is the association and not an individual. However, acceptance of entertainment or hospitality from private parties in connection with such association activities is prohibited.

(4) Participation of Agency employees in activities at the expense of individual contractors when the invitation is addressed to and approved by the Head of the Agency and the activities are limited to (i) public ceremonies of mutual interest to local communities and the Agency (such as ground breakings or openings), or (ii) activities sponsored or encouraged by the Government as a matter of policy (such as meetings, lunches, or dinners on an infrequent basis when the conduct of official business will be facilitated or when no provision for individual payment is readily available); or

(5) Participation in a limited number of additional situations where, in the judgment of the employee concerned, the Government's interest would be served by participation by Agency employees in activities comparable to those enumerated above. In such cases, when the employee is in doubt as to the propriety of his actions, the employee should discuss the situation with a Counselor or Deputy Counselor.

(c) An employee shall avoid any action, whether or not specially prohibited by the regulations in this part, which might result in, or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. (5 U.S.C. 7351.)

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7341.

§ 2200.735-202 Outside employment.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his Division Head. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Any outside employment or other activities related to the urban renewal program in the District of Columbia; or

(3) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government. (18 U.S.C. 209.)

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive Order, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Head of the Agency gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(d) An employee shall not engage in outside employment under a State or local government, except in accordance with Part 734 of the Civil Service Regulations (5 CFR Part 734).

(e) This section does not preclude an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual

expenses for travel and such other necessary subsistence as is compatible with the regulations in this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(2) Participation in the activities of national or State political parties not proscribed by law.

(3) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 2200.735-203 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) In the event that any employee:

(1) Has investments in companies or property affected by Agency urban renewal projects within the District of Columbia or prospective projects which the employee knows to be under consideration; or

(2) Engages in other activities or has investments which might conflict or appear to conflict with any of the Agency's functions, whether or not such functions are influenced by the particular employee,

there shall be an immediate disclosure of such investment in such activity to the Counselor or Head of the Agency, as the case may be, and any conflict of interest resulting therein shall be resolved in satisfaction of the regulations in this part by the Head of the Agency.

(c) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, this section, or the regulations in this part.

§ 2200.735-204 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 2200.735-205 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 2200.735-202(c), directly or indirectly use, or allow the use of, official

information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 2200.735-206 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of a dispute between an employee and an alleged creditor, this section does not require this Agency to determine the validity or amount of the disputed debt.

§ 2200.735-207 Gambling, betting, and lotteries.

An employee shall not participate while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities under section 3 of Executive Order 10927 (Staff Fund) and similar Agency-approved activities.

§ 2200.735-208 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 2200.735-209 Miscellaneous statutory provisions.

Each employee and special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Agency and of the Government. The attention of all employees is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service".

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The prohibition against the misuse of a Government vehicle (60 Stat. 810, as amended).

(h) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property or another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 7324), and 18 U.S.C. 602, 603, 607, and 608.

Subpart C—Agency Regulations Governing Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 2200.735-301 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

§ 2200.735-302 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may teach, lecture, or write in a manner not inconsistent with § 2200.735-202(c).

§ 2200.735-303 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself, or another person, particularly one with whom he has family, business, or financial ties.

§ 2200.735-304 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) Exceptions for special Government employees shall be the same as for employees (see § 2200.735-201(b)).

§ 2200.735-305 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of the Agency and of the Government. The attention of special Government employees is directed to those statutory provisions listed in § 2200.735-209, that are applicable to special Government employees.

§ 2200.735-306 General conduct.

Special Government employees of the Agency shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 2200.735-101, except § 2200.735-202(b).

Subpart D—Agency Regulations Governing Statements of Employment and Financial Interests

§ 2200.735-401 Form and content of statements.

The statements of employment and financial interests required under this part for use by employees and special Government employees shall contain, as a minimum, the information required by the formats, prescribed by the Commission in the Federal Personnel Manual.

§ 2200.735-402 Employees required to submit statements.

Statements of employment and financial interests shall be required from the following employees:

(a) Employees in grade GS-16 or above of the General Schedule established by the Classification Act of 1949, as amended, or in comparable or higher positions not subject to that Act.

(b) Employees who are Division Heads.

(c) Positions in GS-13 and above, unless otherwise indicated, whose basic duties and responsibilities require the incumbent to exercise judgment in making or recommending a government decision or in taking or recommending a government action in regard to:

(1) Contracting or procurement, including the appraisal or selection of contractors; the negotiation or approval of contracts; the supervision of activities performed by contractors; the inspection of materials for acceptability; the procurement of materials, services, supplies, or equipment;

(2) Administering or monitoring grants (or subsidies) or relocation payments;

(3) Audit of financial transactions;

(4) Regulating or auditing private or other non-Federal enterprises;

(5) Land acquisition and disposition;

(6) Establishment and enforcement of safety standards and procedures systems; and

(7) Activities (regardless of grade) where the decision or action has an economic impact on the interests of a non-Federal enterprise.

Positions in the above categories may be excluded from the reporting requirement when the Head of the Agency determines that the duties are at such a level of responsibility that the submission of a statement is not necessary because of the degree of supervision and review over the incumbents and the remote and inconsequential effect on the integrity of the Government and the Agency.

§ 2200.735-403 Time and place for submission of employees' statements.

Except as provided in § 2200.735-104, an employee required to submit a statement of employment and financial interests under this part shall submit that statement to the appropriate Division Head not later than:

(a) Ninety days after the effective date of the regulations in this part if employed on or before that date; or

(b) Thirty days after his entrance on duty, but not earlier than 90 days after the effective date, if appointed after that date.

§ 2200.735-404 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement at the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes, or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 each year.

§ 2200.735-405 Interests of employee's relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 2200.735-406 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee

shall request that other person to submit information in his behalf.

§ 2200.735-407 Information prohibited.

This part does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational, and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 2200.735-408 Confidentiality of employees' statements.

The Agency shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. The Agency may not disclose information from a statement except as the Civil Service Commission or the Head of the Agency may determine for good cause shown.

§ 2200.735-409 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 2200.735-410 Specific provisions of Agency regulations for special Government employees.

(a) Except as provided in paragraph (b) of this section or paragraph (d) of this section, special Government employees are required to submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(b) The Head of the Agency may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a Consultant or an Expert when the Agency finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government.

(c) A statement of employment and financial interest required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee as provided in this part. Each special Government employee shall keep his statement current throughout his employment with the Agency by the submission of supplementary statements.

(d) A statement of employment and financial interests is not required under this part from a Board Member. Each Board Member who is subject to 3 CFR 100.735-31 is required to file a statement only if requested to do so by the Counsel to the President.

This Part 2200 was approved by the Civil Service Commission on September 20, 1966.

Effective date. This Part 2200 shall become effective upon publication in the FEDERAL REGISTER.

RICHARD R. ATKINSON,
Acting Chairman, District of
Columbia Redevelopment Land
Agency.

[F.R. Doc. 66-11701; Filed, Oct. 26, 1966;
8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 775—FEED GRAINS

Subpart—1966-69 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966-69 Feed Grain Program, 31 F.R. 8339, as amended, are hereby further amended as follows:

1. Section 775.402 is amended by adding the following:

§ 775.402 Definitions.

* * * * *

(b) * * *

(2) * * *

(vi) Barley on a privately-owned farm produced for experimental purposes only by a publicly-owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

(c) * * *

(2) * * *

(ix) Corn on a privately-owned farm produced for experimental purposes only by a publicly-owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

* * * * *

(d) * * *

(2) * * *

(viii) Sorghum on a privately-owned farm produced for experimental purposes only by a publicly-owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

* * * * *

(h) * * *

(2) * * *

(v) Oats or rye on a privately-owned farm produced for experimental purposes only by a publicly-owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

* * * * *

§ 775.417 [Amended]

2. Section 775.417(g) is amended by deleting the words "income-producing crop" in the third sentence and substituting therefor the words "crop for which there are marketing quotas or voluntary adjustment programs in effect".

§ 775.419 [Amended]

3. Section 775.419(b) is amended by deleting the last two words "the farm" and substituting therefor the word "farming".

§ 775.427 [Amended]

4. Section 775.427 is amended to correct the 1966 rate (dollars per bushel) for barley for all counties in Nevada from \$1.07 to \$1.01 per bushel.

(Sec. 105(e), 80 Stat. 202; 7 U.S.C. 1441 note)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 21, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11702; Filed, Oct. 26, 1966;
8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Area 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for Area No. 1 to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the October 5, 1966, issue of the FEDERAL REGISTER (31 F.R. 12953). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than the 15th day following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 1, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.253 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1967, will amount to \$500.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one cent (\$0.01) per hundredweight of potatoes grown in Area No. 1 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1967, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began June 1, 1966, and the rate of assessment herein will apply to all assessable potatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 24, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 66-11735; Filed, Oct. 26, 1966;
8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 115—PROCEDURES FOR RE- VIEW OF CERTAIN NUCLEAR RE- ACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Miscellaneous Amendments; Correction

In F.R. Doc. 66-10650, appearing at page 12774, in the issue for Friday, September 30, 1966, the 17th paragraph is amended to read as follows:

Sections 115.20(c), 115.24(c)(1), 115.25(a) and (c), 115.47(a), (b), (c), and (e) of 10 CFR Part 115 are amended by substituting the words "safety analysis report" for the words "hazards summary report" where they appear.

Dated at Washington, D.C. this 21st day of October 1966.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 66-11697; Filed, Oct. 26, 1966;
8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6588 o.]

PART 13—PROHIBITED TRADE PRACTICES

Mohawk Refining Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed, or reused product being new*. Subpart—Misbranding or mislabeling: § 13.1265 *Old, secondhand, reclaimed, or reconstructed product as new*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, secondhand, reclaimed, or reconstructed as new*. Subpart—Neglecting, unfairly or deceptively, to make material Disclosure: § 13.1880 *Old, used, or reclaimed as unused or new*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Mohawk Refining Corp. et al., Newark, N.J., Docket 6588, Sept. 23, 1966]

In the Matter of Mohawk Refining Corp., a Corporation, and John E. C. Stroud, C. Kenneth Johnes, and William L. Ashby, Individually and as Officers of Mohawk Refining Corp.

Order modifying a cease and desist order dated February 14, 1958, 23 F.R. 1788, requiring a processor of lubricating oil to cease advertising its product without disclosing that it is re-refined or reprocessed, and affirmatively ordering such disclosure be made on the front panel or panels of the container.

The modified order to cease and desist, is as follows:

It is ordered, That respondents, Mohawk Refining Corp., a corporation, and John E. C. Stroud, C. Kenneth Johnes, and William L. Ashby, individually and as officers of Mohawk Refining Corp., and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of lubricating oil in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, contrary to the fact, that their lubricating oil is refined or processed from other than previously used oil;

(2) Advertising, offering for sale, or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels on the container;

(3) Representing in any manner that lubricating oil composed in whole or in part of oil that has been manufactured, reprocessed or re-refined from oil that has been previously used for lubricating purposes, has been manufactured from oil that has not been previously used.

Issued September 23, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11686; Filed, Oct. 26, 1966;
8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Adminis- tration, Department of Health, Edu- cation, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Dried Inactive Torula Yeast as Op- tional Ingredient

In the matter of amending the stand-ard of identity for bread (21 CFR 17.1) by listing inactive dried torula yeast (*Candida utilis*) as an optional ingredient:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of July 23, 1966 (31 F.R. 10039), based on a petition filed by the Lake States Division of St. Regis Paper Co., Rhinelander, Wis. 54501.

One comment was received in response to the proposal suggesting that another type of dried inactive yeast be permitted in addition to torula; however, it is concluded that such a provision requires submission of a new petition.

Based on the information submitted in the petition, the comment received, and other relevant material, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 17.1(a)(7) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(7) Inactive dried yeast, singly or in combination, of *Saccharomyces cerevisiae* or *Candida utilis* (torula), complying with all the provisions of § 121.125 of this chapter; but the total quantity thereof is not more than 2 parts for each 100 parts by weight of flour used.

* * * * *

Because of cross-references, this amendment to the standard for bread (§ 17.1) has the effect of making torula yeast a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2-17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions they may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11724; Filed, Oct. 26, 1966;
8:49 a.m.]

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Lactylic Stearate as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing lactylic stearate as an optional ingredient:

No comments were received in response to the notice of proposed rule-making in the above-identified matter published in the FEDERAL REGISTER of July 22, 1966 (31 F.R. 9998), based on a petition filed by the Panipus Co., 3414 East 17th Street, Kansas City, Mo. 64127; and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 17.1(a) (15) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(15) Calcium stearyl-2-lactylate, lactylic stearate, sodium stearyl fumarate, succinylated monoglycerides, alone or in combination, complying with the provisions of §§ 121.1047, 121.1048, 121.1183, and 121.1195, respectively, of this chapter; but the quantity of each is not more than 0.5 part for each 100 parts by weight of flour used.

* * * * *

Because of cross-references, this amendment to the standard for bread (§ 17.1) has the effect of making lactylic stearate a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2-17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue, SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a

hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11723; Filed, Oct. 26, 1966;
8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1880) filed by Chemirad Corp., Post Office Box 187, East Brunswick, N.J. 08816, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of polyethylenimine-epichlorohydrin resins in the production of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2520(c) (5) is amended by alphabetically inserting in the list "Components of Adhesives" a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	Limitations
Polyethylenimine-epichlorohydrin resins	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objection-

able and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348 (c) (1))

Dated: October 19, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11725; Filed, Oct. 26, 1966;
8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1844) filed by Nalco Chemical Co., 6216 West 66th Place, Chicago, Ill. 60638, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a defined polyethylene-amine mixture as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with aqueous and fatty foods.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2526(a) (5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
Polyethyleneamine mixture produced when 1 mole of ethylene dichloride, 1.05 moles of ammonia, and 2 moles of sodium hydroxide are made to react so that a 10 percent aqueous solution has a minimum viscosity of 40 c.p.s. at 77° F., as determined by Brookfield Viscosimeter using a No. 1 spindle at 60 r.p.m.	For use only as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the *FEDERAL REGISTER* file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the *FEDERAL REGISTER*.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11726; Filed, Oct. 26, 1966;
8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of Ginseng From Canada

The appendix to § 500.204 of the regulations is amended by the addition of the following item to read as follows:

(214) *Ginseng from Canada.* Ginseng is hereby authorized to be imported from Canada without a certificate of origin or specific license, provided there has been no interest therein of a designated national.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-11713; Filed, Oct. 26, 1966;
8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

Physical Qualifications

Part 713 is amended by deleting the centerhead "Physical Examinations" and the note appearing thereunder, 30 F.R. 10888, August 21, 1965, and inserting in

lieu thereof a centerhead and § 713.391 to read as follows:

PHYSICAL QUALIFICATIONS

§ 713.391 Physical standards and examinations.

Articles 15-74 through 15-80 of the Manual of the Medical Department, U.S. Navy (NAVMED P-117), contain applicable provisions.

(Secs. 280, 510, 591, 1004, 70A Stat. 14, 17, 24, 79, as amended, 72 Stat. 1498, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 280, 510, 591, 1004, 5867)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge
Advocate General of the Navy.

OCTOBER 18, 1966.

[F.R. Doc. 66-11698; Filed, Oct. 26, 1966;
8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR TRANSPORTATION

Air Carriers' Responsibilities; Correction

In F.R. Doc. 66-7748, appearing at page 9643 in the issue of Saturday, July 16, 1966, paragraph (b)(5) was amended instead of paragraph (b)(3) as it appeared.

NOTE: The corresponding Postal Manual section is 531.32e.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 24, 1966.

[F.R. Doc. 66-11675; Filed, Oct. 26, 1966;
8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15987; FCC 66-934]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broad- cast Stations; Gretna and Dan- ville, Va.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making, released April 30, 1965 (FCC 65-359), and published in the *FEDERAL REGISTER* on May 5, 1965 (30 F.R. 6274), proposing the reassignment of Class C Channel 277 from Gretna to Danville, Va., and its replacement at Gretna with Channel 288A, 292A or 296A. This contemplated shifting Station WMNA-FM, Gretna, Channel 277, to one of the Class A channels.

2. This is the second proceeding in which the Commission has specifically

proposed and considered the making of a first FM assignment to the sizeable city of Danville. The first was Docket 15690, in which it was proposed to assign Channel 295 there by deleting adjacent channel assignments at Pulaski, Va., and Durham, N.C. (along with another substitution of one channel for another). On the record in that proceeding it was decided that the making of a first Danville FM assignment by this means would be too costly in loss of needed assignments elsewhere; see Report and Order in Docket 15690, 30 F.R. 6251, 5 R.R. 2d 1547, FCC 65-358, released April 30, 1965. The present proceeding was begun at the same time as the decision not to make the Channel 295 assignment.

3. The parties filing comments in response to the notice, and the essence of their positions, are as follows (the latter two also filed timely reply comments):¹

(a) **Piedmont Broadcasting Corp.** (Piedmont), licensee of fulltime AM Station WBTM, Danville, urging that the assignment be made because of Danville's size and importance.²

(b) **Central Virginia Broadcasting Co.** (WMNA), licensee of Station WMNA (daytime-only) and WMNA-FM, Gretna, strongly opposing the proposal, which would move its Channel 277 to Danville and leave Gretna with a limited-coverage Class A channel.

(c) **Virginia-Carolina Broadcasting Corp.** (Virginia-Carolina), licensee of fulltime AM Station WDVA, Danville, opposing the proposal because it would create an FM monopoly and, allegedly, competitive radio imbalance in Danville, and instead urging various approaches by which more than one channel might be assigned there, none of which is consistent with present FM assignment principles with respect to mileage separations.

4. Danville, population 46,577,³ is the largest city in its immediate area; the nearest larger centers are Lynchburg and Roanoke, Va., about 55 miles away, and Greensboro and Durham, N.C., respectively about 40 and 47 miles distant. It is one of the largest communities in the nation so situated and without an FM

¹ We do not consider herein two later documents, "Reply Comments" filed by Piedmont and "Rebuttal Comments" filed by Central Virginia. The former was not timely filed; the latter is an additional pleading forbidden by § 1.415(d) of our rules unless permission is specifically given. Neither is pertinent to the merits of the rule-making proposal.

² In the over-all FM allocation proceeding, Docket 14185, Piedmont sought the assignment of an FM channel to Danville. This was denied because none could be made under the mileage separation standards adopted. See third report, memorandum opinion and order in Docket 14185, 28 FR 8077, 23 R.R. 1859, FCC 63-735, released Aug. 1, 1963, Appendix E.

³ All population figures given herein are 1960 U.S. Census data unless otherwise indicated. WMNA points out that in a sense Danville has declined in population since the 1950 Census, when its population was 35,066. The 1950-1960 Census increase reflects annexation of neighboring territory with a population of 13,482.

channel assigned. The record contains information showing the city's importance; for example, it is one of the world's two largest tobacco markets, has 101 manufacturing establishments including one of the world's largest textile mills, in 1963 had retail sales of more than \$82 million, and has a college and is building a large auditorium. Not itself a part of any county, it is completely surrounded by the southern portion of Pittsylvania County (population 58,296). The city has four AM stations—fulltime Stations WBTM and WDVA, and daytime-only stations WILA and WYPR. Since the fulltime stations are directionalized at night and serve mostly to the south and east, a substantial area fairly near Danville, including much of Pittsylvania County to the north, does not receive nighttime AM primary service. As to FM service, Danville receives two 1 mv/m FM signals, from stations at Martinsville and Roanoke, Va., respectively about 28 and 55 miles from the city. There is pending an application to increase the facilities of WMNA-FM, Gretna, to 30 kw E.R.P. and 262-foot antenna height a.a.t.; if granted this would provide a third 1 mv/m FM signal to some, but not all, of Danville (it is also stated that WMNA plans a still further increase, which would cover the entire city with a signal of that intensity). Piedmont relies on data concerning Danville's size and importance as the reason for making the assignment. Letters and other material from the Danville Chamber of Commerce and two other Danville civic organizations were filed, urging that Danville needs and deserves an FM channel. It is also urged that civil defense considerations would be served by the proposal; it is asserted that with no FM station in the large city of Danville there is a big gap in the Emergency Broadcast System for the State, and that Piedmont—which has been chosen by the Army Corps of Engineers and Civil Defense authorities as the prime civil defense station in the area—would immediately apply for operation with at least 50 kw E.R.P. to cover the entire area.

5. *WMNA-FM and its area of operation.* In opposing the proposed shift, WMNA urges that the service rendered by WMNA-FM is that envisaged by the Commission for Class C stations and channels, in that it is an "area" service, which could be even more effectively rendered with increased facilities such as those applied for and contemplated, which it could not obtain if shifted to a Class A channel. It is claimed that the station is not really a Gretna station only, but a "Gretna (population 900)—Chatham (population 1,822)—Altavista (population 3,299)—Brookneal (population 1,070)—Pittsylvania County (population 58,296)—Campbell County (population 32,958) station", serving as a local outlet for communities over a wide area (the first two communities are in Pittsylvania County, Chatham being the county seat, and the other two are in Campbell County). Service to adjacent Frank-

lin and Halifax counties is also claimed. WMNA and WMNA-FM, along with a daytime-only station at Altavista and a daytime-only station under construction at Chatham, represent the only broadcast stations and FM assignments in Pittsylvania and Campbell counties (although southern Pittsylvania County surrounds Danville, with the stations mentioned, and Campbell County is adjacent to Lynchburg, with several AM and FM stations). The other two counties mentioned have AM stations and FM assignments. The record shows that Chatham receives four FM signals (two Roanoke and one Martinsburg station); while it is not specifically covered in the record, it appears that Gretna and Altavista receive three each.

6. WMNA-FM operates with rather limited facilities (3 kw E.R.P. and 105-foot antenna height a.a.t., substantially less than the maximum for a Class A station); its 1 mv/m contour lies only about 9 miles from the transmitter.⁴ In an application filed April 16, 1965 (BPH-4899) it seeks the increased facilities mentioned above; and it is stated that with these it can render more effective "area" service. It is stated that WMNA was put on the air in 1956, and WMNA-FM in 1959, by businessmen from all four of the communities mentioned (of the 12 directors, no more than 4 and no fewer than 2 come from each place), with service to these communities (not generally rendered by Danville stations) still the aim, rather than profit. It is stated that program service is provided of special interest to the various communities and the rest of the area, including farm and agricultural information for the large rural populations (e.g., the county agents of the four counties mentioned, high-school sports, and other special events from each of the four towns and rotating church services from three of them, a "swap shop" program featuring announcements from all of the towns, and similar programs). It is stated that in 1964 WMNA's AM and FM gross revenue came in percentages of from 25.9 percent to 17 percent from each of these communities, with 22.9 percent from elsewhere. There is reference to the separate programming of WMNA-FM—William and Mary College football games, Baltimore baseball, and religious and educational programs. It is stated that there are requests for public service announcements from places up to 35 miles away (Lynchburg, Charlotte Court House, etc.), and calls about the baseball broadcasts from points up to 68 miles away (Henderson, N.C.). It is claimed that WMNA could never get such coverage on a Class A channel, even with maximum facilities. Virginia-Carolina states that the hilly terrain west of Gretna would prevent service in that area for a Class A facility.

⁴Chatham, Gretna, and Altavista are located approximately on a line north of Danville, about 15, 25, and 35 miles respectively from that city. Brookneal is about 25 miles east of Gretna and 40 miles northeast of Danville.

It is also urged that—if permitted to remain on its Class C channel with increased facilities—WMNA-FM could serve as a key link in the Roanoke-Richmond leg of an FM relay network; and that already it has been rebroadcast by both fulltime Danville AM stations and other more distant stations.

7. WMNA's showing was supported in letters, resolutions, and other material including: (1) Letters from educational groups, churches, and a safety organization, at various places in Pittsylvania County, praising its service; and (2) letters, petitions, and resolutions from county boards, town councils, agricultural officials, chambers of commerce, and individuals in places served by WMNA-FM, praising its service and specifically opposing removing Channel 277 and forcing WMNA-FM to an "inferior" channel in the FM band.⁵

8. *Other arguments opposing the proposal.* WMNA and Virginia-Carolina advance a number of other arguments against the proposal. First, WMNA argues that the needs of Danville for FM service (in terms of population and existing AM services) are no greater now than they were in 1955 when Piedmont suspended FM operation and turned in the license for its station (Channel 250). It is asserted that the absence of FM in Danville is due to Piedmont's apathy, and that it would be highly inequitable to deal with WMNA—an FM pioneer which started WMNA-FM in 1959 to meet the need for full-time WMNA "area" service and to replace the loss of service when Piedmont ceased FM operation—by moving it to a Class A channel and giving its channel (which would be used no

⁵The material mentioned in (2) came from the four communities mentioned, Pittsylvania and Campbell County Boards of Supervisors, and agricultural officials in these communities and Franklin County. Often, the letters and other material seemed to assume that WMNA-FM's present service area would be curtailed if it were forced to change frequency. As to the extent to which this might be true see paragraph 10, below. Other material, including the town and county resolutions, urged that it be permitted to remain on Channel 277 so that it could improve facilities as requested in its pending application mentioned above.

It appears that WMNA serves as a local outlet for Brookneal, which is further away, to a somewhat lesser extent than the other three communities, since it maintains telephones, and presents religious services on a rotating basis, from the other three places but not Brookneal. Also, it appears possible that the operation's connection with Brookneal and more distant places is based on its wider daytime AM coverage rather than its FM service area. For example, the AM station puts a signal of nearly 2 mv/m into Brookneal compared to about 140 uv/m for the FM, and a signal of nearly 0.5 mv/m into Charlotte Court House, compared to about 50 uv/m for the FM (determined on the basis of our records and § 73.333 of the rules). It is not stated what percentage of the station's separate FM revenue comes from the various communities, and the letter from the Brookneal Chamber of Commerce expressed the hope that WMNA-FM could increase power, "since we are located 25 miles away."

more than 15 miles away),⁶ to a party which has either displayed apathy (Piedmont) or has done nothing for FM. Second, WMNA urges that WMNA-FM, with its 60-mile coverage and "area" service, already qualifies as a Class C station under the concepts of the Commission's rules, and would be even more so with its requested greater facilities; whereas, in the absence of a showing of wide area service needs and with emphasis by a Danville station on serving the needs of the local Danville population, a Class A channel would be more appropriate for Danville (it is pointed out that Lynchburg, larger than Danville in area and population, has only Class A assignments). It is pointed out that in other proceedings (e.g., Dockets 15341, 15256) we have assigned wide-area Class C channels to small communities like Gretna where (as is said to be the case here) wide coverage is necessary to make the station viable. It is urged that the public interest would be better served by an area Class C station (such as WMNA-FM would be) rather than a Class A Gretna station limited to the economic support available from that small community.⁷ Third, it is urged that the proposal would not bring quick FM service to Danville, since—with only one channel to be assigned—there will inevitably be a lengthy comparative hearing. Fourth, it is alleged that the proposal here, assigning only one channel to Danville, would result in an FM monopoly there and great competitive imbalance (assuming one of the AM licensees gets the channel, it would have an advantage over the others). Fifth, it is asserted that the proposed change would result in an imbalance of facilities as between the area around Danville and that around Lynchburg (there are six FM stations within 30 miles of Danville, five of them Class C, and no FM stations other than the two Lynchburg Class A

stations within 30 miles of that city). Sixth, it is urged that—because of the many drawbacks to the proposal just mentioned—the Commission has a duty to consider seriously other means of providing one or more Danville assignments, even though these do not meet the separation rules (see next paragraph). Other arguments by WMNA are mentioned later herein.

9. *Suggested alternatives to the proposal.* WMNA and Virginia-Carolina urge that—in view of the many drawbacks the proposal assertedly has—the Commission is under a duty, both in furtherance of the public interest and pursuing the objectives of section 307(b) of the Act, to consider other alternatives. It is said that court cases require the Commission to be flexible, and to consider waiver or modification of its rules when the public interest requires.⁸ Asserting that Danville needs two or more FM channels instead of the one proposed (which would create a monopoly), the parties urge that the following approaches should be considered (Virginia-Carolina urges this proceeding be enlarged into a general examination of possibilities in this area):

(a) Putting Danville and the rest of southern Virginia in Zone I instead of Zone II, by moving the dividing line from its present location cutting west-northwest across Virginia (approximately, Norfolk to Covington) south to the Virginia-North Carolina State line. This would shorten the separations applicable to Danville assignments. Virginia-Carolina, asserting that this change would make three Class A assignments in Danville possible, urges various advantages for such a move—efficient utilization of more channels, avoidance of a Danville FM monopoly, permitting assignments in other southern Virginia communities which are isolated and unusually dependent on FM especially at night, and avoiding the adverse impact on WMNA-FM. However, we note that Virginia-Carolina's engineering showing in this respect is deficient, in that it appears to assume that not only southern Virginia, but also all of North Carolina to the south, would be in Zone I (i.e., the spacings used in determining that three Class A assignments would thus become available at Danville were the spacings within Zone I, rather than those specified in the rules as applicable between stations in Zone I and those in Zone II (105 miles first adjacent channel C to A)). It does not appear that any of three channels suggested by Virginia-Carolina—252A, 288A, 292A—could be used at Danville if the proper across-the-zone-line spacings are used with respect to North Carolina assignments. Since most of the limitations in this area come from the large

number of stations existing in North Carolina at the time the separation rules were adopted, there is little reason to believe that this approach would make possible a Danville assignment or a substantial number of stations elsewhere in southern Virginia.

(b) Including all of the southeastern United States, east of the Mississippi, in Zone I, urged by WMNA because of the great population and industrial growth in this area recently as well as because of the particular facts here. This would cure the defect in the first alternative mentioned.

(c) Assign to Danville Channel 250, Piedmont's old channel, which was contained in the Tentative Table of Assignments until 1958 (WMNA regards this as less desirable than (a) or (b) because it would only supply one channel). This would not meet the standard separation requirements of the rules for new assignments. It would meet the criteria for permitting increases and site moves by existing short-spaced stations (§ 73.213); so operating, a station at Danville could under that section use 20 kw E.R.P. at an antenna height a.a.t. of 2,000 feet.

(d) Waiver of the mileage separation rules to the extent necessary for a new assignment, possibly with "equivalent protection" by directional operation (four television cases are cited as analogous).

10. *Coverage on Channel 292A as compared to coverage on Channel 277.* As indicated above, one of WMNA's contentions—aside from the fact that it would be precluded from the substantial increase in facilities applied for—is that it would never have the coverage on a Class A channel that it has now on 277, because of the more crowded assignments on Class A channels. The facts in this connection appear to be as follows: operating on a Class A channel such as 292A with 3 kw E.R.P. and the 262-foot antenna height a.a.t. applied for, on the basis of § 73.333 of the rules, the 1 mv/m contour would lie some 13 miles from its transmitter instead of about 9 miles at present, and would include Altavista in addition to Gretna and Chatham now encompassed (it would lie about 14 miles out if maximum antenna height of 300 feet a.a.t. were used.) WMNA-FM would put a signal of around 290 uv/m (350 uv/m with 300 feet) over Brookneal, some 23 miles from its transmitter, compared to about 140 uv/m at present. Its 50 uv/m contour would lie about 45 miles out (or 47 miles using maximum antenna height) compared to about 36 miles at present.

11. On the basis of the material referred to in paragraph 6, above, WMNA claims an FM service range of 60 plus miles. We do not believe that a telephone inquiry from a point 68 miles away indicates that a station with such limited facilities renders a significant or widely useable service at or near that distance, which would mean a signal strength of considerably less than 50 uv/m. With respect to some of the claims of service to distant places, it is not clear whether

⁶ As we pointed out in the notice, to meet separations to the station at Dunn, N.C., Channel 277 would have to be used 10 miles or more north of Danville, or about 15 miles from WMNA-FM. Virginia-Carolina asserts that the proposal cannot be adopted since spacing to the "Danville reference point" is not met. This argument is without merit. We have in the past made FM assignments where the channel would have to be used some miles outside of the community, when there is a reasonable likelihood that a site meeting separation requirements would be available; and, on the basis of Piedmont's showing, we find that to be the case here.

⁷ With the facilities requested in its pending application, WMNA-FM claims to provide a 1 mv/m signal to 84,475 persons in 1,659 square miles, and a 50 uv/m signal to more than half a million persons in 14,191 square miles. WMNA quotes the rules describing large-facility stations—Class B in Zone I, Class C (as here) in Zone II—and points out that, whereas § 73.206(b)(2) describes a Class B station as one "designed to render service to a sizeable community, city, or town, or to the principal city or cities of an urbanized area, and to the surrounding area" (italics supplied), sec. 73.206(b)(4) describes a Class C station as one simply "designed to render service to a community, city, or town, and large surrounding area."

⁸ WMNA: "Belatedly, to correct this situation [No Danville assignment in the FM table] calls for compromises and concessions on the part of any present Danville proponents and the Commission rather than an innocent third party FM pioneer that has already fought the good FM fight for more than 6 years."

they refer to FM or the wider AM coverage area (see footnote 5, above). However, because some other assignments on the same and adjacent channels are either unoccupied or used by stations with small facilities, WMNA-FM does have a fairly wide "interference-free" area, including the four towns mentioned above. It appears that the station may render some service, in areas where terrain and local reception conditions are favorable, out to about its 50 uv/m contour, or about 35 miles.

12. Of the three Class A channels proposed alternatively herein for assignment to Gretna, it appears that Channel 292A is the least crowded, with no co-channel assignments within 100 miles (the closest is an existing station at Welch, W. Va., about 125 miles away). The chief limitations from other stations would come from Class B and C stations on first adjacent channels, at Richmond, Va. and Wilson and Salisbury, N.C., respectively about 11, 117, and 110 miles from Gretna. These stations all operate with relatively modest facilities, and if WMNA-FM employs maximum Class A facilities on Channel 292A their present operations would limit its coverage very little, compared to the 35-mile radius mentioned above. Of course these stations can increase facilities under our rules; and if they do WMNA-FM would be limited—in their directions—to a shorter distance. For example, on the basis of the signal-strength ratios used in developing the mileage-separation rules (and set forth for educational stations in the note to § 1.573 of the rules), the Richmond station operating with maximum Class B facilities (50 kw E.R.P. and 500-foot antenna height a.a.t.) would limit WMNA-FM's coverage to about 24 miles from the transmitter in the direction toward Richmond. The Wilson and Salisbury stations, if they operated with the largest facilities it appears likely they would have (such as 100 kilowatts and 1,000 feet), would create limitations in their directions in the same order. However, even under these conditions WMNA-FM would of course provide good service to three of its communities, and even at Brookneal (more distant) its signal if using maximum facilities would be well over twice that of the Richmond station (about 112 mv/m), which would be the strongest limiting signal in that locality.

Conclusions. 13. In reaching our decision herein, at the outset we conclude that all of the suggested alternative means of providing a Danville assignment—set out in paragraph 9, above—must be rejected. The fact that Channel 250 was assigned in Danville more than a decade ago, under a completely different method of making FM assignments, is no reason why it should be reassigned there now, when such a move would involve drastic violation of our separation rules (105 miles compared to 180 miles to a cochannel station at Concord, N.C., and serious adjacent-channel shortages). We have not permitted, and do not now consider favorably, creating such serious short-spaced situations as far as

new assignments are concerned. The serious short spacings which would be involved in any other assignment to Danville (usually in the order of 30 miles or more, and usually involving more than one short spacing) likewise make consideration of another assignment on a waiver or "equivalent protection" basis inappropriate, at least as long as Channel 277 can be assigned consistent with the rules. We have stated the reasons for the mileage-separation policy elsewhere and need not report them here.⁹ As mentioned earlier, the suggested change in the Zone I-Zone II line to the Virginia-North Carolina boundary will not in fact make possible the specific assignments claimed for it in the record, and there is little reason to believe that such a change would result in significant advantages generally. As to a general reduction in spacings in the southeastern area (such as using Zone I spacings), there is no showing that this would yield substantial overall benefits, and it is not appropriate to undertake the extensive exploration which would be required on the basis of one particular situation. As long as an assignment can be made consistent with existing rules, there is not sufficient reason to undertake such an inquiry. Therefore, in our judgment this matter must be decided under existing FM allocation principles.

14. One of WMNA's arguments is that a Class C channel is more appropriate for it, with its "area" service and need for wide coverage for economic reasons, than for Danville. We need not rule upon this argument, since it is not a question of the appropriateness of a Class C as compared to a Class A channel at Danville, but of making any Danville assignment at all. However, in passing we observe that WMNA's argument along this line is incorrect. While the rules may not be entirely clear on the point, in preparing the FM Table and subsequent FM assignment actions it has been our general policy to assign wide-coverage Class B and Class C channels to the larger centers and Class A channels to the smaller communities. We have made exceptions, as where a small community is the center of a large area rather remote from large population centers; but were it a question of assigning FM channels in this area de novo Danville would clearly be the choice for the Class C assignment. The reasons for this policy are two: the larger centers are more likely to be of economic, cultural, and other significance to persons in a larger area; and stations located there, able to draw on a larger base of economic support, are more likely to construct and

operate substantial facilities from a technical standpoint, making full use of the channel assignment.

15. After careful consideration of all of the matters of record, we are of the view that the proposal should be adopted, Channel 277 reassigned to Danville and Channel 292A—which appears to be the least crowded of the three FM channels proposed—assigned to Gretna. The size and importance of Danville clearly warrant a first FM assignment, at least as long as an adequate substitute can be found. While Danville has two fulltime AM stations, it should also have the benefit of a local FM outlet, especially since these stations are directionalized at night and do not serve areas around Danville in some directions.

16. In reaching this conclusion, we recognize the nature of WMNA-FM's service, which is perhaps rather unusual for a station with its limited facilities, serving to a large extent as a local outlet for three fairly widely separated communities and, to a lesser extent, for a fourth, and covering a fairly wide area. However, as pointed out above (paragraphs 10-12) it can largely fulfill the same function on Channel 292A, since as long as adjacent-channel stations continue to operate with their present facilities it should have approximately the same service area it has now. Even if they should increase to maximum or near-maximum levels it would still have a substantial coverage area, and, of course, operating with maximum or near-maximum Class A facilities it will provide a stronger signal, and thus better service where interference is not a factor, than it does now. It is true that WMNA will be precluded from getting the improved facilities sought in its application; but instead there will be an additional and highly desirable assignment available. A Danville station may be expected to propose facilities at least as great as those specified in WMNA's application. As to economic considerations, these of course are relevant only if they affect the public interest. There is no reason to believe that the situation of WMNA or WMNA-FM will be seriously jeopardized if it operates on Channel 292A. As has been customary in cases where existing stations are required to change channels, the party ultimately becoming the Danville FM permittee will be expected to reimburse WMNA for the reasonable costs involved in changing channels.

17. The other arguments mentioned may be disposed of briefly. Equitable considerations, claimed by WMNA, must of course give way to the public interest which is clearly served by making the new assignment. While making a single assignment in Danville will create an FM monopoly as far as local service is concerned, it is still preferable to no assignment at all; and we do not consider possible "imbalance" among the AM licensees (assuming one of them becomes the grantee) a serious consideration which should stand in the way of the highly desirable allocation. The fact that service may be delayed if there is

⁹ See third report, memorandum opinion and order in Docket 14185, Aug. 1, 1963, FCC 63-735, 28 F.R. 8077, 23 R.R. 1859, pars. 6-10; Rock Hill, S.C., RM-674, FCC 65-387, 5 R.R. 2d 1564. In the fourth report and order in Docket 14185 (FCC 64-919, 29 F.R. 14110, 3 R.R. 2d 1571) we set forth the distinction between permitting increases in facilities of previously authorized short-spaced stations, and creating new shortages by new assignments or moves of stations. See pars. 34 and 38.

a comparative hearing is no reason not to make a start toward bringing it in the fairly near future if not immediately. The facts that Lynchburg has only Class A stations, and that the area around Danville has more stations than that around Lynchburg, are immaterial in light of the obvious need for the substantial center of Danville to have an FM station.

18. *Other matters.* The Piedmont and WMNA pleadings contain other matters not relevant to the resolution of the proceeding, including an assertion by WMNA that the proceeding is of doubtful validity because of alleged improper ex parte contacts between a representative of Piedmont and the Commission or its staff before the proceeding was begun. These assertions are patently irrelevant and of no significance. Assuming the ex parte contact occurred as intimated, there is nothing improper in Commission personnel discussing with broadcasters—before a proceeding is begun—possible means of achieving desirable allocations, even if they involve shifting another station which during its more than 5 years of operation up till then (early 1965) had demonstrated no interest in using more than Class A facilities. The ensuing rule making proceeding has been conducted entirely on the record, and all parties have had a chance to express their views and reply to the views of others. WMNA also requests oral argument in this proceeding. This request must be denied. Oral arguments are never held in proceedings of this kind. WMNA has had full opportunity to present its case, and its detailed arguments and factual showings have been fully considered.

19. The foregoing discussion has assumed that WMNA-FM will henceforth operate on Channel 292A, which we assign to Gretna herein, and its license is being renewed accordingly, subject to the usual technical conditions where a change in channel is involved. The station may wish to compete for Channel 277, which we are making a Danville assignment, along with whatever other applicants seek the facility on that channel. We believe it appropriate to permit WMNA-FM to continue on Channel 277 for a brief period, or until after a construction permit is issued to another party for Channel 277. We are specifying that it may so operate for a period of 120 days or until 45 days after such a CP is issued, whichever is later. If

WMNA decides to compete for this assignment on a permanent basis and files an appropriate application, of course, in any comparative proceeding, no weight can be given to the fact that it is operating and continuing on the channel.¹⁰

20. With respect to WMNA's pending application to increase facilities on Channel 277 (BPH-4899), this cannot be granted since the station no longer has anything more than temporary operating authority on the channel, and if WMNA elects to compete for the Danville assignment this would amount to an undesirable prejudgment of any comparative proceeding which may result. However, the improvement in service which would result is clearly to be desired. Therefore, the following procedures will apply: (1) The application may be amended to specify Channel 292A and facilities up to the maximum for a Class A station (for example, the antenna height now proposed of 262 feet, a.a.t.); (2) if WMNA formally signifies its intention not to apply for Channel 277 on a permanent basis, or does not apply before any other applications which may be filed are designated for hearing, its application will be granted on Channel 277 on a temporary basis, with the understanding that it will change to Channel 292A, and reduce power, at the date mentioned above when it is required to give up Channel 277.

21. In view of the foregoing: *It is ordered, That:*

(a) Effective December 1, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended, with respect to the communities listed below, to read as follows:

City	Channel No.
Danville, Va. -----	277
Gretna, Va. -----	292A

(b) Effective December 1, 1966, the license of Station WMNA-FM, Gretna, Va., is modified to specify operation on Channel 292A instead of Channel 277, subject to the following conditions:

(1) The licensee shall notify the Commission in writing by November 15, 1966,

¹⁰ In a sense, this gives WMNA a "straddle" position, allowing it to compete for one channel and at the same time be assured of getting another if it should lose. Under the circumstances here, where the channel shift is on the Commission's own motion rather than at the instance of the licensee—and where other Class A channels can be assigned to the Gretna area if there is demand therefor—this course is appropriate.

of its acceptance of this modification, which if it so requests will be without prejudice to its right to prosecute an application for Channel 277, assigned to Danville as indicated above (but with the understanding that if such application is filed and granted, Central Virginia Broadcasting Co. and its principals must thereupon divest themselves of any interest in WMNA-FM, Gretna);

(2) WMNA-FM may continue to operate under temporary authority on Channel 277 for a period of 120 days from release of this document or until 45 days after a construction permit is issued to another party for facilities on that channel, whichever is later; but if Central Virginia Broadcasting Co. or its principals file an application for Channel 277 as assigned to Danville, in any hearing with other applications for such facilities no significance will be attached to the fact that WMNA-FM is operating on Channel 277;

(3) By a date at least 30 days before it plans to commence operation on Channel 292A, or within 30 days following notification by the Commission that its operating authority on Channel 277 is about to terminate pursuant to subparagraph (b) (2), above, the licensee shall submit to the Commission the technical information normally required for the issuance of a construction permit for operation on Channel 292A, including any changes in antenna and transmission line; and within 30 days following Commission authorization of interim operating authority on Channel 292A the licensee shall submit the measurement data normally required of an applicant for an FM station license;

(c) The application of Central Virginia Broadcasting Co. for increase in the facilities of WMNA-FM on Channel 277 (BPH-4899) will be held pending, pending the developments outlined in paragraph 20, above.

(d) This proceeding (Docket No. 15987) is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 20, 1966.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11729; Filed, Oct. 26, 1966;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 3107]

PUBLIC DOMAIN LEASING

Oil and Gas Exploration Operations

Basis and purpose. Notice is hereby given that the proposed regulations for the issuance of geophysical exploration licenses heretofore published in the *FEDERAL REGISTER* on September 4, 1965 (30 F.R. 11355), are hereby withdrawn. In lieu thereof, and pursuant to the authority vested in the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. sec. 1201), it is proposed to add a new subpart, relating to oil and gas exploration operations to Title 43, Code of Federal Regulations.

The purpose of the proposed new subpart is to establish a procedure to be followed in conducting exploration of the public lands for oil and gas. Those desiring to conduct such operations would be required to file the prescribed "Notice of Intent to Conduct Oil and Gas Exploration Operations," which contains the terms and conditions under which such operations may be conducted. Such parties would be required to file a surety company bond to secure the faithful and full compliance with the terms and conditions set out in the aforementioned "Notice of Intent to Conduct Oil and Gas Exploration Operations". Upon completion of such operations it would be necessary for the party to file similarly, the prescribed "Notice of Completion of Oil and Gas Exploration Operations" for the purpose of obtaining a release of the bond. Examples of acceptable forms of the notice herein mentioned with the prescribed terms and conditions are appended to this subpart.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington, D.C., within 30 days of the date of publication of this notice in the *FEDERAL REGISTER*.

Subpart 3107—Oil and Gas Exploration Operations

§ 3107.01 Purpose.

The purpose of the regulations in this Subpart 3107 is to establish procedures to be followed in conducting exploration of the public land for oil and gas. For exploratory operations for other leasable minerals, the lease or permit required by the appropriate regulations must be secured. The regulations in this sub-

part are not applicable to exploration operations conducted pursuant to oil and gas lease, and also are not applicable to the exploration of public domain lands for minerals subject to location under the United States mining laws.

§ 3107.05 Definitions.

For the purpose of the regulations in this subpart:

(a) "Oil and gas exploration" means any activity, relating to the search for evidence of oil and gas which requires physical presence upon the land and which may result in damage to public lands or resources thereon. It includes, but is not limited to, geophysical operations, construction of roads and trails, and cross-country transit by vehicle over public domain. It does not include core drilling or other forms of drilling for subsurface geologic information or drilling for oil and gas; these activities will only be authorized by the issuance of an oil and gas lease. The regulations in this subpart, however, are not intended to prevent drilling operations necessary for placing explosive charges for seismic exploration, nor do they affect the exclusive right to "drill" for oil and gas by a lessee upon his leased premises.

(b) "Public Lands" means lands owned by the United States and administered by the Bureau of Land Management. It does not include retained mineral interests in lands, title to which has passed from the United States.

§ 3107.1-1 Notice of intent to conduct oil and gas exploration operations.

(a) Any person desiring to conduct oil and gas exploration operations under the regulations of this subpart shall, prior to entry upon the lands, file with the District Manager of the Bureau of Land Management for the district in which the public lands are located a "Notice of Intent to Conduct Oil and Gas Exploration Operations."

(b) The "Notice of Intent to Conduct Oil and Gas Exploration Operations" will contain the following:

(1) The name and address, including zip code, both of the person, associate, or corporation for whom the operations will be conducted and of the person who will be in charge of the actual exploration activities.

(2) A statement that the signer agrees that exploration operations must be conducted pursuant to the terms and conditions listed on the form attached to the regulations in this subpart.¹

(c) A brief description of the type of operations which will be undertaken.

(d) A description of the lands to be explored, by townships.

(e) Approximate date of commencement of operations.

¹ Form filed as part of original document.

§ 3107.1-2 Bond.

Simultaneously with the filing of the Notice of Intent to Conduct Oil and Gas Exploration Operations, and before entry is made on the land, the party or parties filing the "Notice of Intent to Conduct Oil and Gas Exploration Operations" must file with the District Manager a surety company bond in the amount of \$5,000, conditioned upon the full and faithful compliance, for each oil and gas exploration operation, with all of the terms and conditions of the regulations in this subpart and of that notice, or a statewide bond in the amount of \$25,000 covering all oil and gas exploration operations in the same State, or a \$50,000 nationwide bond. Holders of nationwide and statewide oil and gas lease bonds shall be permitted to amend their bonds to include exploration activities in lieu of furnishing additional bonds.

§ 3107.1-4 Completion of operations.

Upon completion of the exploratory operations, there shall be filed with the District Manager a "Notice of Completion of Oil and Gas Exploration Operations." Within 90 days after the filing of such "Notice of Completion," the District Manager shall notify the party who had conducted the operations whether all of the terms and conditions set out by the regulations in this subpart and in the "Notice of Intent to Conduct Oil and Gas Exploration Operations" have been complied with, or whether any additional measures must be taken to rectify any damage to the land, specifying the nature and extent thereof.

§ 3107.1-5 Consent to release of bond: termination of liability thereunder.

The District Manager will not give his consent to the cancellation of the bond, if an individual bond was submitted, or to the termination of liability if a State or nationwide bond was submitted, unless and until all of the terms and conditions of the "Notice of Intent to Conduct Oil and Gas Exploration Operations" have been complied with. Should the District Manager or any other authorized officer of the Bureau of Land Management fail to notify the party within 90 days from the filing of the "Notice of Completion" that all terms and conditions have been complied with or that additional corrective measures must be taken to rehabilitate the land, liability under an individual bond shall automatically terminate on the 91st day.

OCTOBER 21, 1966.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

[F.R. Doc. 66-11688; Filed, Oct. 26, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1966-67 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1966, through July 31, 1967, will amount to \$140,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at \$0.005 per standard packed box.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11704; Filed, Oct. 26, 1966; 8:47 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 33]

METERED STAMPS

Meter License

Notice is hereby given of proposed rule making consisting of a proposed amendment to Part 33 of Title 39, Code of Federal Regulations. The proposed amendment to § 33.2 will prescribe that the records relating to meter transactions of a postage meter in the custody of a licensee must be available for examina-

tion and audit by authorized employees of the Post Office Department.

Although the procedures in 39 CFR Part 33 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have an opportunity to comment on the proposed amendment. Written data, views, and arguments may be filed with the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed to redesignate present paragraph (b) as paragraph (c) and insert the proposed new requirement as paragraph (b) in lieu thereof.

§ 33.2 Meter license.

(b) *Responsibilities of licensee.* (1) After a meter has been delivered to a licensee, he must keep it in his custody until turned over to the authorized manufacturer or to the post office. Tampering with or misuse of a meter is punishable by law.

(2) The meters in the custody of the licensee and his records relating to meter transactions must be available for examination and audit by authorized audit and inspection personnel of the Post Office Department.

NOTE: The corresponding Postal Manual section is 143.22.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 24, 1966.

[F.R. Doc. 66-11711; Filed, Oct. 26, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-80]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Albert Lea, Minn., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Albert Lea, Minn., terminal area, as a result of the development of a public-use instrument approach procedure utilizing an "H" facility at the Albert Lea Municipal Airport as a navigational aid, proposes the following airspace action: Designate the Albert Lea, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Albert Lea Municipal Airport (latitude 43°40'50" N., longitude 93°22'05" W.) and within 2 miles each side of the 345°

bearing from Albert Lea Municipal Airport, extending from the 5-mile radius area to 8 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 165° and 345° bearings from Albert Lea Municipal Airport, extending from 6 miles S to 12 miles N of the airport, excluding the portion which overlies the Hope, Minn., transition area.

The proposed 700 foot floor transition area will provide controlled airspace protection for aircraft executing prescribed instrument approach and departure procedures during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface. The proposed 1,200 foot floor transition area will provide controlled airspace protection for that portion of the instrument approach procedure executed at and above 1,500 feet above the surface. It would also provide this protection for the holding pattern at Albert Lea Municipal Airport.

The floors of airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area. A new approach procedure is to be established. Therefore, no procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 13, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11676; Filed, Oct. 26, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Kingman, Ariz., terminal area.

In the early part of 1967, the FAA will commission a TVOR on the Kingman Municipal Airport, Kingman, Ariz. To provide controlled airspace for instrument operations utilizing the new facility, the FAA proposes the following airspace action: Designate the Kingman, Ariz., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kingman Municipal Airport (latitude 35°15'31" N., longitude 113°56'20" W.); within 2 miles each side of the Kingman VOR 025° radial, extending from the 5-mile radius area to 7 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Kingman VOR 115° radial, extending from the VOR to 74 miles SE of the VOR; within 5 miles SW and 8.5 miles NE of the Kingman VOR 115° radial, extending from the VOR to 19 miles SE of the VOR, and within 5 miles SE and 9 miles NW of the Kingman VOR 025° and 205° radials, extending from 38 miles NE to 13 miles SW of the VOR.

The 700-foot and 1,200-foot floor transition areas are required to provide controlled airspace protection for aircraft executing prescribed instrument approach, departure, and holding procedures utilizing the Kingman TVOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This amendment is proposed under the authority of section 307(a) of the Fed-

eral Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 19, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-11677; Filed, Oct. 26, 1966;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Marshalltown, Iowa, terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Marshalltown terminal area as a result of the planned installation by the City of Marshalltown, Iowa, of an "MH" facility to serve the Marshalltown Municipal Airport and the development of a public-use instrument approach procedure utilizing this facility as a navigational aid, proposes the following airspace action: Designate the Marshalltown, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown, Iowa, Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.) and within 2 miles each side of the 315° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the 315° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles NW of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

The proposed 700 foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,200 to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface. The proposed 1,200 foot floor transition area will provide airspace protection for that portion of the instrument approach procedure conducted at or above 1,500 feet above the surface.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floors of the transition area. Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details concerning the new approach procedure may be examined by contacting the Chief, Airspace Section, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 12, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11678; Filed, Oct. 26, 1966;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-76]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Olney, Ill., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Olney, Ill., terminal area, proposes the following airspace action: Designate the Olney, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport, Olney, Ill. (latitude 38°43'20" N., longitude 88°10'25" W.); and within 2 miles each side of the 223° bearing from Olney-Noble Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the

223° bearing from the Olney-Noble Airport, extending from the airport to 12 miles SW of the airport, excluding the airspace within the Evansville, Ind., transition area.

The proposed transition area is being developed for the protection of aircraft executing a new public instrument approach procedure to serve the Olney-Noble Airport, Olney, Ill., using the "MH" facility which the Airport Authority proposes to install.

The proposed transition area will provide protection for aircraft executing the prescribed instrument approach procedure during descent to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

The floors of airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area. A new approach procedure is to be established. Therefore, no procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 12, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11679; Filed, Oct. 26, 1966; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-EA-72]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-5801, Chambersburg, Pa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Army has informed the Federal Aviation Agency that the size of R-5801 must be increased to insure adequate safety clearance for the explosive burning and demolition activities which are conducted within the area. The Army states that the requirement for an increase in the size of the area has resulted because of accelerated activity which could result in fragments going beyond the existing limits. To satisfactorily contain the hazard described above the Army has requested that the radius of R-5801 be increased from 3,000 feet to 5,000 feet.

If this action is taken the boundaries of R-5801 Chambersburg, Pa., will be changed to read "A circular area with a 5,000-foot radius centered at latitude 39°59'44" N., longitude 77°43'55" W."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 20, 1966.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 66-11680; Filed, Oct. 26, 1966; 8:47 a.m.]

[14 CFR Parts 121, 127]

[Docket No. 7052; Notice 66-38]

CERTAIN RECORD RETENTION PERIODS

Proposed Reduction

The Federal Aviation Agency is considering amending Parts 121, and 127 of the Federal Aviation Regulations to require holders of operating certificates issued under those parts to keep flight recorder, records, load manifests, dispatch or flight releases, airworthiness releases, pilot route certifications, and flight plans for 30 days instead of the periods now required (varying from 60 days to 6 months); and to add a new requirement that the certificate holder must keep these records for a particular flight or series of flights for periods of longer than 30 days upon the request of the Administrator or the Civil Aeronautics Board.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20553. All communications submitted on or before December 30, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

At present, § 121.343(c) requires each certificate holder to keep the recorded information from flight recorders for at least 60 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights. Section 121.695(b) now requires each domestic or flag air carrier to keep for at least 3 months copies of load manifests, dispatch releases, and flight plans. Section 121.697(d) now requires each supplemental air carrier or commercial operator to keep at its operations base for at least 6 months the originals or copies of load manifests, flight releases, airworthiness releases, pilot route certifications, and flight plans. Section 121.711 now requires each domestic or flag air carrier to make and keep for at least 30 days a record of each en route radio contact between the air carrier and its pilots. Section 127.307(b) now requires each air carrier (helicopter) to keep for at least 60 days copies of load manifests and flight releases.

In Advisory Circular 90-26 (issued July 1, 1965), the Agency announced that

it was reducing the retention period for ATC voice recordings and flight progress strips to 15 days, and that the Agency would save thousands of dollars annually by shortening the retention period. Although the Agency had kept these records for 30 days, it was found that they were seldom consulted after 15 days, unless connected with a specific incident or accident. The Agency advised persons who want information on an incident from these records to make sure that their requests reach the ATC facility concerned within 15 days after the incident occurs.

Several months after AC 90-26 was issued, the Air Transport Association (ATA), on behalf of its member airlines, requested that §§ 121.343(c), 121.695(b), and 121.711 be amended to reduce to 15 days the period that air carriers are required to keep records under those sections. ATA stated that the amendment would conform "with the Agency's internal policy on retention of [ATC facility] records", and "would provide the airlines relief comparable to that which FAA has achieved by [its internal] policy change" in AC 90-26. ATA concluded that the "same basic cost-benefit considerations that influenced FAA's internal policy are applicable to Part 121 as well."

In general, Part 121 certificate holders are required to keep the records involved in the ATA request to enable the Agency to determine that operations are conducted in compliance with the regulations. However, unlike the records involved in AC 90-26, the Agency often consults the records involved in the ATA petition more than 15 days after they are made. These records are used to assist the Agency in its continuing surveillance of certificate holders to insure that they are maintaining the required level of safety in their overall operation. The Agency would be unable to validly determine a general trend to an unsatisfactory level of safety on the basis of records covering only 15 days of operations. The Agency also uses these records to evaluate reports of deviations from the regulations, and to investigate reports of alleged violations of the regulations. The reports of deviations and alleged violations often do not reach the Agency until more than 15 days after the event occurs. The air carrier's records often have a direct bearing on the disposition of the deviation or alleged violation involved, and their absence would handicap the Agency's enforcement program. For these reasons, the Agency believes that reducing the record retention period to 15 days, as ATA requests, is not in the public interest and may adversely affect safety.

However, the Agency believes that some reduction in the present record retention periods would be warranted. At present, the Agency requires similar records to be kept for periods that vary from 60 days to 6 months, depending on the kind of operating certificate held. In most cases, the Agency has found that it has no further need for these records more than 30 days after they are made.

Therefore, the Agency proposes to reduce to 30 days the normal record retention periods in §§ 121.343(c), 121.695(b), 121.697(d), and 127.307(b). If adopted, this proposal would substantially reduce the volume of records that certificate holders must keep, and would set a uniform retention period for all certificate holders.

Under present § 121.343(c), flight recorder recordings must be kept for 60 days, but upon the request of the Administrator or the Civil Aeronautics Board, the recordings for a particular flight or series of flights must be kept for longer periods. The latter requirement permits selective record retention in those situations when 60 days have elapsed and the Agency or the Board finds that it still needs particular records. This provision would be retained in § 121.343(c), and a similar provision would be added to §§ 121.695(b), 121.697(d), 121.711, and 127.307(b). The proposed 30-day retention period would provide adequate time for the Agency to determine what particular records will be needed after 30 days have elapsed, and permitting the Agency or the Board to require selective record retention when necessary would add flexibility to these record retention requirements.

In consideration of the foregoing, it is proposed to amend Parts 121 and 127 as follows:

1. By striking out the number "60" in § 121.343(c) and inserting the number "30" in place thereof.

2. By amending § 121.695(b) to read as follows:

§ 121.695 Disposition of load manifest, dispatch release, and flight plans; domestic and flag air carriers.

(b) Each domestic or flag air carrier shall keep copies of the records required in this section for at least 30 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

3. By amending § 121.697(d) to read as follows:

§ 121.697 Disposition of load manifest, flight release, and flight plans: supplemental air carriers and commercial operators.

(d) Each supplemental air carrier or commercial operator shall keep at its operations base copies of the records required in this section for at least 30 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

4. By amending § 121.711 to read as follows:

§ 121.711 Communication records: domestic and flag air carriers.

Each domestic or flag air carrier shall record each en route radio contact between the air carrier and its pilots. Each domestic or flag air carrier shall keep that record for at least 30 days and for a longer period upon the request of the Ad-

ministrator or the Civil Aeronautics Board for a particular flight or series of flights.

5. By amending § 127.307(b) to read as follows:

§ 127.307 Disposition of load manifest and flight release.

(b) Each air carrier shall keep copies of the records required in this section for at least 30 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

This proposal is made under the authority of sections 313(a), 601, 604, 605, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424, 1425, and 1502).

Issued in Washington, D.C., on October 21, 1966.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 66-11681; Filed, Oct. 26, 1966; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16947; FCC 66-937]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations; (Galion, Ohio; Plano-Sandwich, Ill.; Linesville, Pa.; Falmouth, Ky.; Beaver Dam, Wis.; Broken Arrow, Okla.; Union City, Kane, and Erie, Pa.; Harrisonville, Mo.; Marion, Va.; Hannibal and Fulton, Mo.; Mount Pleasant and Burlington, Iowa; Angola, Ind.; Clanton and Selma, Ala.; and Waupun, Wis.); Docket No. 16947, RM-994, RM-999, RM-1002, RM-1007, RM-1011, RM-1023, RM-1006, RM-1014, RM-986, RM-1021, RM-1020, RM-1019, RM-1041.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed assignments are alleged and appear to meet the separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are taken from the 1960 U.S. Census.

2. RM-994 Galion, Ohio (Hometown Radio, Inc.); RM-999 Plano-Sandwich,

Ill. (Kendall DeKalb Broadcasters); RM-1002 Linesville, Pa. (The Bee Bee Broadcasting Co.); RM-1007 Falmouth, Ky. (Calvin C. Smith); RM-1011 Beaver Dam, Wis. (Beaver Dam Broadcasting Co.); RM-1023 Broken Arrow, Okla. (Lee and Gretna Hopper).

In these six cases, interested parties have sought the assignment of a first Class A assignment in a community, without any other changes in the Table of Assignments. The communities are of substantial size and appear to warrant the proposed assignments. Comments are therefore invited on the following additions to the Table:

City	Channel No.
Plano-Sandwich, Ill.-----	296A
Falmouth, Ky.-----	237A
Galion, Ohio.-----	240A
Broken Arrow, Okla.-----	221A
Linesville, Pa.-----	269A
Beaver Dam or Waupun, Wis.-----	237A

¹ In a conflicting petition filed on Sept. 30, 1966, Radio Waupun, licensee of Station WLKE(AM), Waupun, Wis., requests the assignment of Channel 237A to Waupun, Wis. We will consider this request in the proceeding.

3. RM-1006. Union City, Pa. In a petition filed on July 6, 1966, and amended on July 21, 1966, WBEN, Inc., licensee of Station WBEN-FM, Channel 273, Buffalo, N.Y., requests rule making to assign Channel 292A to Union City, Pa., by making two other necessary changes in the Table as follows:

City	Channel No.	
	Present	Proposed
Union City, Pa.-----		292A
Erie, Pa.-----	260, 272A	260, 272A
	279, 292A	279
Kane, Pa.-----	292A	276A

Union City, a community of 3,819 persons located about 19 miles southeast of Erie, is not listed in the Table of Assignments. The Bee Bee Broadcasting Co. has filed an application for the use of Channel 272A (BPH-5396), assigned to Erie and available to Union City under the "25-mile rule". This application was granted on July 25, 1966, subject to a condition that the assigned channel may be changed as a result of any action which may be taken in the subject proceeding. WBEN states that Union City is about 15 miles within the 34 dbu (50 uv/m) contour of its FM station and since communities of less than 10,000 population are considered to receive service from such a signal, this community and others near it receive the WBEN-FM service. It urges that the use of Channel 272A at Union City would cause interference to this signal and result in the loss of service in Corry and Titusville, Pa., as well as in Union City. Petitioner contends that its proposal would have no more effect on the Erie assignments than would the Bee Bee application for 272A, that the interference which would result to WBEN-FM would

be avoided, and that the same number of assignments in the general area would be maintained.

4. While FM stations are not protected at spacings beyond the minimums specified (§ 73.209) the subject proposal would remove a potential source of interference without reducing the number of assignments in the area. We therefore are of the view that comments from interested parties should be invited on the WBEN proposal as outlined above. In the event the proposal is adopted, the outstanding authorization held by The Bee Bee Broadcasting Co. for a new FM station at Union City will be modified to specify Channel 292A instead of 272A.²

5. RM-1014. Harrisonville, Mo. On August 11, 1966, George Vowels, a prospective applicant for a new FM station at Harrisonville, Mo., filed a request for rule making to assign Channel 264 to that community without any other changes in the Table. Petitioner states that Harrisonville has a population of 3,510, and that Cass County, in which it is located (and of which it is the county seat) has a population of 29,702. He submits that there are no broadcast facilities within the county and that the residents depend on radio service from without the area. Finally, petitioner urges that there are no Class A channels which can be assigned to Harrisonville without conflicting with other stations and assignments (the city is fairly close to Kansas City), and that the only channel which will conform to all the separation requirements of the rules is Class C Channel 264.

6. Normally, communities the size of Harrisonville are assigned Class A FM channels. However, in view of the fact that no Class A channels are available for assignment to this community, comments are invited on petitioner's proposal for a Class C assignment.

7. RM-986. Marion, Va. In a petition filed on June 15, 1966, and amended on August 4, 1966, Emerald Sound, Inc., licensee of Station WOLD(AM), Marion, Va., requests rule making to add the assignment of Channel 272A to Marion as follows:

City	Channel No.	
	Present	Proposed
Marion, Va.-----	230	230, 272A

Marion is a community of 8,385 persons, the county seat of Smyth County, which has a population of 31,066. Station WMEV-FM operates on Channel 230. There are also two daytime-only AM stations in the community, WOLD and

² In effect, all WBEN seeks in this case is to achieve the same result as if Bee Bee had selected Erie Channel 292A, instead of 272A, for use at Union City. Under these circumstances we believe the proposal warrants consideration. However, as we have mentioned before, FM stations are not generally entitled to such wide-area protection; and we do not contemplate any nonuse of Channel 272A in Erie or elsewhere in the area if there is demand for it.

WMEV, licensed to petitioner and to the FM licensee respectively. Emerald submits that Marion has no local newspaper and therefore the people are dependent upon radio for local news and civic affairs items, that there is a need for additional nighttime service, and that it will apply for a new FM station in the event the proposal is adopted. In an engineering statement Emerald shows that in the area in which the use of Channel 272A would be precluded upon its assignment to Marion there are four communities of over 1,000 population (Chilhowie, Saltville, Richlands, and Tazewell) which do not have FM assignments, but that two other Class A assignments (Channels 261A and 285A) would still be available for the future needs of such communities. No potential assignments on adjacent channels would be precluded.

8. We are of the view that comments should be invited on petitioner's proposal as outlined above in order that all interested parties may submit their views and relevant data.

9. RM-1021. Hannibal, Mo. Mark Twain Broadcasting Co., licensee of Station KHMO(AM), Hannibal, Mo., in a petition filed on August 24, 1966, requests the substitution of Channel 225 for 254 at Hannibal by making one other needed change as follows:

City	Channel No.	
	Present	Proposed
Hannibal, Mo.-----	254	225
Fulton, Mo.-----	224A	249A

Petitioner points out that due to existing stations and assignments a new FM station on Channel 254 at Hannibal would have to be located about 12 miles out of town to meet the required spacings and that the proposed assignment represents a more optimum use of both channels since Channel 254 could be used in such other cities as Jacksonville, Ill., while Channel 225 can be used in the city of Hannibal itself.

10. We are of the view that comments should be invited on the petitioner's proposal above.

11. RM-1020. Mount Pleasant and Burlington, Iowa. In a petition filed on August 5, 1966, and supplemented on August 25, 1966, Edward R. Carney, Jr., prospective applicant for a new FM station in the Mount Pleasant-Burlington area, requests the change in designation of Channel 297 from Burlington, Iowa, to Mount Pleasant-Burlington, Iowa. Burlington has a population of 32,430 and its county (Des Moines) has a population of 44,605. There is an application on file for the sole FM assignment in the community, Channel 297. The application, BPH-5224 was filed by RB, Inc., licensee of Station KBUR(AM), Burlington, a Class IV station. There is one other AM station in Burlington, KYED, a daytime-only operation. Mount Pleasant, 26 miles northwest of Burlington, has a population of 5,843 and its county (Henry) has a population of 18,187.

There are no AM stations in the community nor is an FM channel assigned to it.

12. Petitioner states that the assignment of Channel 297 to the combined Mount Pleasant-Burlington area would allow the residents of Mount Pleasant to share in a much needed first local radio service. It submits that Mount Pleasant has grown at a much greater rate than Burlington, that there is a great need for a local station and the necessary support for such an operation, and that it is an important educational, business, and commercial center. Letters of support for the proposed station are submitted from a number of business people in the community. Finally, petitioner states that Channel 297 is the only Class C assignment available which will meet the mileage separation rules and provide service to both Mount Pleasant and Burlington.

13. The stated purpose of the subject proposal is to make Channel 297, presently assigned to Burlington alone, available by application to Mount Pleasant as well. Rule making is necessary since the former is more than 25 miles from the latter. Since Mount Pleasant does not have either an AM station or an FM assignment available to it, we are of the view that comments on the proposal should be invited in order that all interested parties may submit their views and relevant data.³

14. RM-1019. Angola, Ind. In a petition filed on August 24, 1966, Steuben County Broadcasting Co., prospective applicant for a new FM station in Angola, Ind., requests the assignment of Channel 288A to Angola by its deletion from Fort Wayne, Ind., as follows:⁴

City	Channel No.	
	Present	Proposed
Angola, Ind.		288A
Fort Wayne, Ind.	236, 247, 269A, 288A	236, 247, 269A

Angola, the county seat and largest community in Steuben County, has a population of 4,746 persons, while the county has 17,184. There are no AM or FM stations or assignments in the county. Fort Wayne has a population of 161,776.

³ On the last day for filing replies, RB, Inc., filed an opposition to the petition suggestion that either Channel 237A or 288A be assigned to Mount Pleasant. This opposition and counterproposal will be considered in the proceeding.

⁴ On Sept. 20, 1966, C. P. Broadcasters, Inc., applicant for a new FM station on Channel 288A at Auburn, Ind. (available to it under the "25-mile rule") filed an opposition and a motion to strike the subject petition. In view of the action taken herein, no further consideration will be given to the C. P. Broadcasters' pleadings, Steuben's reply and other related pleadings.

It has four AM stations and four FM assignments, two of which are in operation. Petitioner urges that Angola merits its first FM assignment by the means proposed in view of the multiple assignments in Fort Wayne and the fact that the shifting of Channel 288A to Angola would also make it available in the Peru and Wabash areas of Indiana.

15. While we agree that Angola merits a first FM assignment, we do not believe that this should be accomplished at the expense of Fort Wayne. Under the criteria used in setting up the FM Table of Assignments an attempt was made to assign from four to six Class B channels to a city the size of Fort Wayne. We were only able to make four FM assignments, including only two Class B channels. The claimed efficiency of the subject proposal is not determinative here since other assignments are available to Peru and Wabash, Ind. It appears that Channel 261A could be assigned to Angola without any other changes in the Table provided a site about 2-3 miles north of the community is used (to meet the required cochannel spacing to Bluffton). In view of this we are denying the Steuben County request and instead invite comments on the following:

City	Channel No.
Angola, Ind.	261A

16. Clanton, Ala. In addition to the changes proposed above requested by interested parties, the Commission wishes to make an additional change on its own motion. Station WKLF-FM in Clanton has recently commenced operation on Channel 249A and since its previous operation was on a short-spaced assignment (Channel 265A) we propose to delete the latter channel and reassign it to Selma, Ala. Clanton has a population of 5,683 persons, while Selma, with a population of 28,385, only has one FM assignment, presently in use. We invite comments therefore on the following proposal:

City	Channel No.	
	Present	Proposed
Clanton, Ala.	249A, 265A	249A
Selma, Ala.	261A	261A, 265A

17. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before November 21, 1966, and reply comments on or before December 2, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 20, 1966.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,⁵

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11730; Filed, Oct. 26, 1966;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 525]

[Docket No. 65-5]

TIME LIMIT ON FILING OF OVERCHARGE CLAIMS

Request for Further Comment on Reopening Proceeding

On June 28, 1966, the Federal Maritime Commission issued a report and order in the subject proceeding in which it declined to promulgate at that time a proposed rule which would have prohibited the limitation of time within which claims for adjustment of freight charges may be presented to carriers to less than 2 years after date of shipment.

Ocean Freight Consultants, Inc. (OFC) petitioned on July 25, 1966, for a reopening of the rulemaking proceeding, the adoption of the proposed rule, and the institution of a Commission investigation or such further proceedings as may be necessary to outlaw the present practices of carriers with respect to claims for adjustment of freight charges.

The grounds raised in the petition for reopening are (1) that the Commission artificially limited itself to sections 14 and 18(b)(3) of the Shipping Act, 1916 (the Act) in reaching its determination; (2) that it failed to give proper weight to "evidence" submitted by OFC in response to Commission request; and (3) that the Commission failed to utilize the full scope of its rulemaking authority in this proceeding. Violations of the rules and the Act are also alleged.

The petitioner may, of course, file a complaint under section 22 of the Act and seek reparation for any harm caused him by violations of any of the Act's provisions. But if carrier-imposed time limitations are causing hardships not only to this petitioner but to other shippers, further proceedings might be required. Perhaps the failure to bring issues regarding difficulties arising from

⁵ Commissioners Bartley and Cox dissenting to the proposal for Erie, Pa.; Commissioner Loevinger absent.

such rules to light by other interested shippers was due to the somewhat limited scope of this proceeding. Therefore, in order to allow shippers, carriers and all interested parties to indicate their views on the full range of the rules' impact, we hereby request further comment on the question of whether to reopen this proceeding with its scope broadened to include the question of whether such rules are unlawful under any relevant section

of the Shipping Act, and if the proceeding is to be reopened, whether an evidentiary hearing should be held.

All comments filed should clearly indicate (1) the sections of the Act under which the existing rules are challenged and under which the proposed rule would be promulgated together with a full statement of the facts and law relied upon; and (2) the type of hearing required if the proceeding is to be reopened.

Interested parties should submit 15 copies of their comments to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 28, 1966.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11716; Filed, Oct. 26, 1966;
8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 319]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Corps of Engineers, Department of the Air Force, has filed an application, serial number Arizona 319, for the withdrawal and reservation of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws, subject to valid existing claims. The lands involved, concurrent with the proposed use of the applicant, will continue to be administered for multiple resource purposes to the best interest of the public.

The Department of the Air Force desires these lands as a restrictive area and for an azimuth survey marker site to be used in connection with national defense purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 9 E.,

Those portions of the east half of the east half of the southwest quarter of section 19; the southwest quarter of the southwest quarter of section 20; the northwest quarter of the northwest quarter of the northwest quarter of section 29, and of the north half of the north half of the northeast quarter of section 30, lying within the circumference of a circle, having a radius of 1,800 feet, the center of said circle being a point located S. 41°00'15" W., 1,895.18 feet from the quarter corner common to said sections 19 and 20, basis of bearings being Transverse Mercator Grid, Central Zone, Arizona.

The area described above aggregates approximately 52.17 acres in Pima County.

GLENDON E. COLLINS,
Acting State Director.

OCTOBER 21, 1966.

[F.R. Doc. 66-11689; Filed, Oct. 26, 1966; 8:45 a.m.]

[Arizona 329]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, Department of Agriculture, has filed an application, serial number Arizona 329, for a protective withdrawal of the lands described below from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the lands for the protection of scenic zone of roads and stream and public improvements within the Lynx Lake Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

PRESCOTT NATIONAL FOREST

Walker Road Roadside Zone

A strip of land 300 feet on each side of the centerline of the Walker Road through the following legal subdivisions:

T. 13 N., R. 1 W.,

Sections 5, 6, and 8.

The area described aggregates approximately 97.91 acres.

Lynx Creek Streamside Zone

T. 12½ N., R. 1 W.,

Sec. 20, lots 1, 2, 3, and 4;

Secs. 20 and 21, M. S. No. 4532, 1661, and 4408, involving the null and void Good Hope placer claim.

T. 13 N., R. 1 W.,

Sec. 5, lots 9, 12, and 13, W½SE¼ and SE¼SE¼;

Sec. 8, N½NE¼;

Sec. 16, lot 1 (except west 10 chains), lot 4, NE¼ lot 5, and E½SE¼SW¼;

Sec. 21, lots 2, 3, and 4 (except west 10 chains), E½NW¼SW¼NE¼, E½SW¼NE¼, SW¼SE¼NE¼, E½W½SE¼, and W½E½SE¼;

Sec. 28, E½W½NE¼, W½E½NE¼, NE¼NW¼SE¼, NW¼NE¼SE¼, S½NW¼SE¼, and SW¼SE¼;

Sec. 32, lot 15;

Sec. 33, lots 8, 9, 11, 13, 15, and 16.

The areas described within the streamside zone aggregate approximately 927.52 acres.

GLENDON E. COLLINS,
Acting State Director.

OCTOBER 21, 1966.

[F.R. Doc. 66-11708; Filed, Oct. 26, 1966; 8:47 a.m.]

[Nevada 051786]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1966.

The Federal Aviation Agency has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for an addition to Air Navigation Site No. 265.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 41 N., R. 35 E.

Sec. 27, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 32.5 acres.

DANIEL P. BAKER,
Manager.

[F.R. Doc. 66-11709; Filed, Oct. 26, 1966;
8:48 a.m.]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 19, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Oregon 461, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Chap. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the Pearson Guard Station Administrative Site for public and administrative use and to safeguard the Government's present and future investments in the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized office of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Pearson Guard Station Administrative Site

T. 6 S., R. 33 E.,

Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 30 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 66-11710; Filed, Oct. 26, 1966;
8:48 a.m.]

CHIEF, DIVISION OF ADMINISTRATION, SOCORRO DISTRICT, N. MEX.

Redelegation of Authority

In accordance with section 3.1 of Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Chief, Division of Administration of the Socorro District, N. Mex., is authorized to perform in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended.

- (1) Section 3.2(c): Copies of records.
- (2) Section 3.3(b): Contributions, donations, and refunds.
- (3) Section 3.3(c): Repayments.

This order will become effective upon publication in the FEDERAL REGISTER.

VIRGIL A. PATE,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11690; Filed, Oct. 26, 1966;
8:45 a.m.]

AREA MANAGERS, SOCORRO DISTRICT, N. MEX.

Redelegation of Authority

OCTOBER 21, 1966.

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Area Managers of the Jornada, Salt Lake, and San Augustine Resource Areas of the Socorro District, N. Mex., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended (including redelegations made by the State Director in accordance with Part I, section 1.1(a), together with any limitations specified below.)

- (1) Section 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed \$500.
- (2) Section 3.7(a): Licenses to graze or trail livestock.
- (3) Section 3.7(a)(3): Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

- (4) Section 3.7(b): Grazing leases.
- (5) Section 3.7(d): Soil and moisture conservation.
- (6) Section 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.
- (7) Section 3.8(a): Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR Part 5400. This authority does not include the approval of any sale of forest products exceeding \$100 in value.
- (8) Section 3.9(g): Material other than forest products not exceeding \$100 in value.
- (9) Section 3.9(o)(1): Special land use permits for public lands within the area, under 43 CFR Subpart 2236.

The district manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This redelegation will become effective upon publication in the FEDERAL REGISTER.

VIRGIL A. PATE,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11691; Filed, Oct. 26, 1966;
8:45 a.m.]

CHIEF, DIVISION OF ADMINISTRATION, ROSWELL DISTRICT, N. MEX.

Redelegation of Authority

In accordance with section 3.1 of Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Chief, Division of Administration of the Roswell District, N. Mex., is authorized to perform in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended.

- (1) Section 3.2(c): Copies of records.
- (2) Section 3.3(b): Contributions, donations, and refunds.
- (3) Section 3.3(c): Repayments.

This order will become effective upon publication in the FEDERAL REGISTER.

WILLIAM A. CAMPBELL,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11692; Filed, Oct. 26, 1966;
8:45 a.m.]

AREA MANAGERS, ROSWELL DISTRICT, N. MEX.

Redelegation of Authority

OCTOBER 21, 1966.

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492;

29 F.R. 10526), as amended, the Area Managers of the Carlsbad and Roswell Resource Areas of the Roswell District, N. Mex., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and under the direct supervision of the district regulations of this Department and un-manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended (including redelegations made by the State Director in accordance with Part I, section 1.1(a), together with any limitations specified below).

(1) Section 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed \$500.

(2) Section 3.7(a): Licenses to graze or trail livestock.

(3) Section 3.7(a)(3): Permits or co-operative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(4) Section 3.7(b): Grazing leases.

(5) Section 3.7(d): Soil and moisture conservation.

(6) Section 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.

(7) Section 3.8(a): Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR Part 5400. This authority does not include the approval of any sale of forest products exceeding \$100 in value.

(8) Section 3.9(g): Material other than forest products not exceeding \$100 in value.

(9) Section 3.9(o)(1): Special land use permits for public lands within the area, under 43 CFR Subpart 2236.

The district manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This redelegation will become effective upon publication in the FEDERAL REGISTER.

WILLIAM A. CAMPBELL,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11693; Filed, Oct. 26, 1966; 8:45 a.m.]

CHIEF, DIVISION OF ADMINISTRATION, ALBUQUERQUE DISTRICT, N. MEX.

Redelegation of Authority

In accordance with section 3.1 of Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Chief, Division of Administration of the Albuquerque District,

N. Mex., is authorized to perform in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended.

(1) Section 3.2(c): Copies of records.

(2) Section 3.3(b): Contributions, donations, and refunds.

(3) Section 3.3(c): Repayments.

This order will become effective upon publication in the FEDERAL REGISTER.

WARREN J. GRAY,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11694; Filed, Oct. 26, 1966; 8:46 a.m.]

AREA MANAGERS, ALBUQUERQUE DISTRICT, N. MEX.

Redelegation of Authority

OCTOBER 21, 1966.

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Area Managers of the Chaco, Las Vegas, Rio Grande, Rio Puerco, and San Juan Resource Areas of the Albuquerque District, N. Mex., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended (including redelegations made by the State Director in accordance with Part I, section 1.1(a), together with any limitations specified below).

(1) Section 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed \$500.

(2) Section 3.7(a): Licenses to graze or trail livestock.

(3) Section 3.7(a)(3): Permits or co-operative agreements to construct and/or

maintain range improvements and determine the value of such improvements.

(4) Section 3.7(b): Grazing leases.

(5) Section 3.7(d): Soil and moisture conservation.

(6) Section 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.

(7) Section 3.8(a): Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR Part 5400. This authority does not include the approval of any sale of forest products exceeding \$100 in value.

(8) Section 3.9(g): Material other than forest products not exceeding \$100 in value.

(9) Section 3.9(o)(1): Special land use permits for public lands within the area, under 43 CFR Subpart 2236.

The district manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This redelegation will become effective upon publication in the FEDERAL REGISTER.

WARREN J. GRAY,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11695; Filed, Oct. 26, 1966; 8:46 a.m.]

NEVADA

Notice of Public Sale

OCTOBER 21, 1966.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), there will be offered to the highest bidder, but at not less than the appraised value and proportionate share of publication cost, at a public sale to be held at 9 a.m., local time, on Wednesday, November 30, 1966, in the Las Vegas High School Auditorium, Ninth and Clark, Las Vegas, Nev., the tracts of land described below:

Tract No.	Acreage	Rights-of-way width-location	Appraised value per tract	Legal description
				T.21S., R.61E., MD Mer.
1	1.25	30' E-----	20,000	Sec. 17: S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
2	2.5	50' N., 30' E-----	10,000	Sec. 19: NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
3	2.5	50' N., 30' W-----	10,000	NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
4	2.5	50' N., 30' E-----	10,000	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
5	5.0	30' W., 30' S., 40' E-----	18,000	S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
6	2.5	30' W., 30' S-----	5,000	SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
7	2.5	40' N., 30' W-----	10,000	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
8	5.0	40' N., 30' E., 30' W-----	20,000	NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
9	2.5	30' N., 30' E-----	10,000	NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
10	5.0	100' S., 30' W., 30' N-----	27,500	W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
11	2.5	100' S., 50' E-----	12,500	SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
12	2.5	30' S., 30' E-----	12,500	Sec. 20: SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
13	2.5	30' N., 30' E-----	12,500	NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
14	2.5	30' E., 30' S-----	7,500	SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
15	2.5	30' E., 30' S-----	4,000	Sec. 24: SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
16	2.5	30' N., 30' E-----	4,000	NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
17	2.5	30' E., 30' S-----	10,000	Sec. 29: SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Tract No.	Acreage	Rights-of-way width-location	Appraised value per tract	Legal description
				<i>T. 21S., R. 61E., MD Mer.</i>
18	5.0	30' E., 30' W., 40' S.	25,000	S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$
19	2.5	30' W., 30' S.	10,000	SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$
20	2.5	30' E., 30' S.	10,000	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
21	2.5	50' N., 30' E.	2,500	Sec. 30:
22	1.18	50' N., 66 $\frac{1}{2}$ ' W.	1,250	Lot 5.
23	2.5	30' E., 30' S.	10,000	Lot 6.
24	2.5	30' N., 30' W.	10,000	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$
25	2.5	30' E., 30' S.	10,000	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
26	2.5	30' E., 30' N.	10,000	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
27	2.5	30' E., 40' S.	10,000	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
28	5.0	50' N., 40' E.	30,000	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
29	2.5	40' E., 30' N.	12,500	E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
30	2.5	30' E., 30' S.	8,500	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
31	2.5	30' W., 30' N.	8,500	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$
32	2.5	30' S., 30' E.	8,500	NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$
33	2.5	50' E., 30' S.	12,000	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
34	2.5	30' W., 30' S.	10,000	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
35	10.0	30' N., 30' S.	40,000	E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
36	2.5	30' N., 30' W.	10,000	W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
37	1.25	30' N., 30' E.	4,000	NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
38	1.25	30' S.	5,000	Sec. 31:
39	1.25	30' S., 30' E.	3,000	E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
40	1.25	30' S.	3,000	E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
41	0.63	30' W.	7,500	E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
42	0.635	30' W.	7,500	Sec. 32:
43	2.5	30' S., 30' E.	10,000	Lot 4.
44	5.0	30' N., 50' W., 30' E.	20,000	Lot 16.
45	1.25	50' N., 50' W.	5,000	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
46	2.5	30' W., 30' S.	10,000	Lot 37.
47	2.5	30' N., 30' E.	10,000	W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
48	1.25	30' S.	6,000	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
49	1.25	30' S., 30' E.	6,000	NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
50	2.5	30' N., 30' W.	10,000	E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
51	1.25	30' S., 30' W.	6,000	E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
52	1.25	30' S., 30' E.	6,000	NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
53	1.25	50' N.	7,500	W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
				Sec. 36: E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
				<i>T. 21S., R. 62E., MD Mer.</i>
54	10.00	50' S., 30' N.	12,000	Sec. 28:
				W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
				E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
				<i>T. 22S., R. 61E., MD Mer.</i>
55	5.0		10,000	Sec. 8: W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
				<i>T. 15S., R. 66E., MD Mer.</i>
56	120.0		3,600	Sec. 7: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$

¹ (S $\frac{1}{2}$ of Lot 34).

The lands will be sold subject to all valid existing rights and reservations for rights-of-way. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All mineral rights are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either personally at the sale or by mail. Bids for a parcel must be for all the lands in the parcel. Bids sent by mail will be considered only if received at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev. 89107, prior to 4:00 p.m., on Tuesday, November 29, 1966. Bids prior to the public auction must be submitted in sealed envelopes, accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, made payable to the Bureau of Land Management, for the full amount of the bid, which may not be less than the appraised value and share of publication cost. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. _____, sale held November 30, 1966."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be in-

vited in increments specified by the authorized officer. After oral bids are received, the authorized officer shall declare the highest qualifying bid. The person declared to have entered the highest qualifying bid shall be allowed until 4:00 p.m., on Wednesday, November 30, 1966, to submit a guaranteed remittance in the form of a certified check, postal money order, bank draft, or cashier's check for the full amount of the bid; no personal checks will be accepted. The publication cost allocated to each parcel will be \$1.

All bids, sealed and oral, must be accompanied by a certified statement indicating that the principal is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged 21 years or more. A partnership or association must show that each of the members is a qualified individual, as stated above. Agents must show that their principal is qualified as above.

Parcels not sold will be reoffered at a public auction to be held the first Wednesday of each month, commencing December 7, 1966, at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev. 89107, until the parcels are sold or the sale terminated.

Any adverse claimants of the above-described land should file their claims,

or objections, with the undersigned on or before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the Proposed Classification Decision. Inquiries concerning this sale shall be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

Daniel P. Baker,
Manager, Nevada Land Office.

By: A. JOHN HILLSAMER,
Acting Manager.

[F.R. Doc. 66-11700; Filed, Oct. 26, 1966;
8:46 a.m.]

Office of the Secretary

PONCA TRIBE OF NATIVE AMERICANS OF NEBRASKA

Notice of Termination of Federal Trust Relationship and of Supervision Over Affairs of Individual Members

Pursuant to the provisions of section 10 of the Act of September 5, 1962 (76 Stat. 429), it is hereby proclaimed that the distribution of the assets of the Ponca Tribe of Native Americans of Nebraska has been completed and the Federal trust relationship to the Ponca Tribe of Native Americans of Nebraska and its individual members is terminated. Hereafter, the tribe and the individual members whose names appear on the membership roll of the Ponca Tribe of Native Americans of Nebraska as prepared pursuant to the Act of September 5, 1962 (76 Stat. 429), and as closed and made final as of July 21, 1965 (30 F.R. 9114), shall not be entitled to any of the special services performed by the United States for Indians or Indian tribes because of their status as Indians; all statutes of the United States which affect Indians or Indian tribes because of their status as Indians shall be no longer applicable to the tribe or its members; and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other persons or citizens within their jurisdiction. All restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

Nothing in this proclamation shall affect the status of any member of the Ponca Tribe of Native Americans of Nebraska as a citizen of the United States.

Termination of the Federal trust relationship to the Ponca Tribe of Native Americans of Nebraska and of supervision over the affairs of the individual members thereof becomes effective as of the date of publication of this proclamation in the FEDERAL REGISTER.

CHARLES F. LUCE,
Acting Secretary of the Interior.

OCTOBER 18, 1966.

[F.R. Doc. 66-11687; Filed, Oct. 26, 1966;
8:45 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 9]

RANGER INSURANCE CO.

Change of Name of Company

Export Insurance Co., Houston, Tex., a New York corporation, has formally changed its name to Ranger Insurance Co., effective July 29, 1966. A copy of Certificate of Amendment of the Certificate of Incorporation of Export Insurance Co. approved by the Insurance Department of the State of New York on July 29, 1966, changing the name of Export Insurance Co. to Ranger Insurance Co., has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated July 29, 1966, has been issued by the Secretary of the Treasury to the Ranger Insurance Co., Houston, Tex., under the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to replace the Certificate issued June 1, 1966, to the Company under its former name, Export Insurance Co. The underwriting limitation of \$412,000 previously established for the Company remains unchanged.

The change in name of Export Insurance Co. does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on May 31 each year, unless sooner revoked and new Certificates are issued on June 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

Dated: October 21, 1966.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66-11712; Filed, Oct. 26, 1966;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

October Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for October 1966, as

amended, is further amended as set forth below:

The Export Section for wheat is amended by adding to Item A, covering Announcement GR-345 sales, the following sentence: "Hard Red Spring Wheat will not be sold at East Coast ports."

The Export Section for wheat is further amended by adding to Item C(3), covering GR-261 sales, the following sentence: "Hard Red Spring wheat will be sold at East Coast ports for export commodity certificates and buyer must show export from an East Coast port."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note).)

Signed at Washington, D.C., on October 21, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-11703; Filed, Oct. 26, 1966;
8:47 a.m.]

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Camp Packing Co., Inc.	174	(*)					
Azalea Meats of Georgia, Inc.	348	(*)					
New establishments reporting: 2.							
Swift & Co.	3F		(*)				
Srockmen's Meat Packing Co., Inc.	258		(*)	(*)			
Chino Valley Meat Packing Co., Inc.	336			(*)			
Samuels E-Tex Packing Co.	353		(*)				
Middletown Beef Co., Inc.	483			(*)	(*)		
McCook Packing Corp.	660		(*)				
Baum's Meat Packing	792		(*)				
Bristol Packing Co.	828			(*)			
Siouxland Dressed Beef Co.	857F			(*)			
Wells and Davies, Inc.	860			(*)			
Species Added: 12.							

Done at Washington, D.C., this 21st day of October 1966.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 66-11705; Filed, Oct. 26, 1966; 8:47 a.m.]

Office of the Secretary

IOWA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Iowa and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IOWA	
Wright.	
TEXAS	
Bell.	Terry.
Cochran.	Travis.
Falls.	Val Verde.
Terrell.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 9557, 10288, 11771, and 12651) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act. (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves with respect to Utica Veal Co., Inc., Establishment 88 is deleted. The reference to sheep with respect to Purnell's Packing Co., Establishment 738 is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11706; Filed, Oct. 26, 1966;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2104) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that § 121.2541

Emulsifiers and/or surface-active agents be amended to provide for the safe use of sorbitan monolaurate (saponification number 153-170, acid number 4-10, hydroxyl number 330-360) as an emulsifier and/or surface-active agent in the manufacture of articles or components of articles intended for use in contact with food. The petition also proposes that references to sorbitan monolaurate be deleted from §§ 121.2506, 121.2507, 121.2525, 121.2531, and 121.2557 since the proposed amendment to § 121.2541, would provide for use of the additive as contemplated.

Dated: October 19, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11718; Filed, Oct. 26, 1966;
8:48 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7A2105) has been filed by the Dow Chemical Co., Biochemical Research Laboratory, 1803 Building, Midland, Mich. 48640, proposing an amendment to § 121.1148 *Ion-exchange resins* to provide for the safe use of cross-linked epichlorohydrinammonia resin in the purification of foods, including potable water.

Dated: October 19, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11719; Filed, Oct. 26, 1966;
8:48 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0534) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-s-triazine) in or on raw agricultural commodities, as follows:

Ten parts per million in or on asparagus.

One part per million in or on almonds, apples, artichokes, avocados, blackberries, blueberries, boysenberries, cherries, corn, cranberries, currents, dewberries, grapefruit, grapes, lemons, loganberries, macadamia nuts, olives, oranges, peaches, pears, pineapples, plums, raspberries, strawberries, sugarcane, and walnuts.

The analytical method proposed in the petition for determining residues of simazine is that of conversion of simazine to its hydroxy analog which is then measured spectrophotometrically.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11720; Filed, Oct. 26, 1966;
8:49 a.m.]

W. H. MINER, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7A2109) has been filed by W. H. Miner, Inc., Rookery Building, 209 South La Salle Street, Chicago, Ill. 60604, proposing an amendment to § 121.1088 *Boiler water additives* to provide for the safe use of sodium glucoheptonate as a boiler water additive in the preparation of steam that will contact food.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11721; Filed, Oct. 26, 1966;
8:49 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0524) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide 2-chloro-N-isopropylacetanilide in or on the raw agricultural commodities cottonseed and sweet corn.

The analytical method proposed in the petition for determining residues of the herbicide is that of gas liquid chromatography, in which the amount of residue present is determined by the amount of N-isopropylaniline recovered from strong hydrolysis of the crop extract.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11722; Filed, Oct. 26, 1966;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16826, 16827; FCC 66M-1424]

BRANCH ASSOCIATES, INC., AND ASCENSION PARISH BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Branch Associates, Inc., Houma, La.; Docket No. 16826, File No. BP-16701; R. E. Hook, trading as Ascension Parish Broadcasting Co., Donaldsonville, La.; Docket No. 16827, File No. BP-17035; for construction permits.

The Hearing Examiner having been informally advised by counsel for Branch Associates, Inc., that the applicants contemplate filing in the immediate future an agreement among themselves which, if approved, may obviate the need for hearing on some but not all of the designated issues;

It appearing, that it is appropriate under such circumstances to reconsider the procedures established to govern this hearing;

It is ordered, This 20th day of October 1966, that the procedural dates established by the Hearing Examiner's order of September 16, 1966, are set aside, and that a further prehearing conference shall convene on October 27, 1966, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11731; Filed, Oct. 26, 1966;
8:50 a.m.]

[Docket Nos. 16944, 16945; FCC 66-932]

PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper, and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, Ill.; Docket No. 16944, File No. BPH-5296; Requests: 97.7 mc, No. 249; 3 kw; 81 ft.; Richard P. Lamoreaux, Monmouth, Ill.; Docket No. 16945, File No. BPH-5441; Requests: 97.7 mc, No. 249; 3 kw(H); 3kw(V); 210 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of October 1966;

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would cause mutual destructive interference.

2. Consideration of the programming proposals is required because of the substantial and material difference between the proposals in the amount of AM programming to be duplicated. PrairieLand Broadcasters proposes to duplicate its companion AM station 37.50 percent of the time, while Richard P. Lamoreaux proposes independent operation. Therefore, programming evidence will be admissible under the standard comparative issue.

3. The areas and populations to be served are markedly different in size and that for the purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM services of at least 1 mv/m in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11732; Filed, Oct. 26, 1966;
8:50 a.m.]

[Docket Nos. 16655, 16656; FCC 66M-1425]

**JONES T. SUDBURY AND NORTHWEST
TENNESSEE BROADCASTING CO.,
INC.**

**Order Scheduling Further Prehearing
Conference**

In re applications of Jones T. Sudbury, Martin, Tenn.; Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn.; Docket No. 16656, File No. BPH-5174; for construction permits.

At the prehearing conference in the above-entitled proceeding held on July 18, 1966, it was decided to continue the further prehearing conference until after the Review Board had acted on the then pending petitions to modify and enlarge issues. The Review Board has now disposed of such petitions.

A further prehearing conference will be held on Friday, October 28, 1966, beginning at 9 a.m., in the offices of the Commission, Washington, D.C. The matters to be considered will include but will not be limited to those which are based on new issues which have been promulgated by the Review Board.

It is so ordered, This the 21st day of October 1966.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11733; Filed, Oct. 26, 1966;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License 473]

**AFRO-ASIAN FORWARDING CO.,
INC.**

Revocation of License

Whereas, Afro-Asian Forwarding Co., Inc., 20 Pearl Street, New York, N.Y. 10004, has ceased to operate as an independent ocean freight forwarder; and

Whereas, by letter dated October 13, 1966, Afro-Asian Forwarding Co., Inc., has requested the cancellation of its Independent Ocean Freight Forwarder License No. 473.

Now therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, section 6.03.

It is ordered, That the Independent Ocean Freight Forwarder License No. 473 of Afro-Asian Forwarding Co., Inc., be and is hereby revoked, effective this date.

It is further ordered, That Independent Ocean Freight Forwarder License No. 473 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director,

Bureau of Domestic Regulation.

[F.R. Doc. 66-11715; Filed, Oct. 26, 1966;
8:48 a.m.]

[Docket No. 66-55; Agreement 2846-15]

**WEST COAST OF ITALY, SICILIAN,
AND ADRIATIC PORTS/NORTH AT-
LANTIC RANGE CONFERENCE**

Order of Investigation and Hearing

The member lines of the West Coast of Italy, Sicilian, and Adriatic Ports/North Atlantic Range Conference have filed with the Commission for approval, pursuant to section 15 of the Shipping Act, 1916, an agreement, which has been assigned Federal Maritime Commission Number 2846-15, to amend the basic agreement to provide for an increase in the amount of the admission fee from \$3,000 to \$10,000.

It appearing that Agreement 2846-15 may establish an unreasonable and unequal term or condition for admission and readmission to Conference membership of other qualified carriers in the trade, or could be detrimental to the commerce of the United States or otherwise in contravention of the statutory requirements of section 15 of the Shipping Act, 1916, and in order that a record may be developed upon which the Commission may determine whether to approve, disapprove, or modify Agreement 2846-15;

Now, therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation be and is hereby instituted to determine whether Agreement 2846-15 should be approved, disapproved, or modified.

It is further ordered, That the West Coast of Italy, Sicilian, and Adriatic Ports/North Atlantic Range Conference and the member lines thereof, as listed below, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 8, 1966, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, in-

cluding notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

APPENDIX A

Mr. G. Ravera, Secretary, The West Coast of Italy, Sicilian, and Adriatic Ports/North Atlantic Range Conference, Vico San Luca, 4, Genoa, Italy.

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.

Compagnie Fabre Societe Generale de Transports Maritimes, Black Diamond Steamship Co., 2 Broadway, New York, N.Y. 10004.

Concordia Line, Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad Street, New York, N.Y. 10004.

Giacomo Costa Fu Andrea (Costa Line), Overseas Consolidated Co., Ltd., General Agents, 26 Broadway, New York, N.Y. 10004.

Hansa Line—Deutsche Dampfschiffahrts, Gesellschaft "Hansa", F. W. Hartmann & Co., Inc., General Agents, 21 West Street, New York, N.Y. 10006.

Hellenic Lines, Ltd., 39 Broadway, New York, N.Y. 10006.

"Italia" Societa per Azioni de Navigazione (Italian Line), 1 Whitehall Street, New York, N.Y. 10004.

Jugoslavenska Linijaska Plovidba (Jugolinija), Crossocean Shipping Co., Inc., General Agents, 17 Battery Place, New York, N.Y. 10004.

Moller-Maersk Line, A.P., Moller Steamship Co., Inc., General Agents, 67 Broad Street, New York, N.Y. 10004.

Prudential Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Van Nievelt Goudriaan & Co's Stoomvaart Maatschappij N.V. (Constellation Line), Constellation Navigation, Inc., General Agents, 85 Broad Street, New York, N.Y. 10004.

Villain & Fassio e Compagnia Internazionale Di Genova (Fassio Line), Norton, Lilly & Co., Inc., General Agents, 26 Beaver Street, New York, N.Y. 10004.

Zim Israel Navigation Co., Ltd., Mediterranean Agencies, Inc., General Agents, 42 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-11717; Filed, Oct. 26, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-98, etc.]

HUNT OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 19, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I) and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 7, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-98....	Hunt Oil Co. (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	28	16	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (Northern Louisiana).	\$1,846	9-26-66	2 11-1-66	4-1-67	\$17.2366	\$17.4417	RI66-127.
.....do.....	.....do.....	39	9	Texas Eastern Transmission Corp. (Northeast Hallsville Field, Harrison County, Tex.) (R.R. District No. 6).	406	9-26-66	2 11-1-66	4-1-67	15.3378	\$15.5410	RI66-127.
RI67-99....	Hunt Oil Co.....	38	10	Texas Eastern Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	61	9-26-66	2 11-1-66	4-1-67	15.3378	\$15.5410	RI66-127.
RI67-100....	Hassie Hunt Trust (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	4	21	Texas Eastern Transmission Corp. (Northeast Lisbon Field, Claiborne Parish, La.) (Northern Louisiana).	3,078	9-26-66	2 11-1-66	4-1-67	\$17.2365	\$17.4417	RI66-130.
RI67-101....	Lamar Hunt, 1401 Elm St., Dallas, Tex. 75202.	9	14	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, La.) (Northern Louisiana).	1	9-26-66	2 11-1-66	4-1-67	\$17.2365	\$17.4417	RI66-134.
RI67-102....	Lamar Hunt Trust Estate et al., 1401 Elm St., Dallas, Tex. 75202.	8	14	.....do.....	656	9-26-66	2 11-1-66	4-1-67	\$17.2365	\$17.4417	RI66-135.
RI67-103....	Nelson Bunker Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202.	7	14	.....do.....	410	9-26-66	2 11-1-66	4-1-67	\$17.2366	\$17.4417	RI66-136.
RI67-104....	William Herbert Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202.	10	14	.....do.....	615	9-26-66	2 11-1-66	4-1-67	\$17.2366	\$17.4417	RI66-125.
RI67-105....	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	303	2	Natural Gas Pipeline Co. of America (Northwest Chester Field, Woodward County, Okla.) (Panhandle Area).	1,242	9-23-66	2 11-15-66	4-15-67	\$17.0	\$19.5	
RI67-106....	Rounds & Stewart Natural Gasoline Co., Inc. (Operator), Union Center Bldg., Wichita, Kans. 67202.	1	11	Cities Service Gas Co., (East Antelope, Antelope Kianda, and Hillsboro Fields, Marion County, Kans.).	14,000	9-26-66	3 10-27-66	3-27-67	\$15.0	\$16.0	
RI67-107....	Frederick C. & Ferris F. Hamilton d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	13	11	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	665	9-29-66	2 11-1-66	4-1-67	\$17.8	\$18.0	RI66-133.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-108...	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	278	3	Natural Gas Pipeline Co. of America (Joiner City Plant, Carter County, Okla.) (Oklahoma "Other" Area).	12,000	9-30-66	2 12- 1-66	5- 1-67	7 15.0	8 7 10 18.0	
RI67-109...	Russell Maguire (Operator) et al., 4200 First National Bank Bldg., Dallas, Tex. 75202, Attn: Mr. Max F. Powell.	2	12	Texas Eastern Transmission Corp. (Alco-Mag Field, Harris County, Tex.) (R.R. District No. 3).	2,160	9-23-66	2 11- 1-66	4- 1-67	11 16.0	3 11 16.2	RI66-114.

² The stated effective date is the effective date requested by Respondent.

³ Periodic rate increase.

⁴ Pressure base is 15.025 p.s.i.a.

⁵ Includes 1.75 cents tax reimbursement.

⁶ Pressure base is 14.65 p.s.i.a.

⁷ Subject to a downward B.t.u. adjustment.

⁸ The stated effective date is the first day after expiration of the statutory notice.

⁹ Includes 1.75 cents compression charge deducted by buyer for gas produced from the Curtis Ross No. 1 Well only.

¹⁰ Respondent is filing from initial certificated rate to first contractual periodic increase. (Initial contract rate of 17.0 cents has not been filed for.)

¹¹ Includes 0.5 cent per Mcf for facilities amortization deducted by buyer.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its rate filing that the suspension period be shortened to 1 day. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension period with respect to its rate filing and such request is denied.

Round & Stewart Natural Gasoline Co., Inc. (Operator) (Round & Stewart) requests a retroactive effective date of June 30, 1966, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Round & Stewart's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 66-11616; Filed, Oct. 26, 1966; 8:45 a.m.]

[Docket No. CP67-99]

CITIES SERVICE GAS CO.

Notice of Application

October 20, 1966.

Take notice that on October 17, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-99 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of certain natural gas transportation and sales facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to augment its ability to act with reasonable dispatch during the calendar year 1967 in establishing new delivery points for the sale of presently authorized volumes of natural gas to existing distributors in existing market areas at filed rates for resale by them pursuant to proper local and State authorizations, for direct sales of natural gas to consumers, and to make necessary miscellaneous rearrangements on its system.

Applicant states that the maximum delivery to any one customer will not exceed 100,000 Mcf of natural gas annually, and

that the gas will not be used for boiler fuel purposes, as defined by § 157.7(c) (9) of the regulations under the Act.

The total estimated cost of the proposed facilities will not exceed \$300,000, which cost will be paid out of treasury cash. No one project will cost over \$5,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 18, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11682; Filed, Oct. 26, 1966; 8:45 a.m.]

[Docket No. CP67-97]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Application

OCTOBER 20, 1966.

Take notice that on October 14, 1966, Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, Tex. 77001, United Fuel Gas Co. (United Fuel), Post Office Box 1273, Charleston, W. Va., 25325, and Kentucky Gas Transmission Corp. (Kentucky Gas),

Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP67-97 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, the Applicants request the following:

(1) Authorization for Columbia Gulf to construct and operate a main line tap on each of its two transmission lines and a measuring and regulating station, together with all appurtenant facilities, at a point on its main line transmission system near Kingston, Madison County, Ky., and to deliver volumes of gas through said facilities directly to Kentucky Gas for the account of United Fuel;

(2) Authorization for United Fuel to establish a new point of delivery to Kentucky Gas;

(3) Authorization for Kentucky Gas to deliver to Delta Natural Gas Co., Inc. (Delta) volumes of natural gas at such new delivery point near Kingston, Madison County, Ky., for resale by Delta in the unincorporated communities of Kingston and Terrill, Ky., and environs.

Columbia Gulf estimates that the cost of constructing the proposed facilities will be \$36,700, which cost will be paid from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 17, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a

grant of the certificate required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11683; Filed, Oct. 26, 1966;
8:45 a.m.]

[Docket No. E-7315]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 20, 1966.

Take notice that on October 14, 1966, Gulf States Utilities Co. (Applicant) filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act authorizing the Applicant to issue unsecured promissory notes to commercial banks and unsecured promissory notes in the form of commercial paper to commercial paper dealers up to an aggregate principal amount of \$31 million.

Applicant is incorporated under the laws of the State of Texas with its principal business office at Beaumont, Tex., and is qualified to carry on its business in the States of Texas and Louisiana and is engaged principally in the business of generating, transmitting, distributing, and selling electric energy in Southeastern Texas and in south-central Louisiana.

Applicant expects to execute prior to December 31, 1966 loan agreements with Irving Trust Co. and the Chase Manhattan Bank to cover a portion of the 1967 interim financing requirements. Copies of these loan agreements will be filed as exhibits to this application. The interest rate on all borrowings under these loan agreements will be at the prime rate of the lender in effect at the time of each borrowing. The applicant also plans to issue unsecured promissory notes in the form of commercial paper at a discount to well-established investment banking firms that are engaged in the business of buying and selling commercial paper. The investment banking firms will, in turn, offer the commercial paper for sale to the investing public at a price that will provide the buyer with a lower interest yield than the interest cost to the Company. The interest cost or discount rate of issuing the commercial paper will be determined at the time it is issued. All commercial paper will have a maturity of not more than 9 months from the date of its issuance and the aggregate amount to be outstanding at any one time will not exceed the sum of (1) the dollar amount of the Company's receivables arising out of the sale of electricity, gas and merchandise, and (2) the dollar amount of the Company's fuel supply. As of August 31, 1966, the

sum of these items for the Company totaled \$14,418,438.

According to the application the proceeds from the borrowings under the loan agreements and from the issuance of commercial paper will be used to provide working capital and funds for corporate transactions.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11684; Filed, Oct. 26, 1966;
8:45 a.m.]

[Docket No. CI67-287]

SUPERIOR OIL CO.

Notice Postponing Hearing and Extending Time

OCTOBER 13, 1966.

Upon consideration of the motion filed by Staff Counsel, on October 10, 1966, in the above-designated proceeding, requesting postponement of the hearing set for November 15, 1966, by paragraph (A) of the order issued September 14, 1966, and further requesting deferral of the date within which Superior Oil Co. shall file and serve its case in chief as required by paragraph (D) of said order;

Notice is hereby given that commencement of the aforementioned hearing is postponed to January 10, 1967, and the date within which Superior shall file and serve its case in chief is extended to and including December 10, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11685; Filed, Oct. 26, 1966;
8:45 a.m.]

[Docket No. CP67-107]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 21, 1966.

Take notice that on October 20, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-107 an application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon and remove approximately 1,635 feet of its Ralston, Nebr., branchline and to install as a replacement approximately 2,260 feet of 4-inch line. Such action

has been made necessary by the development of a residential subdivision over the present location of the pipeline by the Ponderosa Development Co. (Ponderosa).

The total estimated cost of the relocation is \$11,017, which cost to Applicant will be reimbursed by Ponderosa.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11707; Filed, Oct. 26, 1966;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2023]

HERCULES INTERNATIONAL FINANCE CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

OCTOBER 21, 1966.

Notice is hereby given that Hercules International Finance Corp. ("applicant"), Wilmington, Del., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by Hercules Inc. ("Hercules") under the laws of the State of Delaware on October 14,

1966. The authorized capital stock of applicant consists of 1,000 shares of common stock without par value. All of such stock is to be purchased by Hercules for \$6 million in cash. Any additional securities which applicant may issue, other than debt securities, will be issued only to Hercules or to a wholly owned subsidiary of Hercules. Hercules will not dispose of any of applicant's securities which it has acquired, except to applicant or to another wholly owned subsidiary of Hercules.

Hercules is primarily engaged, directly and indirectly through 18 majority-owned subsidiaries, both domestic and foreign, in the manufacture and sale of chemicals, products made from chemicals, explosives, blasting supplies, protein products, polyolefin films and fibers, and molding powders and plasticizers.

The applicant has been organized in order to raise funds abroad for financing Hercules' expanding foreign operations while at the same time, providing assistance in improving the balance of payments position of the United States in compliance with the voluntary co-operation program instituted by the President in February 1965.

Applicant intends to issue and sell \$25 million of its Guaranteed Notes due December 1, 1971 ("Notes"). Hercules will guarantee the principal, interest payments and premium, if any, on the Notes. Any additional debt securities of the applicant which may be issued to or held by the public will be guaranteed by Hercules in a manner substantially similar to the guarantee of the Notes.

Applicant intends to invest its assets in stock or debt obligations of foreign corporations a majority of whose voting securities are owned directly or indirectly by Hercules and which are primarily engaged in the businesses described above in which Hercules and its subsidiaries now engage or in the business of selling products made by Hercules in the United States or by one of Hercules' subsidiaries and bearing Hercules' trademarks or brands. Prior to making investments in Hercules' majority-owned subsidiaries and in connection with changes in long-term investments, applicant will make interim investments in obligations of foreign governments or financial institutions, including interest bearing deposits in foreign banks. The applicant will not acquire the securities representing interim investments and loans for purpose of sale or distribution and will not trade in such securities.

The Notes are to be sold through a group of Underwriters for offering outside the United States. The Notes are to be offered and sold under conditions which are intended to assure that the Notes will not be offered or sold in the United States, its territories or possessions or to nationals or citizens or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Notes will not be purchased by nationals or residents of the United States, its territories or possessions.

Any additional debt securities of applicant which may be sold to the public in the future will be sold under the substantially similar conditions.

Counsel has advised the applicant that U.S. persons (as defined in the Interest Equalization Tax Act) will be required to report and pay the interest equalization tax with respect to acquisition of the Notes, except where a specific statutory exemption is available. The applicant will apply to the Internal Revenue Service for a ruling to this effect prior to the sale of the Notes. Thus, by financing its foreign operations through the applicant rather than through the sale of its own debt obligations, Hercules will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of the applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Hercules may obtain funds in foreign countries for its foreign operations; (2) the applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to the applicant and the security holders of the applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by Hercules, does not depend on the operations or investment policy of the applicant, for the Noteholders may ultimately look to the business enterprise of Hercules rather than solely to that of the applicant; (4) none of the securities other than debt securities of the applicant will be held by any person other than Hercules or a wholly owned subsidiary of Hercules; (5) the Notes will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. national, citizen, or resident in connection with such offering; and (6) the burden of the Interest Equalization Tax will tend to discourage purchase of the Notes by any U.S. person.

Notice is hereby given that any interested person may, not later than November 1, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by

mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11696; Filed, Oct. 26, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 982]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

OCTOBER 21, 1966.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served con-

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

currently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 273), filed September 30, 1966. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), between junction U.S. Highways 40 and 42 and Cambridge, Ohio; from junction U.S. Highways 40 and 42, at or near Lafayette, Ohio, over U.S. Highway 40 (Interstate Highway 70), to Cambridge, Ohio, and return over the same route, serving no intermediate points, but serving junction U.S. Highways 40 and 42 for purposes of joinder only, and as an alternate route for operating convenience only. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Akron or Cleveland, Ohio.

No. MC 1753 (Sub-No. 3), filed October 6, 1966. Applicant: RENZ TRUCK LINES, INC., 231 Walnut Street, Pacific, Mo. 63069. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those

of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the new generating plant of Union Electric Co. northeast of Labadie, in Franklin County, Mo., and all facilities, including substations, of Union Electric Co. located within 5 miles of the site of said new generating plant, as off-route points in connection with applicant's regular-route operations between Union, Mo., and National Stockyards, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 2900 (Sub-No. 148) (Correction), filed September 22, 1966, published in *FEDERAL REGISTER*, issue of October 13, 1966, and republished as corrected this issue. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Atlanta, Ga., and New Orleans, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80 at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31 near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90 at or near Mobile, Ala., and thence over U.S. Highway 90 to New Orleans, and (b) from Atlanta over Interstate Highway 85 to junction Interstate Highway 65 at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10 at or near Mobile, Ala., thence over Interstate Highway 10 to New Orleans, and return over the same routes, as alternate routes for operating convenience only in (1) (a) and (b) above, serving no intermediate points; and (2) between Atlanta, Ga., and Baton Rouge, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80, at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31, near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90, at or near Mobile, Ala., thence over U.S. Highway 90 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, and (b) from Atlanta, over Interstate Highway 85 to junction Interstate Highway 65, at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10, at or near Mobile, Ala., thence over Interstate Highway 10 to junction Interstate Highway 12, thence over Interstate Highway 12 to Baton Rouge; and return over the same routes, as alternate routes for operating convenience only in (2) (a) and (b) above, serving no intermediate points. **NOTE:** Applicant requests the right to ingress and egress to, from, and between, points on route number (1) (a) on the one hand,

and, on the other, route number (1) (b); and points on route number (2) (a) on the one hand, and, on the other, route number (2) (b); over all roads and highways connecting said routes. The purpose of this republication is to show correct docket No. MC 2900 (Sub-No. 148), filed September 22, 1966, in lieu of MC 2900 (Sub-No. 149) as shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 150), filed October 3, 1966. Applicant: RYDER TRUCK LINES, INC., Post Office Box 8418, Greensboro, N.C. 27410. Applicant's representative: Reagan Sayers and Clayte Binion, Post Office Drawer 17007, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from Luling, La., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it would tack the proposed authority at origin and destinations with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 10761 (Sub-No. 202), filed October 6, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, from Alton and Madison, Ill., to points in Michigan, Wisconsin, Ohio, and Indiana. **NOTE:** Applicant states joinder is intended at points within the St. Louis-East St. Louis commercial zone to points presently authorized under MC 10761 and subs thereto (not specified). If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 13087 (Sub-No. 29), filed October 10, 1966. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street, SW., Mason City, Iowa 50401. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter*, from St. Louis, Mo., to Britt, Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 25869 (Sub-No. 73), filed October 11, 1966. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 "O" Street, Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and supplies used by iron and steel manufacturers (other than oil field and pipeline commodities as defined by the Commission in T. E. Mercer and G. E. Mercer, Extension—Oil Field Commodities, 74 M.C.C. 459), between Chicago, Chicago*

Heights, Waukegan, and Joliet, Ill., on the one hand, and, on the other, points in Iowa, Nebraska, Missouri, Kansas, South Dakota, and Colorado. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 35628 (Sub-No. 272), filed October 12, 1966. Applicant: INTER-STATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of Essex Wire Corp. located at Purcell, Knox County, Ind. (approximately 5 miles south of Vincennes) as an off-route point in connection with applicant's regular route operations between Chicago, Ill., and Evansville, Ind., over U.S. Highway 41. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 52751 (Sub-No. 66), filed October 10, 1966. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Sterling and Rock Falls, Ill., to points in Kansas and Missouri; and (2) *refractory materials*, from Mexico, Mo., to Sterling and Rock Falls, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 52751 (Sub-No. 67), filed October 12, 1966. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50305. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of the Muscatine city limits), to points in Illinois, Indiana, Kansas, Michigan Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 58813 (Sub-No. 83), filed October 7, 1966. Applicant: SELMAN'S EX-PRESS, INC., 460 West 35th Street, New York, N.Y. 10001. Applicant's representative: Solomon Granett, 1350 Avenue of the Americas, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the manufacture of wearing apparel*, between Greenville, S.C., on the one hand, and, on the other,

West Palm Beach, Jacksonville, Miami, and Hialeah, Fla. **NOTE:** Applicant states it has pending in MC 58813 (Subs 63 and 64), two applications seeking authority which includes the transportation of the same commodities, respectively, (1) between the New York, N.Y., commercial zone and points in South Carolina; and (2) between the New York, N.Y., commercial zone and points in Florida, and if the instant application and its Sub 63 (but not its Sub 64) is granted, then applicant intends to tack at Greenville with its Sub 63. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59583 (Sub-No. 109), filed October 6, 1966. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of the Tennessee Valley Authority located on the north bank of the Tennessee River at Brown's Ferry near Athens, Ala., as an off-route point in connection with applicant's presently held authorized authority between Nashville, Tenn., and Birmingham, Ala. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 61403 (Sub-No. 162), filed October 5, 1966. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diketene*, in bulk, in tank vehicles, from Meadville, Pa., to Baltimore, Md., and Denver, Colo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61440 (Sub-No. 106), filed October 6, 1966. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission on the one hand, and on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska,

North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 85), filed October 13, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Philips (same address as applicant) and Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (other than in bulk, in tank trailers), in trailers equipped with mechanical refrigeration units, from the plantsites of warehouses of The Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Alabama, Georgia, Illinois, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Minneapolis, Minn.

No. MC 66512 (Sub-No. 5), filed October 7, 1966. Applicant: P & G MOTOR FREIGHT, INC., 450 Burnham Street, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated materials*, from the plantsite of Pervel Industries, Inc. at Plainfield, Conn., to points in the New York-New York commercial zone and Bayway, East Newark, Kearney, Passaic, Harrison, Nutley, and Newark, N.J., and *materials, supplies, and equipment used in the manufacture of plastic coated materials*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 75330 (Sub-No. 13) (Amendment), filed September 24, 1965, published FEDERAL REGISTER issue of October 14, 1965, amended October 7, 1966, and republished, as amended, this issue. Applicant: MORRIS DRAYING COMPANY, a corporation, 190 98th Avenue, Oakland, Calif. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, assembled or partially assembled, from Newark, Calif., to points in California, Oregon, Washington, Nevada, Arizona, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, and Texas. **NOTE:** The purpose of this republication is to clarify the proposed operation. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 76032 (Sub-No. 211), filed October 13, 1966. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, and Chicago, Ill., and points in their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95876 (Sub-No. 63), filed October 12, 1966. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, lumber, and millwork*, from Iron Mountain and Wakefield, Mich., and Birchwood, Dorchester, Laona, and Weyerhaeuser, Wis., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103654 (Sub-No. 121) filed October 6, 1966. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicle, from the site of the Williams Bros. Pipeline Co. terminal at or near Rochester, Minn., to points in Iowa and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105159 (Sub-No. 20), filed October 11, 1966. Applicant: LAWRENCE TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. Applicant's representative: Donald B. Taylor, Post Office Box 5068, 3464 Minnehaha Avenue South, Minneapolis, Minn. 55406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk or bags from Red Wing, Minn., to points in Iowa, Michigan (Upper Peninsula), Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105159 (Sub-No. 21), filed October 11, 1966. Applicant: LAWRENCE TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. Applicant's representative: Donald B. Taylor, Post Office Box 5068, 3464 Minnehaha

Avenue South, Minneapolis, Minn. 55406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antispalling compounds (vegetable oils and petroleum naphtha or mineral spirits combined)*, and (2) *vegetable oils*, in bulk, in tank vehicles, between Red Wing, Minn., and points in Minnesota. NOTE: Applicant states the proposed authority herein can or will be joined at Red Wing, Minn., with its presently authorized authority in its Sub 17 wherein it conducts operations from Red Wing to points in Illinois, Indiana, Kentucky, Iowa, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, Wisconsin, and points in Pennsylvania, on and west of U.S. Highway 219. If a hearing is deemed necessary, applicant requests it to be held at Minneapolis, Minn.

No. MC 106086 (Sub-No. 15), filed October 3, 1966. Applicant: WINANS BROS. TRUCKING CO., a corporation, Post Office Box 910, Redding, Calif. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Humboldt, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif., to Port of Sacramento, Sacramento, Calif., and Port of Stockton, Stockton, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Sacramento, Calif.

No. MC 106373 (Sub-No. 33), filed October 6, 1966. Applicant: THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio 44105. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 74), filed October 5, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (same address as applicant). Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: (1) *Asphalt or composition lumber* (boards or sheets made from wood chips, ground wood, or sawdust), from the plant and warehouse sites of Dierks Forest, Inc., at or near Craig (McCurtain County) and Broken Bow (McCurtain County), Okla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, (2) *gypsum wallboard, gypsum lath, and gypsum wallboard products*, from the plantsite of Dierks Forest, Inc., Briar (Howard County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, (3) *lumber and lumber products*, from Dierks (Howard County) and Mountain Pike (Garland County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, (4) *lumber and lumber products*, from Wright City (McCurtain County), Okla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, and (5) *posts, poles, and piling and lumber*, treated and untreated, from the plantsite of Dierks Forest, Inc. at Process City (Sevier County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Birmingham, Ala.

No. MC 106943 (Sub-No. 88), filed October 12, 1966. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of the Essex Wire Corp. located at or near Purcell, Knox County, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Vincennes, Ind. NOTE: Applicant states the authority proposed herein can or will be joined with

its presently authorized authority in MC 106943 and subs (not specified). If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Louisville, Ky.

No. MC 107757 (Sub-No. 27) (Amendment), filed August 23, 1966, published in FEDERAL REGISTER issue of September 14, 1966, amended and republished this issue. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and equipment, materials, and supplies used in the manufacture and processing of iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Alton, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Wisconsin.* NOTE: The purpose of this amendment is to broaden the base area to include all points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone in lieu of the specified points of Madison and Granite City, Ill., within said zone and to add Illinois to the radial area. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 211), filed October 5, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs, in vehicles equipped with mechanical refrigeration (except in bulk in tank vehicles), from the plantsite and warehouse facilities of The Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Arkansas, Illinois, Iowa, Minnesota, Missouri, Nebraska, Wisconsin, and Memphis, Tenn.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Minneapolis, Minn.

No. MC 108393 (Sub-No. 5), filed October 10, 1966. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, articles, and commodities as are dealt in by mail-order houses and retail stores, and in connection therewith, such equipment, material, and supplies used in the conduct of such business, including returned shipments, (1) between Jamestown, N.Y., on the one hand, and, on the other, points in Erie, Warren, McKean, and Crawford Counties, Pa.; (2) between Albany, Colonie, Schenectady, and Amsterdam, N.Y., on the one hand, and, on the other, points in Berkshire County, Mass., and Bennington County, Vt.; and, (3) between Berkshire County, Mass., on the one hand, and, on the other, points in Bennington County, Vt., under*

a continuing contract with Sears, Roebuck & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 108884 (Sub-No. 13), filed October 12, 1966. Applicant: ROGERS AND KASPER, INC., Great Meadows, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, and (2) commodities, the transportation of which is partially exempt under the provisions of section 203 (b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods, from Gloucester and Boston, Mass., to New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, Rockland, and Broome Counties, N.Y., points in Bergen, Essex, Hudson, Union, Morris, Warren, Passaic, Middlesex, Somerset, Monmouth, Ocean, Mercer, and Atlantic Counties, N.J., and points in Pennsylvania on and east of U.S. Highway 15 extending from the Pennsylvania-Maryland State line to the Pennsylvania-New York State line, and returned, rejected, and damaged shipments, of (1) and (2) above on return.* NOTE: Applicant states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Boston, Mass.

No. MC 110420 (Sub-No. 535), filed October 10, 1966. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and blends thereof and shortening, in bulk in tank vehicles, from Rochester, N.Y., to points in Wisconsin.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 110525 (Sub-No. 803), filed October 10, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients, and fertilizer materials, dry, in bulk, from Cincinnati, Ohio, to points in Michigan.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111069 (Sub-No. 37), filed October 5, 1966. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. Applicant's representative: Rudy Yessin, Post Office Box 457, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee whitener (coffee pak), vegetable oil base, in 1/2-oz. containers, from*

Louisville, Ky., to points in Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Tennessee, and West Virginia under contract with Food Specialties of Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, or Frankfort, Ky.

No. MC 111729 (Sub-No. 172), filed October 10, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ophthalmic goods and commercial papers (excluding plant removals), between Cleveland, Ohio, on the one hand, and, on the other, points in Delaware, Montgomery and Philadelphia Counties, Pa., (2) business papers records and audit, and accounting media of all kinds (excluding plant removals), between Dayton, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky (except Louisville), Michigan (except Wayne, Oakland and Macomb Counties), and Pennsylvania, and (3) exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Des Plaines, Ill., and Menomonee Falls, Wis.* NOTE: Applicant holds contract carrier authority in MC 112750 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Cincinnati, Ohio.

No. MC 111844 (Sub-No. 5), filed October 4, 1966. Applicant: DEAN BRENNAN, doing business as BRENNAN TRANSPORT, Route 4, Manitowoc, Wis. 54220. Applicant's representative: E. J. Gerrity, Post Office Box 914, Appleton, Wis. 54911. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, in bulk in tank trucks, from Manitowoc, Wis., to Baltimore, Md., and Omaha, Nebr., under contract with A. M. Richter & Sons Co., Manitowoc, Wis.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Milwaukee or Madison, Wis.

No. MC 113410 (Sub-No. 62), filed October 11, 1966. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within 10 miles thereof, to points in Wisconsin.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113678 (Sub-No. 266), filed October 7, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, (1) from Greeley, Colo., to points in Illinois, Indiana, Michigan, Ohio (except Cincinnati), New York (except New York City), Pennsylvania, Maryland (except Baltimore), New Jersey, Massachusetts (except Boston), and Connecticut (except New Haven); and, (2) from Denver, Colo., to points in Illinois, Indiana, Michigan, Ohio, New York (except New York City), Pennsylvania, Maryland (except Baltimore), New Jersey, Massachusetts (except Boston), Connecticut, and Wisconsin, and Davenport, Iowa. NOTE: Applicant indicates it could or would tack with its existing authority at Denver and Greeley, Colo., to provide a service to the area sought herein. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113843 (Sub-No. 122), filed October 11, 1966. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Joseph M. Cahill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from North Aurora, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 142), filed October 10, 1966. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material, and supplies* used in the manufacture and processing of iron and steel articles, between Chicago, Ill., and points in its commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 192), filed October 7, 1966. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Box 3180, Springfield, Mo. Applicant's representative: Robert K. Allen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate* in bulk, in tank vehicles, from Chicago, Ill., to points in California, New Jersey, Tennessee, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 256), filed October 4, 1966. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Dallas, Tex., to points in Louisiana and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 257), filed October 4, 1966. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal foods*, from Los Angeles, Calif., to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Missouri, Kansas, Iowa, Nebraska, Illinois, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 114789 (Sub-No. 16), filed October 7, 1966. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings, stair treads, floor covering base, flooring cement, floorstone, tile, matting, counter tops, and moulding*, and (2) *tools, materials, and supplies* used in installation, maintenance, and repair of the commodities in (1) above, from points in Maine, Massachusetts, Connecticut, New York, New Jersey, Ohio, and Chicago, Ill., and points in its commercial zone, to points in Iowa, North Dakota, South Dakota, Wisconsin, and Minnesota, under a continuing contract with General Floor Coverings Co., Minneapolis, Minn. NOTE: Applicant has pending common carrier application in MC 117940 Sub 3, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115331 (Sub-No. 210), filed October 12, 1966. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of Muscatine city limits) to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115771 (Sub-No. 9), filed October 10, 1966. Applicant: PENBROOK HAULING COMPANY, INC., Post Office Box 1551, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, and trailer chassis, and semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, (2) *bodies and containers* (except containers having a capacity of 5 gallons or less or 9 cubic feet or less), (3) *materials, supplies, and parts used in the manufacture, assembly or servicing of the commodities described in (1) and (2) above* when moving in mixed loads with such commodities, and (4) *tractors*, in secondary driveaway, only when drawing trailers, semitrailers or semitrailer chassis, moving in initial driveaway service, from points in Lower Swatara Township, Dauphin County, Pa., to points in the United States (except Alaska and Hawaii), and (5) *refused, rejected and damaged shipments* of the commodities described hereinabove, on return, in connection with (1), (2), (3), and (4) above. Restriction: All of the proposed authority in (2) and (3) above will be restricted against the transportation of commodities which because of size or weight require the use of special equipment. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 159), filed October 11, 1966. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in California, Arizona, North Carolina, South Carolina, and Georgia, restricted to traffic originating at the plantsite and storage facilities of American Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 299), filed October 10, 1966. Applicant: COLONIAL REFRIGERATED TRANSPORTATION,

INC., Post Office Box 2169, 1212 Bankhead Highway West, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) between Cleveland, Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, Rhode Island, Massachusetts, and Connecticut, and (2) from Cleveland, Ohio, to points in Iowa, Nebraska, Illinois, Indiana, Missouri, Kansas, Wisconsin, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 115841 (Sub-No. 300), filed October 10, 1966. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 Bankhead Highway West, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pineapples and coconuts, when moving in mixed loads with bananas* (currently authorized), (1) from Gulfport, Miss., to Lake Charles, La., Houston, Tex., and, points in Alabama (except Montgomery), Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Tennessee, and Texas, and, (2) from Mobile, Ala., to points in Alabama, Tennessee, Arkansas, Kentucky, Ohio, Pennsylvania, New York, Michigan, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Mobile, Ala.

No. MC 115931 (Sub-No. 15) (Correction), filed September 19, 1966, published in FEDERAL REGISTER issue of October 6, 1966, corrected and republished this issue. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue, Post Office Box 1961, North Billings, Mont. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel buildings and components or parts thereof*, from points in Fayette County, Ohio, and points in Vigo County, Ind., to points in Montana and Wyoming; and (2) *lumber* (a) from points in Lake, Lincoln, Mineral, and Sanders Counties, Mont., to points in Illinois, Indiana, Iowa, Minnesota, Ohio, South Dakota, and Wisconsin, and (b) from points in Flathead, Granite, Missoula, and Ravalli Counties, Mont., to points in Indiana and Ohio. NOTE: The purpose of this correction is to show the name of applicant's representative as John H. Lewis, erroneously shown as Oscar Scherer in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 115946 (Sub-No. 38), filed October 12, 1966. Applicant: GAY TRUCKING COMPANY, a corporation, Post Office Box 7055, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and liquid acids*, in bulk, from points in Richmond County, Ga., to points in North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 116544 (Sub-No. 82) filed October 11, 1966. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview, Post Office Box 518, Carthage, Mo. 64836. Applicant's representative: Duane W. Acklie, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant-site and storage facilities of American Beef Packers located in Pottawattamie County, Iowa, to points in Alabama, Georgia, South Carolina, North Carolina, Minnesota, and Wisconsin, restricted to traffic originating at Pottawattamie County, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117815 (Sub-No. 114), filed September 26, 1966. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50316. Applicant's representative: John P. Bourroughs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches, wooden or paper, in cartons or boxes, when in combined shipments with canned food-stuffs*, from the plantsites and storage facilities utilized by Hunt Food Industries, Inc., located at Chicago and Northlake, Ill., to points in Iowa, restricted to shipments originating at the plantsites and storage facilities utilized by Hunt Foods Industries, Inc., located at Chicago and Northlake, Ill., destined to points in Iowa. NOTE: Applicant states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119226 (Sub-No. 57) (Correction), filed August 17, 1966, published FEDERAL REGISTER issue of September 9, 1966, and republished as corrected. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground barium sulfite and ground calcium carbonate*, in bulk, from points in Washington County, Mo., Scott County, Iowa, and Cass County, Nebr., to points in Illinois, Iowa, Wisconsin, and Michigan. NOTE: Common control may be involved. The purpose of this republication is to correct the spelling of Scott County, inadvertently misspelled. If a hearing is deemed

necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123023 (Sub-No. 1), filed October 7, 1966. Applicant: DI PIETRO TRUCKING CO., a corporation, 14814 24th Avenue South, Seattle, Wash. 98168. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and shingles*, from Quinalt, Wash., to Redding, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 123061 (Sub-No. 36), filed October 10, 1966. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in California, Nevada, Utah, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Boise, Idaho, or San Francisco, Calif.

No. MC 123061 (Sub-No. 37), filed October 10, 1966. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Montana to points in Wyoming and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 123856 (Sub-No. 2) (Amendment), filed September 15, 1966, published FEDERAL REGISTER issue of October 13, 1966, and republished as amended, this issue. Applicant: WIECK'S FEED AND LIVESTOCK, INCORPORATED, Dysart, Iowa. Applicant's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ingredients* used in the manufacture of livestock feeds, (1) from Ladora, Iowa, to Salina, Kans., Kansas City, Mo., Madison, Wis., Monmouth, Danville, and Quincy, Ill., Castleton, Ind., Williston, N. Dak., Akron, Ohio, and St. Clair, Mich., and Memphis, Tenn., and (2) from Maple Park, Chicago, Springfield, and East St. Louis, Ill., Hammond, Ind., and Memphis and Covington, Tenn., to Ladora, Iowa. NOTE: The purpose of this republication is to amend the application by the addition of Quincy, Ill., and Memphis, Tenn., as destination points in (1) above and the addition of Memphis and Covington, Tenn., as origin points in (2) above. Applicant states it could or would tack insofar as it is possible to make split deliveries or pick up. Applicant further states it now has authority to serve St. Joseph, Mo., and in this application seeks authority to serve Kansas City,

Mo. If the application is granted, applicant proposes if requested on certain trips to make delivery at St. Joseph and then continue on and make delivery to Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 123949 (Sub-No. 6), filed October 10, 1966. Applicant: CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois and Ohio. NOTE: Applicant holds contract carrier authority in MC 34865 Sub 39, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124218 (Sub-No. 11), filed October 10, 1966. Applicant: UNIT TRANSPORTATION, INC., Ford Boulevard and North Fifth Street, Post Office Box 86, Hamilton, Ohio. Applicant's representative: A. J. Tener, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Folding camping trailers*, in initial movements, from New Haven, Mo., and Elm Grove and Milwaukee, Wis., to points in the United States (except Alaska and Hawaii), and (2) *returned folding camping trailers*, in secondary movements, from points in the United States (except Alaska and Hawaii), to New Haven, Mo., and Elm Grove and Milwaukee, Wis. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Milwaukee, Wis.

No. MC 124692 (Sub-No. 23), filed October 11, 1966. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel scrap*, from points in Colorado, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, and Wisconsin to points in Illinois, (2) *iron and steel, iron and steel articles, and iron and steel products*, from points in Illinois to points in Colorado, Wyoming, Montana, Utah, Idaho, Nevada, California, Oregon, and Washington, and (3) *iron and steel articles including foundry castings, patterns and fireproof building materials*, from points in Iowa to points in Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant re-

quests it be held at Chicago or Peoria, Ill., or Davenport, Iowa.

No. MC 126286 (Sub-No. 9), filed October 12, 1966. Applicant: JOHN NIX, JR., 1620 South Ferry Street, Albany, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Crook, Deschutes, and Marion Counties, Oreg., to Yaquina Bay, Coos Bay, and Portland, Oreg., and Vancouver and Longview, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126381 (Sub-No. 6), filed October 11, 1966. Applicant: FRANK RIVIELLO, 860 West Oak Street, Old Forge, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rags*, in bales from the plantsite of Scranton Wiping Cloth Co., Scranton, Pa., to Dosaga and Savannah, Ga., and Norfolk, Va., under contract with Scranton Wiping Cloth Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton or Harrisburg, Pa.

No. MC 126450 (Sub-No. 6), filed October 10, 1966. Applicant: W. C. WINTER, INC., 1073 Ridge Avenue SW., Atlanta, Ga. 30315. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crowns and bottle caps, metal, crimped, not nested*, from points in Montgomery County, Ind., to points in Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126457 (Sub-No. 2), filed October 4, 1966. Applicant: ANTHONY W. DAUTO, doing business as DAUTO'S EXPRESS, Northwest Boulevard, Vineland, N.J. 08360. Applicant's representative: L. F. Van Kleeck, 650 Main Street, Berlin, N.H. 03570. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bituminized fiber pipe and conduit*, from Lumberton, N.J., to points in Vermont, New Hampshire, and Maine, under contract with Brown Co. NOTE: Applicant states it would tack the proposed authority with its present authority at Lumberton, N.J., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 126555 (Sub-No. 5), filed October 3, 1966. Applicant: UNIVERSAL TRANSPORT, INC., Post Office Box 268, Rapid City, S. Dak. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or bulk, between points in Brown County, S. Dak., on the one

hand, and, on the other, points in North Dakota and Minnesota. NOTE: Applicant states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Aberdeen, Rapid City, or Sioux Falls, S. Dak.

No. MC 127042 (Sub-No. 17) (Amendment), filed August 11, 1966, published in FEDERAL REGISTER issue of September 1, 1966, amended and republished as amended, this issue. Applicant: HAGEN INC., 4120 Floyd Street, Sioux City, Iowa. Applicant's representative: J. Max Harding, Nelson, Harding, Acklie, Leonard & Tate, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the *Descriptions in Motor Carrier Certificates*, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Indiana, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at the plantsite and storage facilities of American Beef Packers, Inc., in Pottawattamie County, Iowa. NOTE: Applicant holds contract authority in MC 115915, therefore, dual operations may be involved. The purpose of this republication is to add the State of Wisconsin as a destination State, and to add the restriction. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 127616 (Sub-No. 4) (Amendment), filed August 8, 1966, published in FEDERAL REGISTER issue of September 14, 1966, amended October 10, 1966, and republished as amended, this issue. Applicant: HANSON M. SAVAGE, doing business as SAVAGE TRUCKING COMPANY, Box 105, Chester Depot, Vt. 05144. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Log buildings*, from Hartland, Vt., to points in Maryland, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, and Wisconsin. NOTE: The purpose of this republication is to add the destination State of Maryland. If a hearing is deemed necessary, applicant requests it be held at Brattleboro, Vt., or Concord, N.H.

No. MC 128270 (Sub-No. 3), filed October 6, 1966. Applicant: REDIEHS INTERSTATE, INC., 8055 South Howard Avenue, La Grange, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies used in the manufacture and processing of iron and steel articles*, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet,

and Waukegan, Ill., Chicago, Ill., and points in its commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128532 (Sub-No. 1), filed October 7, 1966. Applicant: ORVILLE LAMBE, doing business as, LAMBE'S TRUCKING, Box 414, Claresholm, Alberta, Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile home supplies*, from Grand Island, Nebr., to the port of entry on the international boundary line between the United States and Canada, located at or near Sweetgrass, Mont., on traffic destined to Claresholm, Alberta, Canada. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 128636, filed October 3, 1966. Applicant: MARDEL TRUCKING COMPANY, INC., Mechanics Valley Road, North East, Md. Applicant's representative: Donald M. Thomey, Post Office Box 159, Elkton, Md. 21921. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone and quarry products* to present and future road construction sites and plants which use stone aggregate, from the site of Maryland Materials, Inc., Mechanics Valley, Cecil County, Md., to points in Delaware, under contract with Maryland Materials, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Wilmington, Del.

No. MC 128638, filed October 7, 1966. Applicant: CENTRAL GRAIN HAULERS, INC., Route No. 1 Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, flour, and corn meal*, in bags or containers, from Lexington, Ky., to points in Ohio, Indiana, Illinois, Tennessee, Virginia, West Virginia, and Missouri and *materials in bags, used in the processing or manufacturing of flour and corn meal*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 128639, filed October 7, 1966. Applicant: REGINALD H. CURRIER, 103 Lancaster Road, Gorham, N.H. 03581. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips* in bulk, between points in Coos, Graton, and Carroll Counties, N.H., and points in Franklin, Lamoille, Orleans, Essex, Caledonia, and Orange Counties, Vt., and points in Oxford County, Maine. NOTE:

If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine.

No. MC 128640, filed October 5, 1966. Applicant: LEONARD BROS.—NATIONWIDE MOVING & STORAGE CO., a corporation, 111 South Rome Avenue, Post Office Box 1341, Tampa, Fla. 33601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Tampa, Fla., and points in Hillsborough, Pasco, Sarasota, Hernando, Sumter, Hardee, Citrus, Manatee, De Soto, Pinellas, and Polk Counties, Fla., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 128641, filed October 3, 1966. Applicant: RAINEY NEYRINCK AND ALBERT NEYRINCK, a partnership, doing business as NEYRINCK BROTHERS, Route 1, Riga, Mich. Applicant's representative: Aloysius B. O'Mara, 105 West Jefferson, Blissfield, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and farm chemicals* in bag and bulk, between that part of the northwest corner of Ohio, bounded on the south by U.S. Highway 40 (including Columbus, Ohio), and, on the east by Ohio Highway 13 (including Sandusky, Ohio), on the one hand, and, on the other, the southern part of the Lower Peninsula of Michigan, located south of U.S. Highway 10 (including Bay City), under contract with The Borden Chemical Co., a division of The Borden Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 128643, filed October 10, 1966. Applicant: WARREN BALL, doing business as THE ARNEL COMPANY, 1709 Kemper Avenue, Muscatine, Iowa. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of Muscatine city limits), to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128644, filed October 10, 1966. Applicant: E. B. KETCHUM, RICHARD E. KETCHUM AND ROBERT D. KETCHUM, a partnership, doing business as CANON VEGETABLE GROWERS, Brewster Street, Florence, Colo. 81226. Applicant's representative: D. S. Hults, Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bulk and bags, between Chetopa, Kans., and

points in Colorado, under contract with Jayhawk Charcoal Co. of Chetopa, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans.

No. MC 128650, filed October 12, 1966. Applicant: JOHN B. JOY, INC., R.F.D. No. 1, Taneytown, Md. 21787. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box No. 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and other clay products*, from Rocky Ridge, Md., to points in Maryland, Delaware, West Virginia, Pennsylvania, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

MOTOR CARRIERS OF PASSENGERS

No. MC 58692 (Sub-No. 11), filed October 12, 1966. Applicant: AUSTIN ROBBINS, doing business as CHENANGO VALLEY TRANSIT, 123 Eldredge Street, Binghamton, N.Y. Applicant's representative: Harry H. Frank, 12th Floor, Commerce Building, Post Office Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, from points in Chenango County, N.Y., to points in the United States, including ports of entry on the international boundary line between the United States and Canada, but excluding Hawaii and Alaska. NOTE: Common control may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 109014 (Sub-No. 5) (Correction), filed October 10, 1966, published FEDERAL REGISTER issue of October 20, 1966, and republished, as corrected, this issue. Applicant: GREAT SOUTHERN COACHES, INC., 900 Burke Avenue, Jonesboro, Ark. 72401. Applicant's representative: John T. Williams, 1100 Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (A) Over regular routes: (1) Between Little Rock and Newport, Ark., over U.S. Highway 67, serving all intermediate points, (2) between junction U.S. Highways 67 and 64C west of Beebe, Ark., and junction U.S. Highway 67 and Arkansas Highway 31 north of Beebe; from junction U.S. Highways 67 and 64C over U.S. Highway 64C to Beebe, and thence over Arkansas Highway 31 to junction U.S. Highway 67 and return over the same route, serving the intermediate point of Beebe, (3) between junction U.S. Highway 67 and Arkansas Highway 16 south of Searcy, Ark., and junction U.S. Highway 67 and Arkansas Highway 36 east of Searcy; from junction U.S. Highway 67 and Arkansas Highway 16 over Arkansas Highway 16 to Searcy, and thence over U.S. Highway 36 to junction U.S. High-

way 67 east of Searcy, and return over the same route, serving the intermediate point of Searcy, and (4) between junction U.S. Highways 67 and 67C southwest of Judsonia, Ark., and junction U.S. Highway 67 and unnumbered Arkansas Highway north of Judsonia; from junction U.S. Highways 67 and 67C over U.S. Highway 67C to Judsonia, and thence over unnumbered highway to junction U.S. Highway 67, and return over the same route, serving the intermediate point of Judsonia, Ark., and (B) Over irregular routes: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, in charter operations, between Little Rock and Newport, Ark. NOTE: The purpose of this republication is to show the proposed operation under the passenger section of the FEDERAL REGISTER in lieu of the property section as previously published in Notice No. 979. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 128651, filed October 10, 1966. Applicant: CONTINENTAL A I R TRANSPORT CO., INC., 300 North Des Plaines Street, Chicago, Ill. 60606. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Milwaukee, Wis., and Chicago O'Hare International Airport, Chicago, Ill., from Milwaukee over Interstate Highway 94 to junction Interstate Highway 294 (also from Milwaukee over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Highway 294), thence over Interstate Highway 294 to junction Kennedy Expressway, thence over Kennedy Expressway to entrance and exit of Chicago O'Hare International Airport, and return over the same routes, serving as intermediate points junction Interstate Highway 94, U.S. Highway 41 and Wisconsin Highway 20, approximately 6 miles west of Racine, Wis., and junction Interstate Highway 94, U.S. Highway 41 and Wisconsin Highway 43, approximately 4 miles west of Kenosha, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 68183 (Sub-No. 25), filed October 12, 1966. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio 44306. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Easton, Pa.,

and Newark, N.J., from Easton over U.S. Highway 22 to Newark, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's regular route operations between the same points, serving no intermediate points.

No. MC 124078 (Sub-No. 250), filed October 10, 1966. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cement, from Des Moines, Iowa, to points in Nebraska and South Dakota. NOTE: Applicant states it could tack at Des Moines, Iowa, to serve points in South Dakota and Nebraska from Davenport, Iowa, and Dixon, Ill.

No. MC 128648 (Sub-No. 1), filed October 12, 1966. Applicant: TRANS UNITED, INC., 2531 Nebraska Street, South Gate, Calif. 90280. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and loader attachments, and parts and articles, equipment, materials and supplies* used in the manufacture, processing and distribution of tractor and loader attachments and parts, between points in the United States (except Alaska and Hawaii), under a continuing contract with Westrac.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11638; Filed, Oct. 26, 1966;
8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 24, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40759—*Lime from Detroit, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2866), for interested rail carriers. Rates on lime, common, hydrated, quick, or slaked, in carloads, from Detroit, Mich., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 16 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-362.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11727; Filed, Oct. 26, 1966;
8:49 a.m.]

[Notice 275]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 24, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 32948 (Sub-No. 14 TA), filed October 20, 1966. Applicant: P. A. K. TRANSPORT, INC., 96 Laurel Street, Post Office Box 187, Newport, N.H. 03773. Applicant's representative: Robert A. Pierce (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk, salvage, scrap, waste, and reprocessed materials*, in dump and especially designed scrap trailers, between points in New Hampshire and Vermont, on the one hand, and, on the other, Norwich, New Haven, and Hartford, Conn., and Providence, R.I., for 180 days. Supporting shipper: Barney Bass & Co., Inc., 40 Prospect Street, Claremont, N.H. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 50307 (Sub-No. 32 TA), filed October 20, 1966. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. Applicant's representative: Zelby & Burnstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture thereof, between points in the New York City commercial zone, N.Y., on the one hand, and, on the other, Edinburgh and Stanley, Va., Terra Alta, and Keyser, W. Va., for 150 days. Supporting shippers: Crestwood, Inc., Edinburg Manufacturing Corp., Keyser Garment Co., and Stanley Page Industries, Inc. Send protests to: Paul W. Assenza, District Supervisor, Interstate

Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 11207 (Sub-No. 253 TA), filed October 20, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall, and insulating, and parts, material, and accessories* incidental to the transportation and installation thereof, from the plant of National Gypsum Co., Mobile, Ala., to points in the counties of Searcy, Stone, Izard, Sharp, Lawrence, Greene, Craighead, Poinsett, Jackson, Independence, Cleburne, Van Buren, Faulkner, White, Woodruff, Cross, Crittenden, St. Francis, Lee, Monroe, Prairie, Lonoke, Pulaski, Saline, Garland, Hot Spring, Grant, Jefferson, Arkansas, Phillips, Oesha, Lincoln, Cleveland, Bradley, Drew, Ashley, Perry, Mississippi, and Chicot, Arkansas. Lake, Obion, Weakley, Henry, Benton, Carroll, Gibson, Dyer, Crockett, Lauderdale, Haywood, Madison, Henderson, Decatur, Hardin, Chester, McNairy, Hardeman, Fayette, Shelby, and Tipton, Tennessee; and De Soto, Marshall, Benton, Tippah, Alcorn, Prentiss, Tishomingo, Lafayette, Tate, Panola, Tunica, Coahoma, Quitman, Union, Pontotoc, Lee, Itawamba, Monroe, Chickasaw, Calhoun, Yalobusha, Tallahatchie, Grenada, Webster, Clay, Lowndes, Oktib-

beha, Noxubee, Winston, Attala, Carroll, Holmes, Humphreys, Sunflower, Sharkey, Washington, Bolivar, Choctaw, Montgomery, Leflore, and Issaquena, Mississippi, for 180 days. Supporting shipper: National Gypsum Co., Gold Bond Building, Buffalo, N.Y. 14202. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 124692 (Sub-No. 24 TA), filed October 20, 1966. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Van Osdel, Foss, Johnson and Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and materials and supplies* used in the installation thereof, from Sigurd, Utah, to points in Montana, for 180 days. Supporting shipper: Georgia-Pacific Corp., No. 2 Industrial Boulevard, Paoli, Pa. 19301. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 125806 (Sub-No. 1 TA), filed October 20, 1966. Applicant: WILLIAM E. SELISKI, 665 Woodworth Avenue, Missoula, Mont. 59801. Applicant's representative: Worden, Worden, Thane, and Robb, Savings Center Building, Mis-

soula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Butter*, from Minneapolis, Minn., to Missoula, Mont., over U.S. Highways 10 and 90, for 150 days. Supporting shipper: Community Creamery, Agent for Beatrice Foods Co., Post Office Box 1305, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128655 TA, filed October 20, 1966. Applicant: MELVIN C. ISBELL, 615 Franklin Street, Campbell, Mo. Applicant's representative: John W. Noble, Bradley Building, Kennett, Mo. 63857. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry feed*, from Clinton, Iowa, to Bloomfield, Mo., for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604, Attention: William H. Williams, Manager, Motor Carrier Division. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11728; Filed, Oct. 26, 1966; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR**PROCLAMATIONS:**

3749	12935
3750	12995
3751	13197
3752	13635

EXECUTIVE ORDERS:

Sept. 24, 1847 (revoked by PLO 4100)	12950
April 17, 1926 (revoked in part by PLO 4098)	12950
10126 (superseded by 14 CFR 73.87)	13422
10154 (superseded by EO 11313)	13417
10558 (superseded by EO 11313)	13417
10686 (superseded by EO 11313)	13417
11122 (superseded by EO 11307)	12917
11215 (amended by EO 11309)	13075
11307	12917
11308	12919
11309	13075
11310	13199
11311	13413
11312	13415
11313	13417
11314	13419

4 CFR

Ch. II	13381
--------	-------

5 CFR

213	12833, 12937, 13113, 13465, 13521, 13695
351	13521
534	13521
1700	13113
2200	13787

6 CFR

530	13747
-----	-------

7 CFR

51	13637
81	13203, 13527
110	13203
112	13203
113	13203
207	13747
210	13035
301	13747
319	12834
354	13203
401	13581, 13583-13588
402	13588
403	13588
406	13588
407	13588
408	13589
409	13589
701	13035
719	13204
722	13035, 13036, 13132, 13168, 13205, 13303, 13465, 13529, 13530, 13589.
728	13036
729	12921, 12940
751	13531

7 CFR—Continued

775	13791
777	13502
811	13133, 13313
813	13589
849	13695
873	13748
874	12940
905	12835, 13385
906	13750
908	12836, 13077, 13385, 13639
909	13134
910	12837, 13077, 13386, 13640
915	13135, 13386
932	13171
947	13171
948	13791
958	12940
982	13591
984	13421, 13640
989	13696
993	13037, 13751
1004	13751
1038	13037
1126	13641
1421	13078, 13641
1427	13641, 13696
1443	12837
1446	13207
1475	13532
1490	12997

PROPOSED RULES:

52	13551
725	13242
730	12952
905	13800
909	13174
912	13758
929	13136
947	13758
948	12953
971	13551
972	13394
982	12954, 13346
984	13005
989	13244, 13552
991	13394
993	13136
994	13090
1005	12845, 13090, 13726
1006	13272
1012	13605
1013	13655
1038	12954
1041	13136
1067	13395
1069	13091
1102	13395
1103	13476
1106	13607
1126	13005, 13607
1205	13478
Ch. XI	12956

8 CFR

211	13387
212	13114

9 CFR

78	13465
97	13114

10 CFR

115	13795
-----	-------

12 CFR

329	1283
526	1303
531	1359
545	12838, 12839, 1300
556	1359
561	1359
563	1316
571	1359

PROPOSED RULES:

11	1372
222	1296

13 CFR

107	1353
121	1284

PROPOSED RULES:

121	12849, 12924, 13353, 1375
-----	---------------------------

14 CFR

11	1369
21	1338
37	1294
39	12921, 13167, 13521, 1375
47	1331
61	1352
63	1352
65	1352
71	12840

12921, 12943, 13038, 13039, 13115	
13207, 13314, 13315, 13389, 13390	
13421, 13422, 13466, 13525, 13641	
13698, 13699.	

73	12922, 12944, 13115, 13422, 13699
91	13521
95	1294
97	13116, 13316, 13594, 13642
121	13074
143	13521
151	13422
208	1294
295	1294
378	1294

PROPOSED RULES:

39	12924, 13554
61	13554
71	12925
13481, 13669, 13725, 13800, 13801	
73	12925, 13802
75	13176
91	13352
121	13802
127	13802

15 CFR

230	13167, 13390, 13752
372	13040
373	13040
374	13040
379	13040
382	13040
385	13040
398	13040
399	13040, 13699

16 CFR

13	12937, 12938, 13078-13080, 13208, 13209, 13337, 13423, 13753, 13792.
15	13210, 13423, 13754

16 CFR—Continued	Page	28 CFR	Page	41 CFR	Page
PROPOSED RULES:		PROPOSED RULES:		5-12	13337
303	13353	5	13343	9-1	13046
17 CFR		29 CFR		9-2	13046
200	13533	462	13001	9-3	13046
18 CFR		512	13211	22-1	13001
141	13593	PROPOSED RULES:		42 CFR	
154	13720	40	13174	22	12939
204	12840	1207	13176	52	13445
PROPOSED RULES:		31 CFR		43 CFR	
141	13557	500	13794	5430	13446
260	13557	520	13001	PUBLIC LAND ORDERS:	
19 CFR		32 CFR		1195 (revoked in part by PLO	
1	12938, 13080, 13390, 13721, 13755	1	13326	4099)	12950
4	13424, 13755	2	13329	3152 (revoked in part by PLO	
13	13722	3	13329	4104)	12951
PROPOSED RULES:		4	13330	3584 (revoked in part by PLO	
12	12964	7	13331	4104)	12951
20 CFR		8	13332	4094 (corrected)	13473
404	13126, 13533	11	13332	4097	12950
405	13424, 13456, 13534	13	13336	4098	12950
602	13466	15	13336	4099	12950
21 CFR		18	13337	4100	12950
3	13537	156	13642	4101	12951
8	12840	713	13794	4102	12951
17	12949, 13792, 13793	855	13081	4103	12951
27	12949	1001	13217	4104	12951
51	12950	1002	13217	4105	13549
53	12840	1003	13217, 13547	PROPOSED RULES:	
120	13210	1004	13217	3107	13799
121	12841	1007	13218, 13547	45 CFR	
13128, 13474, 13475, 13722, 13793		1010	13219	6	12842
146	12841	1012	13548	7	12842
146a	13723	1013	13219	8	12842
48k	13603	1017	13220	170	13220
PROPOSED RULES:		1018	13220	46 CFR	
19	13005	1030	13220	12	13649
121	12849	1053	13220	510	13650
130	13347	1054	13220	PROPOSED RULES:	
191	13006	32A CFR		2	12860
22 CFR		Ch. XV:		24	12860
41	13080	FRS Reg. V	13444	30	12860
42	13080	PROPOSED RULES:		70	12860
50	13537	Ch. X	12924, 13050	90	12860
51	13540, 13654	33 CFR		110	12860
52	13546	84	13647	175	12860
53	13546	202	13129	188	12860
23 CFR		203	13647	189	12860
Ch. II	13128	204	13129, 13445, 13647	190	12860
24 CFR		36 CFR		191	12860
5	13081	311	13313	192	12860
203	13000	326	13172	193	12860
220	13000	37 CFR		194	12860
221	13000	1	12922	195	12860
232	13000	4	13648	196	12860
234	13000	38 CFR		525	13805
1000	13000	2	13548	47 CFR	
25 CFR		3	13088, 13172, 13390, 13446	0	13473
PROPOSED RULES:		14	13548	1	13228, 13593
131	13605	36	13003	2	13230
221	13242	39 CFR		15	13391
26 CFR		96	13794	73	13234, 13237, 13474, 13653, 13755, 13794
147	13723	822	13172	83	13653
177	13443	PROPOSED RULES:		91	13230
507	13466	33	13800	99	13230
PROPOSED RULES:		43	13394	PROPOSED RULES:	
1	12843, 12845, 13091, 13242			31	13244
				33	13244
				73	12965, 13245, 13246, 13481, 13803

49 CFR **Page**

7----- 13446
71-79----- 13756

PROPOSED RULES:

Ch. I----- 13392
95-97----- 13393

50 CFR

32----- 12923,
12939, 13003, 13004, 13048, 13049,
13088, 13130, 13240, 13241, 13342,
13447, 13475, 13549, 13550, 13757
33----- 12939, 13391, 13447, 13475, 13550

FEDERAL REGISTER

VOLUME 31 • NUMBER 210

Friday, October 28, 1966

• Washington, D.C.

Pages 13831-13882

Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Atomic Energy Commission
Business and Defense Services
Administration
Census Bureau
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Interstate Commerce Commission
National Labor Relations Board
Post Office Department
Securities and Exchange Commission
State Department

Detailed list of Contents appears inside.



Just Released

LIST OF CFR SECTIONS AFFECTED

January–September 1966

(Codification Guide)

The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the Code of Federal Regulations amended or otherwise affected by documents published in the FEDERAL REGISTER during 1966. Entries indicate the exact nature of all changes effected. This cumulative list of CFR sections affected is supplemented by the current lists of CFR parts affected which are carried in each daily FEDERAL REGISTER.

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Compiled by Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402

Note to subscribers: The January–September 1966 List of CFR Sections Affected was mailed free of charge to FR subscribers on October 26, 1966.



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Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Pink bollworm; regulated, eradication, and generally infected areas	13835
---	-------

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Sugar, Puerto Rico:	
Allotment of direct-consumption portion of mainland quota	13836
Approved local producing areas	13837

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

State of Washington; proposed agreement for assumption of certain AEC regulatory authority	13867
--	-------

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Rules and Regulations

Copper and copper-base alloys	13852
Copper and copper-base alloys; ammo strip set-aside	13856
Priorities system; copper and isotopes	13852

CENSUS BUREAU

Notices

Canned foods; survey of distributor stocks; consideration	13867
---	-------

CIVIL AERONAUTICS BOARD

Notices

Foreign and overseas inclusive tour charters; applications to be accepted for statements of authorization	13875
Northeast-Bahamas service case; postponement of hearing	13874

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:	
Justice Department	13835
Treasury Department	13835
Pay administration; rates of premium pay payable	13835

Notices

Administrative Management Adviser; manpower shortage	13875
--	-------

COMMERCE DEPARTMENT

See Business and Defense Services Administration; Census Bureau.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Filberts grown in Oregon and Washington; expenses and rate of assessment, 1966-67	13837
Meat; reinspection and preparation of products; miscellaneous amendments	13856

Proposed Rule Making

Milk in certain marketing areas; hearings:	
Minneapolis-St. Paul, Minn.	13864
Quad Cities-Dubuque, Iowa, et al.	13864
Southeastern Florida	13863
Washington, D.C., and Upper Chesapeake Bay	13863
Onions grown in South Texas:	
Expenses and rate of assessment	13862
Shipments limitation	13862
Potatoes, frozen french fried; standards for grades	13861

FEDERAL AVIATION AGENCY

Rules and Regulations

Standard instrument approach procedures; miscellaneous amendments	13838
---	-------

FEDERAL COMMUNICATIONS COMMISSION

Notices

Message toll telephone service; use of carterphone device	13876
Statements of proposed commercial practices by radio and TV stations	13875
Hearings, etc.:	
Associated Bell System Companies	13876
Fox River Broadcasting Co. and Radio Oshkosh, Inc.	13876
Prairieband Broadcasters and Richard P. Lamoreaux	13876
Rice Capital Broadcasting Co.	13876

FEDERAL RESERVE SYSTEM

Notices

Society Corp.; application for approval of acquisition of shares of bank	13873
--	-------

FEDERAL TRADE COMMISSION

Proposed Rule Making

Watch case industry; use of certain terms; extension of time for comments	13865
---	-------

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting in Ridgefield National Wildlife Refuge, Washington (3 documents)	13851
--	-------

Notices

Loan applications:	
Johnson, Olaf M.	13866
Olofson, Adolph G.	13866
Schneider, Fred	13866
Seven Seas, Inc.	13867
Thackwell, Robert A. and Billie S.	13867

FOOD AND DRUG ADMINISTRATION

Notices

Drugs, new; approvals of applications	13873
Food additives; filing of petitions:	
Abril Industrial Waxes Ltd.	13874
General Electric Co.	13874
Rohm & Haas Co.	13874
W. R. Grace & Co.	13874
Union Carbide Corp.; filing of petitions regarding pesticides	13874

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service.

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief	13878
Motor carrier:	
Temporary authority applications	13878
Transfer proceedings	13879

NATIONAL LABOR RELATIONS BOARD

Rules and Regulations

Ex parte communications	13850
-------------------------------	-------

POST OFFICE DEPARTMENT

Rules and Regulations

Philately, and rental of post office boxes; miscellaneous amendments	13857
--	-------

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:	
Iroquois Gas Corp.	13876
New England Power Co.	13877
Southern Electric Generating Co., et al.	13877

STATE DEPARTMENT

Notices

Migration and refugee assistance; delegation of functions	13866
---	-------

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

5 CFR

213 (2 documents) ----- 13835
550 ----- 13835

7 CFR

301 ----- 13835
815 ----- 13836
847 ----- 13837
982 ----- 13837

PROPOSED RULES:

52 ----- 13861
959 (2 documents) ----- 13862
1003 ----- 13863
1013 ----- 13863
1016 ----- 13863
1063 ----- 13864
1068 ----- 13864
1070 ----- 13864
1078 ----- 13864
1079 ----- 13864

9 CFR

318 ----- 13856

14 CFR

97 ----- 13838

16 CFR

PROPOSED RULES:

170 ----- 13865
174 ----- 13865

29 CFR

102 ----- 13850

32A CFR

BDSA (Ch. VI):

M-11A ----- 13852
M-11A, Dir. 1 ----- 13856
Reg. 2 ----- 13852

39 CFR

35 ----- 13857
41 ----- 13857

50 CFR

32 (3 documents) ----- 13851

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Deputy Assistant to the Secretary (Debt Management) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (25) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(25) One Deputy Assistant to the Secretary (Debt Management).

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11769; Filed, Oct. 27, 1966;
8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the position of Chief, General Litigation Section, Land and Natural Resources Division, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (h) of § 213.3310 as set out below.

§ 213.3310 Department of Justice.

(h) *Land and Natural Resources Division.* * * *

(7) Chief, General Litigation Section.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11768; Filed, Oct. 27, 1966;
8:48 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Rates of Premium Pay; Sunday Work

Section 550.144 is amended to authorize an additional percentage rate to be paid to reflect Sunday work by employees

receiving an additional annual rate because of tours of duty involving substantial amounts of standby duty. Effective on the first day of the first pay period after July 18, 1966, a new subparagraph (4) is added to paragraph (a) of § 550.144 as set out below.

§ 550.144 Rates of premium pay payable under § 550.141.

(a) * * *

(4) When an agency pays an employee one of the rates authorized by subparagraph (1), (2), or (3) of this paragraph, the agency shall increase this rate by adding (i) 2½ percent to the rate when the employee is required to perform Sunday work on an average of 20 to 40 Sundays over a year's period or (ii) 5 percent to the rate when the employee is required to perform Sunday work on an average of 41 or more Sundays over a year's period but the rate thus increased may not exceed 25 percent.

(5 U.S.C. 5548, except as otherwise noted. Secs. 550.141 to 550.164 also issued under 5 U.S.C. 5545(c))

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 66-11770; Filed, Oct. 27, 1966;
8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 621, 11th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REGULATED, ERADICATION, AND GENERALLY INFESTED AREAS

Pursuant to § 301.52-2 of the regulations supplemental to the pink bollworm quarantine (7 CFR 301.52-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.52-2a are hereby revised to read as follows:

§ 301.52-2a Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.

(a) The following States, counties, parishes, and parts thereof, in the quarantined States listed below, are designated as the pink bollworm regulated area within the meaning of the provisions of this subpart:

ARIZONA

Cochise County. The entire county.
Gila County. The entire county.
Graham County. The entire county.
Greenlee County. The entire county.
Mohave County. The entire county.
Maricopa County. The entire county.
Pima County. The entire county.
Pinal County. The entire county.
Santa Cruz County. The entire county.
Yuma County. The entire county.

ARKANSAS

Calhoun County. The entire county.
Chicot County. The entire county.
Clark County. The entire county.
Cleburne County. The entire county.
Cleveland County. That portion of Cleveland County lying west of the Saline River.
Columbia County. The entire county.
Conway County. The entire county.
Crawford County. The entire county.
Dallas County. The entire county.
Faulkner County. The entire county.
Franklin County. The entire county.
Garland County. The entire county.
Greene County. That portion of Greene County lying west of State Highway 141 and south of State Highway 25.
Hempstead County. The entire county.
Hot Springs County. The entire county.
Howard County. The entire county.
Independence County. The entire county.
Jackson County. The entire county.
Johnson County. The entire county.
Lafayette County. The entire county.
Lawrence County. The entire county.
Little River County. The entire county.
Logan County. The entire county.
Lonoke County. That portion of Lonoke County lying north of the Chicago, Rock Island & Pacific Railroad.
Miller County. The entire county.
Montgomery County. The entire county.
Nevada County. The entire county.
Ouachita County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Polk County. The entire county.
Pope County. The entire county.
Pulaski County. That portion of Pulaski County lying north and west of a line beginning at a point where the Chicago, Rock Island & Pacific Railroad intersects with the Lonoke-Pulaski County line; thence, running in a westerly direction along said railroad to the east boundary of the city of North Little Rock; thence, running in a southerly direction along said east boundary of North Little Rock to the Arkansas River; thence crossing said river to the east boundary of the city of Little Rock; thence, running in a southerly and westerly direction along the east and south boundaries of Little Rock to a point where the boundary intersects with U.S. Highway 70; thence, running in a southwesterly direction along said highway to the Pulaski-Saline County line.
Saline County. That portion of Saline County lying north and west of U.S. Highway 67.
Scott County. The entire county.
Sebastian County. The entire county.
Sevier County. The entire county.
Union County. The entire county.
Van Buren County. The entire county.
White County. The entire county.

Woodruff County. That portion of Woodruff County lying north of the north line of T. 6 N.

Yell County. The entire county.

CALIFORNIA

Imperial County. The entire county.

Riverside County. That portion of the county lying east of R. 4 E., SBBM.

San Diego County. That portion of the county lying east of R. 4 E., SBBM.

San Bernardino County. That portion of the county lying east of R. 19 E., SBBM.

LOUISIANA

Allen Parish. The entire parish.

Avoyelles Parish. All of Ward 10, and all of Ward 9 lying south of Bayou Des Glaisses and west of the east line of section 2, T. 1 S., R. 4 E.

Beauregard Parish. The entire parish.

Bienville Parish. The entire parish.

Bossier Parish. The entire parish.

Caddo Parish. The entire parish.

Glaiborne Parish. The entire parish.

De Soto Parish. The entire parish.

Evangeline Parish. That portion of Evangeline Parish located within the area bounded by a line beginning at a point where the north line of T. 4 S. intersects with the Evangeline-Allen Parish line; thence, running in an easterly direction along said north line of T. 4 S. to its intersection with the east boundary line of R. 1 E.; thence, running in a southerly direction along said east line of R. 1 E. to the south boundary line of T. 4 S.; thence, running west along said south line of T. 4 S. to its junction with the Bayou des Cannes; thence, running in a southwesterly direction along said bayou to its intersection with the St. Landry Parish line; thence, running in a westerly direction along the south boundaries of sections 12, 11, 10, 9, 8, and 7, T. 6 S., R. 1 W., and sections 12, 11, 10, 9, and 39, T. 6 S., R. 2 W., to its intersection with the Allen-Evangeline Parish line; thence, running in a northerly direction along said parish line to the point of beginning.

Grant Parish. The entire parish.

Jackson Parish. The entire parish.

Jefferson Davis Parish. The entire parish.

Lincoln Parish. The entire parish.

Natchitoches Parish. The entire parish.

Rapides Parish. The entire parish.

Red River Parish. The entire parish.

Sabine Parish. The entire parish.

Union Parish. The entire parish.

Vernon Parish. The entire parish.

Webster Parish. The entire parish.

Winn Parish. The entire parish.

NEW MEXICO

All counties in the State.

OKLAHOMA

All counties in the State.

TEXAS

All counties in the State.

(b) **Eradication area:** All regulated area within the States of Arkansas, California, and Louisiana is hereby designated as eradication area.

(c) **Generally infested area:** All regulated area within the States of Arizona, New Mexico, Oklahoma, and Texas, is hereby designated as generally infested area.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ec. Interpret or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161, 29 F.R. 16210, as amended; 7 CFR 301.52-2)

These administrative instructions shall become effective October 28, 1966, when they shall supersede P.P.C. 621, 10th

Revision, 7 CFR 301.52-2a, effective March 18, 1966.

The Director of the Plant Pest Control Division has determined that infestations of the pink bollworm exist or are likely to exist in the quarantined States and in the counties, parishes, and parts thereof in such States, listed in paragraph (a), or that it is necessary to regulate such localities because of their proximity to pink bollworm infestations or their inseparability for quarantine purposes from pink bollworm infested localities.

This revision adds to the pink bollworm regulated area, as eradication area, all of Imperial county and portions of Riverside, San Diego, and San Bernardino counties in California; and, as generally infested area, all of Mohave county in Arizona.

Inasmuch as this revision imposes restrictions that are necessary in order to prevent the dissemination of the pink bollworm, it should be made effective promptly to accomplish its purposes in the public interest. Accordingly, it is found upon good cause in accordance with the provisions of 5 U.S.C. section 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of October 1966.

[SEAL]

E. D. BURGESS,

Director,

Plant Pest Control Division.

[F.R. Doc. 66-11743; Filed, Oct. 27, 1966; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.7, Amdt. 4]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1966

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 815.7 (31 F.R. 74, 6860, 10665, 12563) which established allotments of the direct-consumption portion of the 1966 mainland quota for Puerto Rico.

This amendment of Sugar Regulation 815.7 is necessary to: (1) Give effect to the amendment of Sugar Regulation 811, Amendment 10 (31 F.R. 13133) which established the direct-consumption portion of the 1966 mainland quota for Puerto Rico of 155,625 short tons, raw value, a quantity greater than the 154,875 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) determine a deficit in the allotment of one allottee and prorate such deficit to other allottees that are able to utilize additional allotments.

The data in the following table show in Column (1) the allotment of 155,625 short tons, raw value, which would result if each allottee had the ability to market its full allotment; in Column (2) the quantity reported to the Department pursuant to finding (11) of Sugar Regulation 815.7 (31 F.R. 74) and in Column (3) the quantities of deficit determined and prorated:

	1966 allotments prior to determination of deficits (1)	Maximum 1966 marketing ability (2)	Deficits (—) and prorations of deficits (+) (3)
	(Short tons, raw value)		
Central Aguirre Sugar Co., a trust.....	6,480	10,000	+4
Central Roig Refining Co.....	21,691	23,000	+9
Central San Francisco.....	1,357	1,289	-68
Puerto Rican American Sugar Refinery, Inc.....	101,465	110,000	+44
Western Sugar Refining Co.....	24,602	25,413	+11
Liquid sugar reserve for persons other than named above.....	30		0
Total.....	155,625	169,702	0

Findings heretofore made by the Secretary in the course of this proceeding (31 F.R. 74) provide that this order shall be revised without further notice or hearing by the Administrator, Agricultural Stabilization and Conservation Service, for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by

section 205(a) of the Act, it is hereby ordered that paragraph (a) of § 815.7 be amended to read as follows:

§ 815.7 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1966.

(a) **Allotments.** The direct-consumption portion of the 1966 mainland sugar quota for Puerto Rico, amounting to 155,625 short tons, raw value, is hereby allotted as follows:

*Direct-consumption
allotment (short
tons, raw value)*

Allottee	
Central Aguirre Sugar Co., a trust...	6,484
Central Roig Refining Co.....	21,700
Central San Francisco.....	1,289
Puerto Rican American Sugar Rfy., Inc.....	101,509
Western Sugar Refining Co.....	24,613
Liquid sugar reserve for persons other than named above.....	30
Total.....	155,625

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpretations or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Effective date. Allotments established in this order for all allottees differ from the allotments established in S.R. 815.7 (31 F.R. 12563). To afford adequate opportunity to plan and to market the different quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 25th day of October 1966.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11773; Filed, Oct. 27, 1966; 8:48 a.m.]

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2, Rev., Supp. 12]

PART 847—PUERTO RICO

Approved Local Producing Areas for 1965-66 Crop

Pursuant to the provisions of § 847.2, as revised (27 F.R. 6080), the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office hereby makes the following determinations:

§ 847.14 Approved local producing areas in Puerto Rico.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1965-66 sugarcane crop in Puerto Rico, each of the following named municipalities and single wards are determined to be local producing areas in which, due to drought, the actual yields of sugar for the 1965-66 crop year from 10 percent or more of the total number of farms or part of farms; or from 10 percent or more of the total planted acreage of sugarcane in each such local producing area were below 80 percent of the applicable farm normal yields:

(a) **Municipalities.** Aguada, Aguadilla, Añasco, Arroyo, Barceloneta, Guánica, Guayanilla, Gurabo, Hormigueros, Humacao, Jayuya, Las Marias, Las Piedras, Patillas, Peñuelas, Ponce, Rincón, Río Piedras, San Germán, San Sebastián, Vieques, and Yauco.

(b) **Single wards.** Wards Factor, Garrochales, Islote and Sabana Hoyos, of the municipality of Arecibo; wards Bajura and Llanos Costa, of the municipality of Cabo Rojo; wards Algarrobo and Jobos, of the municipality of Guayama; wards Amuelas, Callabo, Capitanejo and Lomas, of the municipality of Juana Díaz; wards Costa, Lajas Arriba, Llanos, Palmarejo and Plata, of the municipality of Lajas; wards Mariana and Peña Pobre, of the municipality of Naguabo; wards Guzmán Abajo and Guzmán Arriba, of the municipality of Río Grande; wards Rayo, Santana and Susúa, of the municipality of Sabana Grande; and wards Caonillas Abajo, Hato Puerto Abajo and Villalba Abajo, of the municipality of Villalba.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a farm in Puerto Rico for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service, Caribbean Area Office determines that drought, flood, storm, disease, or insects have damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to set forth that the specified municipalities and single wards have been determined to comprise local producing areas for the 1965-66 crop and that such areas have qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in any one of these local producing areas, and which is otherwise qualified, may apply for payment accordingly, if he has not already done so. (Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

CARLOS G. TROCHE,
Director, Agricultural Stabilization and Conservation Service, Caribbean Area Office.

OCTOBER 17, 1966.

[F.R. Doc. 66-11772; Filed, Oct. 27, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of Filbert Control Board and Rate of Assessment for 1966-67 Fiscal Year

Notice was published in the October 14, 1966, issue of the FEDERAL REGISTER

(31 F.R. 13346) regarding proposed expenses of the Filbert Control Board for the 1966-67 fiscal year and rate of assessment for that fiscal year, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that the expenses of the Filbert Control Board and rate of assessment for the fiscal year beginning August 1, 1966, shall be as follows:

§ 982.311 Expenses of the Filbert Control Board and rate of assessment for the 1966-67 fiscal year.

(a) **Expenses.** The expenses in the amount of \$25,320 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) **Rate of assessment.** The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1966, and the rate of assessment herein fixed will automatically apply to all such assessable filberts beginning with that date. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 25, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11775; Filed, Oct. 27, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7676; Amdt. 507]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dayton Int.	CQN RBN	Direct	3000	T-dn	300-1	300-1	#200-1½
Chattanooga VORTAC	CQN RBN	Direct	3000	C-dn	600-1½	700-1½	700-2
Chickamauga Int.	CQN RBN	Direct	3000	S-dn-20*	500-1	500-1	500-1
Whitwell Int.	CQN RBN	Direct	3500	A-dn	800-2	800-2	800-2
Bridgeport Int.	CQN RBN	Direct	3500				
Coalmont Int.	CQN RBN	Direct	3400				
Georgetown Int.	CQN RBN	Direct	3000				
Crandall Int.	CQN RBN	Direct	3000				
Halestown Int.	CQN RBN	Direct	3500				
Dunlap Int.	CQN RBN	Direct	3400				
Riceville Int.	CQN RBN	Direct	3000				

Radar available.

Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 3000' within 10 miles of CQN RBN.

Minimum altitude Inbnd over CQN RBN, 3000'; over OM, 1600'; over MM, 1200'. If OM not received, descent below 1600' not authorized.

Distances to runway: CQN 7.7 miles, OM 4.1 miles, MM 0.7 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CQN RBN, climb to 3000' on crs of 196° within 15 miles.

CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routs W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000' before continuing climb on crs.

*Reduction below ¼ mile not authorized.

#Takeoff on Runways 14-32 with less than 300-1 not authorized.

MSA within 25 miles of facility: 000°-090°-3400'; 090°-180°-3600'; 180°-360°-3500'.

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682'; Fac. Class., IHW; Ident., CQN; Procedure No. 1, Amdt. 16; Eff. date, 19 Nov. 66; Sup. Amdt. No. 15; Dated, 18 June 66

Grantsville VOR	CBE RBN	Direct	5000	T-dn	1700-2	1700-2	NA
Flintstone Int.	CBE RBN	Direct	5000	C-dn	1700-2	1700-2	NA
Keyser Int.	CBE RBN	Direct	5000	A-dn	NA	NA	NA

Procedure turn E side of crs, 028° Outbnd, 208° Inbnd, 5000' within 10 miles. Beyond 10 miles not authorized.

Minimum altitude over facility final approach crs 3100'.

Crs and distance, facility to airport, 208°-2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles after passing CBE RBN climb on 208° bearing of CBE RBN to 3300' within 10 miles, left turn to CBE RBN on 028° bearing, 5000', hold NE 208° bearing Inbnd, 5000', 1-minute left turns.

NOTE: Upon landing close out flight plan with Martinsburg, W. Va., FSS by telephone.

CAUTION: Altimeter setting from MRB FSS.

Takeoff instructions: Climb VFR to 2500' between airport and CBE RBN, proceed Outbnd from facility on 208° bearing to 3300' within 10 miles, make left turn to CBE RBN on 028° bearing to cross facility at 5000', then proceed as cleared.

MSA within 25 miles of facility: 090°-180°-3600'; 180°-090°-4300'.

City, Cumberland; State, Md.; Airport name, Cumberland Municipal; Elev., 780'; Fac. Class., MIIW; Ident., CBE; Procedure No. 1, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 23 Jan. 65

FAY VOR	LOM	219°, 5.4 miles	1700	T-dn	300-1	300-1	200-1½
				C-dn	400-1	500-1	500-1½
				S-dn-3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1700' within 15 miles.

Minimum altitude over facility on final approach crs, 1700'.

Crs and distance, facility to airport, 035°-5.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make right turn, intercept 081° crs from LOM, climbing to 1700' within 15 miles, or when directed by ATC, turn right, climb to 1700' on R 091° of FAY VOR within 15 miles.

MSA within 25 miles of facility: 000°-180°-1500'; 180°-270°-1600'; 270°-360°-1700'.

City, Fayetteville; State, N.C.; Airport name, Grannis Field; Elev., 189'; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 10 Dec. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Key West VORTAC	EYW RBN	Direct	1500	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	200-1 ¹ / ₂ 500-1 ¹ / ₂ 800-2
Radar available. Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 1500' within 10 miles. Minimum altitude over facility on final approach crs, 800'. Crs and distance, facility to airport, 066°—1.2 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing EYW RBN, climb to 1500' on crs of 084° from RBN within 20 miles. NOTES: (1) FAA control tower not operating on 24 hour basis. (2) Procedure turn nonstandard due military requirement. (3) Holding 087° crs, Inbnd to EYW RBN, 1-minute left turns may be used in lieu of procedure turn. MSA within 25 miles of facility: 000°—360°—1400'.							
City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Fac. Class., SBH; Ident., EYW; Procedure No. 1, Amdt. 3; Eff. date, 19 Nov. 66; Sup. Amdt. No. 2; Dated, 19 Aug. 65							
PROCEDURE CANCELED, EFFECTIVE 19 NOV. 1966.							
City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257'; Fac. Class., BII; Ident., LIT; Procedure No. 2, Amdt. 2; Eff. date, 6 June 64; Sup. Amdt. No. 1; Dated, 9 May 64							
OKM VOR	MKO RBN	Direct	3000	T-dn C-dn S-dn-31 A-dn	300-1 800-1 800-1 NA	300-1 800-1 ¹ / ₂ 800-1 NA	200-1 ¹ / ₂ 800-1 ¹ / ₂ 800-1 NA
Mazie Int.	MKO RBN	Direct	3000				
Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 2000' within 10 miles. Minimum altitude over facility on final approach crs, 1400'. Facility on airport. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, return to the MKO RBN climbing to 2500', contact ATC for further clearance. NOTE: Use Tulsa, Okla., altimeter setting. MSA within 25 miles of facility: 000°—270°—2300'; 270°—360°—3700'.							
City, Muskogee; State, Okla.; Airport name, Davis; Elev., 610'; Fac. Class., MHW; Ident., MKO; Procedure No. 1, Amdt. 3; Eff. date, 19 Nov. 66; Sup. Amdt. No. 2; Dated, 27 Jan. 62							
OSH VOR	LOM	Direct	2600	T-dn C-dn S-dn-9 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1 ¹ / ₂ 500-1 ¹ / ₂ 400-1 800-2
Radar available. Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2600' within 10 miles. Minimum altitude over facility on final approach crs, 2500'. Crs and distance, facility to airport, 089°—5.7 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 2600' on 089° bearing of LOM within 15 miles, or when directed by ATC, make right-climbing turn to LOM, then continue climb to 2600' on 269° bearing from LOM within 10 miles of LOM. NOTE: Procedure not authorized when control tower not in operation. MSA within 25 miles of facility: 000°—360°—2700'.							
City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795'; Fac. Class., LOM; Ident., OS; Procedure No. 1, Amdt. 5; Eff. date, 19 Nov. 66; Sup. Amdt. No. 4; Dated, 3 July 65							
Highland Int.	GP LOM (final)	Direct	3000	T-dn	300-1	300-1	200-1 ¹ / ₂
Imperial VOR*	GP LOM	Direct	3000	C-dn	500-1	500-1	500-1 ¹ / ₂
Allegheny VOR*	Highland Int.	Direct	3000	S-dn-28L	400-1	400-1	400-1
Ellwood City VOR*	Highland Int.	Direct	3000	A-dn	800-2	800-2	800-2
Radar available. Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 3000' within 10 miles of GP LOM. Minimum altitude over facility on final approach crs, 3000'. Crs and distance, facility to airport, 277°—5.6 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing GP LOM, make left-climbing turn to 3000' on a 180° crs, proceed direct to AGC VOR. Hold S, 1-minute right turns, 354° Inbnd. CAUTION: Runway 28R approach: Fluorescent street lighting aligned with Runway 28R and terminating approximately ³ / ₄ mile from runway, can be mistaken for runway lights. *Transition from IRL VOR, EWC VOR, and AGC VOR require holding pattern entry during nonradar operation. MSA within 25 miles of facility: 000°—270°—3100'; 270°—360°—2800'.							
City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., LOM; Ident., GP; Procedure No. 1, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 27 Mar. 65							
Hookstown Int.	Creek RBN (final)	Direct	2700	T-dn	300-1	300-1	200-1 ¹ / ₂
Wheeling VOR	Creek RBN	Direct	3000	C-dn	500-1	500-1	500-1 ¹ / ₂
Imperial VOR	Creek RBN	Direct	3000	C-dn S-dn-10L S-n-10L A-dn	500-2 500-1 500-2 800-2	500-2 500-1 500-2 800-2	500-2 500-1 500-2 800-2
Radar available. Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 3000' within 10 miles. Minimum altitude over facility on final approach crs, 2700'. Crs and distance, facility to airport, 097°—6.9 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing Creek RBN, make left-climbing turn to 3000' on a 360° crs. Proceed direct to EWC VOR, hold N, 1-minute right turns, 182° Inbnd. MSA within 25 miles of the facility: 000°—270°—3100'; 270°—360°—2600'.							
City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., MHW; Ident., CRK; Procedure No. 3, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 27 Mar. 65							

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Flat Rock VOR.....	LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
Richmond RBN.....	LOM.....	Direct.....	1500	C-dn.....	400-1	500-1	500-1½
HPW VOR.....	LOM.....	Direct.....	2000	S-dn-6.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 1300'.

Crs and distance, facility to airport, 063°—3.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on crs 063°, then right turn direct to Richmond RBN. Hold SW, 038° Inbnd, 1-minute right turns.

MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—2100'; 180°-270°—1500'; 270°-360°—2100'.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., LOM; Ident., RI; Procedure No. 1, Amdt. 16; Eff. date, 19 Nov. 66; Sup. Amdt. No. 15; Dated, 8 May 65

Granger Int.....	LOM.....	Direct.....	2900	T-dn.....	300-1	300-1	200-1½
Preston Int.....	LOM.....	Direct.....	2900	C-dn.....	400-1	500-1	500-1½
RST VOR.....	LOM.....	Direct.....	2900	S-dn-31.....	400-1	400-1	400-1
Bell Int.....	LOM (final).....	Direct.....	2500	A-dn.....	800-2	800-2	800-2
Byron Int.....	LOM.....	Direct.....	2800				

Procedure turn E side crs, 127° Outbnd, 307° Inbnd, 2600' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 307°—4.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 2800' on 307° crs from LOM within 20 miles of LOM, or when directed by ATC, make left-climbing turn to 3000', proceed direct to the RST VOR.

MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—3700'; 180°-270°—3100'; 270°-360°—2800'.

City, Rochester; State, Minn.; Airport name, Rochester Municipal; Elev., 1316'; Fac. Class., LOM; Ident., RS; Procedure No. 1, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 31 Mar. 66

PBI VOR.....	RBN (OM).....	Direct.....	1600	T-dn.....	300-1	300-1	200-1½
Parkway Int.....	RBN (OM).....	Direct.....	1600	C-dn.....	500-1	500-1	500-1½
Andrews Int.....	RBN (OM).....	Direct.....	2000	S-dn-9#.....	500-1	500-1	500-1
Shawnee Int* (final).....	RBN (OM).....	Direct.....	1600	A-dn.....	800-2	800-2	800-2
Morgan Int.....	RBN (OM).....	Direct.....	1600				
Willy Int.....	RBN (OM).....	Direct.....	1600				
Pompano Int.....	RBN (OM).....	Direct.....	2000				

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600' within 10 miles.

Minimum altitude over facility on final approach crs, 1600'.

Crs and distance, facility to airport, 093°—5.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 1600' on crs or 093° within 20 miles of LOM.

*Shawnee Int may be used in lieu of procedure turn when authorized by Palm Beach approach control.

#Reduction below ¼ mile not authorized.

MSA within 25 miles of facility: 000°-090°—1700'; 090°-180°—2100'; 180°-270°—2100'; 270°-360°—1300'.

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Fac. Class., HW/LOM; Ident., PB; Procedure No. 1, Amdt. 5; Eff. date, 19 Nov. 66; Sup. Amdt. No. 4; Dated, 6 Jan. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
XX LFR.....	BLI VOR.....	Direct.....	2000	T-dn%.....	300-1	300-1	200-1½
White Rock LF Int.....	BLI VOR.....	Direct.....	2000	C-d.....	700-1	700-1	700-1½
				C-n.....	700-2	700-2	700-2
				S-d-16#.....	700-1	700-1	700-1
				S-n-16#.....	700-2	700-2	700-2
				A-dn.....	800-2	800-2	800-2
				DME or FM minimums, DME or FM equipment required:			
				C-dn.....	700-1	700-1	700-1½
				S-dn-16#.....	500-1	500-1	500-1

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 146°—5.8 miles; Ferndale FM/BLI, 146°—5.6 miles; Fix to airport, 146°—3.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Ferndale FM/BLI 146°—5.6-mile fix, or 8.8 miles after passing BLI VOR, turn right and return to BLI VOR climbing to 2000'.

%Takeoffs all runways: Climb direct to BLI VOR before proceeding on crs. V-23 southbound, climb visually to 400' over airport before proceeding on crs.

#Sliding scale not authorized.

*Visibility reduction not authorized.

\$500-¼ authorized with operative HIRL except for 4-engine turbojet aircraft.

MSA within 25 miles of facility: 020°-110°—10,900'; 110°-200°—4800'; 200°-290°—2900'; 290°-020°—6600'.

City, Bellingham; State, Wash.; Airport name, Bellingham Municipal; Elev., 158'; Fac. Class., L-BVORTAC; Ident., BLI; Procedure No. 1, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 10 Apr. 65

RULES AND REGULATIONS

13841

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BLI VOR.....	Ferndale FM/BLI, 146°—5.6-mile fix (final).	Direct.....	1100	T-dn%..... C-dn..... S-dn-16#S..... A-dn.....	300-1 700-1 500-1 800-2	300-1 700-1 500-1 800-2	200-1½ 700-1½ 500-1 800-2
<p>Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2000' within 10 miles of Ferndale FM/BLI, 146°—5.6-mile fix. Minimum altitude over Ferndale FM/BLI, 146°—5.6-mile fix on final approach crs, 1100'. Crs and distance, Ferndale FM/BLI, 146°—5.6 miles. Fix to airport, 146°—3.2 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Ferndale FM, turn right, climb to 2000' direct to BLI VOR. %Takeoffs all runways: Climb direct to BLI VOR before proceeding on crs. V-23 southbound, climb visually to 400' over airport before proceeding on crs. #Sliding scale not authorized. \$500-¾ authorized with operative HIRL except for 4-engine turbojet aircraft. MSA within 25 miles of facility: 020°-110°—10,900'; 110°-200°—4800'; 200°-290°—2900'; 290°-020°—6600'.</p>							
<p>City, Bellingham; State, Wash.; Airport name, Bellingham Municipal; Elev., 158'; Fac. Class., L-BVORTAC; Ident., BLI; Procedure No. 2, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 10 Apr. 65</p>							
				T-d..... C-d..... A-dn.....	500-1 500-1 NA	500-1 500-1 NA	NA NA NA
<p>Procedure turn E side of crs, 202° Outbnd, 022° Inbnd, 3200' within 10 miles. Minimum altitude over facility on final approach crs, 3100'. Crs and distance, facility to airport, 022°—5.8 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing CIP VOR, make climbing right turn to 3200', returning to CIP VOR. Hold S, 1-minute right turns, 022° Inbnd. UNICOM: No weather service. File and close flight plans with DuBois radio. Radio contact available at 1900'. MSA within 25 miles of facility: 000°-360°—3100'.</p>							
<p>City, Clarion; State, Pa.; Airport name, Rhea; Elev., 1453'; Fac. Class., L-BVOR; Ident., CIP; Procedure No. 1, Amdt. 2; Eff. date, 19 Nov. 66; Sup. Amdt. No. 1; Dated, 10 Apr. 65</p>							
Key West RBN..... R 040°, counterclockwise.....	Key West VORTAC..... R 308°	Direct..... 8-mile DME Orbit	1500 1500	T-dn..... C-dn..... A-dn.....	300-1 500-1 800-2	300-1 500-1 800-2	200-1; 500-1½ 800-2
<p>Radar available. Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 1500' within 10 miles. Not authorized beyond 10 miles. Minimum altitude over facility on final approach crs, 500'. Crs and distance, facility to airport, 128°—2.8 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing EYW VORTAC, turn left, climb to 1500' on R 090° within 20 miles of EYW VOR. NOTE: FAA control tower not operating on 24-hour basis. MSA within 25 miles of facility: 000°-360°—1400'.</p>							
<p>City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Fac. Class., H-BVORTAC; Ident., EYW; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 19 Nov. 66</p>							
Tyrone VOR.....	PSB VOR.....	Direct.....	4100	T-dn..... C-d..... C-n..... A-dn.....	500-1 800-1 800-2 1000-2	500-1 800-1 800-2 1000-2	500-1 800-1½ 800-2 1000-2
<p>Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 4000' within 10 miles. Minimum altitude over facility on final approach crs, 3500'. Crs and distance, facility to airport, 254°—4.4 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing VOR, make a right-climbing turn returning to the PSB VOR at 4000'. Hold NE, R 074°, 1-minute right turns. CAUTION: 2300' unlighted terrain, 1.6 miles S and SE of airport. MSA within 25 miles of facility: 000°-360°—3700'.</p>							
<p>City, Philipsburg; State, Pa.; Airport name, Mid-State; Elev., 1942'; Fac. Class., H-BVORTAC; Ident., PSB; Procedure No. 1, Amdt. 8; Eff. date, 19 Nov. 66; Sup. Amdt. No. 7; Dated, 31 July 65</p>							

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d.....	300-1	300-1	NA
				T-n.....	400-1	400-1	NA
				C-dn.....	600-1	600-1	NA
				A-dn.....	NA	NA	NA

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 1700' within 10 miles.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 147°—2.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing PCU VOR, climb to 1700', turn right and return direct to PCU VOR. Hold NW on R 327°, 147° Inbnd, 1-minute right turns.

AIR CARRIER NOTE: Night takeoffs authorized Runway 5 only. Night landings authorized Runway 23 only.

NOTES: (1) No weather service available at this airport. Use New Orleans altimeter setting when local setting not available. (2) Flight plan must be closed with MSY FSS when visual contact established.

MSA within 25 miles of facility: 000°-360°—1700'.

City, Picayune; State, Miss.; Airport name, Picayune Municipal; Elev., 60'; Fac. Class., L BVOR; Ident., PCU; Procedure No. 1, Amdt. 5; Eff. date, 19 Nov. 66; Sup. Amdt. No. 4; Dated, 13 Nov. 65

Lee VHF Int.....	VLD VOR.....	Direct.....	1900	T-dn#.....	300-1	300-1	200- $\frac{1}{2}$
				C-dn.....	500-1	500-1	500-1 $\frac{1}{2}$
				S-d-35#.....	400-1	400-1	NA
				S-n-35.....	NA	NA	NA
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 1900' within 10 miles.

Minimum altitude over facility on final approach crs, 1200'.

Crs and distance, facility to airport, 006°—5.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VLD VOR, turn left, climb to 1900' on R 346° within 20 miles of the VLD VOR.

NOTES: (1) No lights on Runways 12-30. Advance notice required for operation of runway lights after 2200'. (2) Night landing not authorized on Runways 35, 9, 12.

Night takeoff not authorized on Runways 17, 27, 30.

CAUTION: Unlighted trees 1000' from approach end of Runway 35. Trees in all approach areas, except Runway 3.

#Reduction not authorized.

MSA within 25 miles of facility: 000°-360°—1600'.

City, Valdosta; State, Ga.; Airport name, Valdosta Municipal; Elev., 204'; Fac. Class., L BVOR; Ident., VLD; Procedure No. 1, Amdt. 15; Eff. date, 19 Nov. 66; Sup. Amdt. No. 14; Dated, 9 Apr. 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Denmark Int.....	MKL VOR.....	Direct.....	2000	T-dn.....	300-1	300-1	200- $\frac{1}{2}$
Anderson Int.....	MKL VOR.....	Direct.....	2100	C-dn.....	600-1	600-1	600-1 $\frac{1}{2}$
				S-dn-2#.....	600-1	600-1	600-1
				A-dn.....	800-2	800-2	800-2
				If Mercer Fan Marker is received minimums become:			
				C-dn.....	400-1	500-1	500-1 $\frac{1}{2}$
				S-dn-2.....	400-1	400-1	400-1

Procedure turn S side of crs, 204° Outbnd, 024° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1000' (800' if Mercer FM is received).

Facility on airport. Crs and distance, FM to airport, 024°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Mercer FM or within 0 mile of MKL VOR, turn left, climb to 2000' on R 204° within 20 miles.

#Reduction not authorized.

MSA within 25 miles of facility: 000°-360°—2100'.

City, Jackson; State, Tenn.; Airport name, McKellar Field; Elev., 431'; Fac. Class., T BVOR; Ident., MKL; Procedure No. Ter VOR-2, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 13 Oct. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 057, LBL VOR clockwise.....	R 142° LBL VOR.....	Via 10-mile DME Arc.	4500	T-dn*.....	300-1	300-1	200-1½
R 223°, LBL VOR counterclockwise.....	R 142° LBL VOR.....	Via 10-mile DME Arc.	4500	C-dn%&\$.....	500-1	500-1	500-1½
10-mile DME Fix, R 142° LBL VOR.....	4-mile DME Fix, R 142° LBL VOR (final).	Direct.....	3388	S-dn-35@\$&.....	500-1	500-1	500-1
				A-dn&.....	800-2	800-2	800-2
				Minimums with DME:			
				C-dn%&\$.....	400-1	500-1	500-1½
				S-dn-35@\$&@.....	400-1	400-1	400-1

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4500' within 10 miles.
Minimum altitude over 4-mile DME Fix, R 142° on final approach crs, 3388'. (\$3588' required when control zone not effective.)
Facility on airport. Breakoff point to Runway 35, 349°—0.8 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LBL VOR, climb to 4500' on R 322° within 10 miles, make left turn and return to LBL VOR.

NOTE: Use Garden City, Kans., altimeter setting when control zone not effective.

CAUTION: Numerous towers to elevation of 3509' E of airport.

*When 3509' tower, 1.9 miles E of airport is not visible on takeoff, climb to 4500' on runway heading before turning toward tower.

%All circling approaches will be made to W of airport. Lights installed on Runways 35 and 17 only.

&These minimums apply at all times for air carriers with approved weather reporting service.

\$Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.

@Reduction not authorized for nonstandard REIL.

MSA within 25 miles of facility: 000°-360°-4600'.

City, Liberal; State, Kans.; Airport name, Liberal Municipal; Elev., 2888'; Fac. Class., II-BVORTAC; Ident., LBL; Procedure No. Ter VOR-35, Amdt. 4; Eff. date, 19 Nov. 66; Sup. Amdt. No. 3; Dated, 9 Oct. 65

				T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
				S-dn-36.....	500-1	500-1	500-1
				A-dn*.....	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 173° Outbnd, 353° Inbnd, 2200' within 10 miles.

Minimum altitude over facility on final approach crs, 1300'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2400' on R 307° within 15 miles, or when directed by ATC, make right-climbing turn to 2600' on R 088° within 15 miles.

NOTE: Use Green Bay altimeter setting when control zone not effective.

CAUTION: Runways 4/22 and 13/31 unlighted.

*Alternate minimums not authorized when control zone not effective. These minimums apply at all times for air carriers with approved weather reporting service.

MSA within 25 miles of facility: 000°-360°-2700'.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795'; Fac. Class., I-BVOR; Ident., OSH; Procedure No. Ter VOR-36, Amdt. 4; Eff. date, 19 Nov. 66; Sup. Amdt. No. 3; Dated, 29 Aug. 64

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 19 NOV. 1966.

City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Fac. Class., II-BVORTAC; Ident., EYW; Procedure No. VOR/DME 1, Amdt. 1; Eff. date, 27 Nov. 65; Sup. Amdt. No. Orig.; Dated, 6 Nov. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Atlanta RbN	Lakeside LOM	Direct	2700	T-dn**	300-1	300-1	200-½
Atlanta VOR	Lakeside LOM	Direct	2700	C-dn	400-1	500-1	500-½
Harrison Int.	Lakeside LOM	Direct	3000	S-dn-9L#	200-½	200-½	200-½
Chattahoochee Int.	Lakeside LOM (final)	Direct	2700	A-dn	600-2	600-2	600-2

Radar available.

Procedure turn S side W crs, 269° Outbnd, 089° Inbnd, 2700' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2700'.

Altitude of glide slope and distance to approach end of runway at OM, 2660'—5.2 miles; at MM, 1236'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb to 3000'. Proceed to Tucker Int via ATL R 033°.

NOTES: (1) TDZ-9R, CL-9R/27L, VASI-27R, REIL-27R, VASI-27L. (2) Back crs unusable.

*400-¾ (RVR 4000') required when glide slope not utilized.

#RVR 2400'. Descent below 1224' not authorized unless approach lights are visible.

**RVR 2400' authorized Runways 9L, 33. RVR (2000') 4-engine turbojet; RVR (1800') other aircraft authorized 9R.

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-ATL; Procedure No. ILS-9L, Amdt. 29; Eff. date, 19 Nov. 66; Sup. Amdt. No. 28; Dated, 27 Aug. 66

Atlanta RbN	Red Oak LOM	Direct	2500	T-dn**	300-1	300-1	200-½
Atlanta VOR	Red Oak LOM	Direct	2500	C-dn	500-1	500-1	500-½
Harrison Int.	Red Oak LOM	Direct	3000	S-dn-9L#	200-½	200-½	200-½
Chattahoochee Int.	Red Oak LOM (final)	Direct	2500	A-dn	600-2	600-2	600-2

Radar available.

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2500' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2500'.

Altitude of glide slope and distance to approach end of runway at OM, 2500'—5 miles; at MM, 1226'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LOM, climb to 3000', turn right and proceed direct to ATL VORTAC. Hold S on R 173°.

NOTE: TDZ-9R, CL-9R/27L, REIL-27R, VASI-27L/27R.

#RVR (2000') 4-engine turbojet; RVR (1800') other aircraft. Descent below 1224' not authorized unless approach lights are visible.

*500-¾ (RVR 4000') required when glide slope not utilized. Reduction not authorized.

**RVR 2400' authorized Runways 9L, 33. RVR (2000') 4-engine turbojet; RVR (1800') other aircraft authorized 9R.

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Clas., ILS; Ident., I-ALR; Procedure No. ILS-9R, Amdt. 6; Eff. date, 19 Nov. 66; Sup. Amdt. No. 5; Dated, 27 Aug. 66

Wrigley Int.	Lakeside LOM (final)	Direct	2700	T-dn*	300-1	300-1	200-½
				C-dn	NA	NA	NA
				S-dn-9L and 9R#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar required.

Procedure turn not authorized.

Minimum altitude at glide slope interception Inbnd, 9L—3500'; at Wrigley Int (2700' when authorized by ATC); 9R—2500'.

Crs, Lakeside LOM to Runway 9L and Red Oak LOM to Runway 9R, 089°.

Altitude of glide slope and distance to approach end of runway at OM; 9L, 2660'—5.2 miles; 9R, 2500'—5 miles; at MM, 9L, 1236'—0.5 mile; 9R, 1226'—0.6 mile.

When advised by the controller, or if visual contact not established upon descent to authorized landing minimums, or if landing not accomplished: Runway 9L—climb to 3000', proceed to Tucker Int via ATL VOR R 033°. Runway 9R—make climbing right turn to 3000' and proceed direct to ATL VOR.

NOTES: (1) TDZ-9R, CL-9R/27L, VASI-27R, REIL-27R, VASI-27L. (2) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach. (3) Runway 9L—Back crs unusable.

#RVR (2000') 4-engine turbojet; RVR (1800') other aircraft 9R.

*RVR (2400') 9L. Descent below 1224' not authorized unless approach lights are visible.

**RVR (2400') authorized 9L, 33. RVR (2000') 4-engine turbojet; RVR (1800') other aircraft 9R.

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS I-ATL; Ident., I-ALR; Procedure No. ILS-9 L and R, Amdt. 4; Eff. date, 19 Nov. 66; Sup. Amdt. No. 3; Dated, 27 Aug. 66

ATL VOR	LOM	Direct	2200	T-dn#	300-1	300-1	200-½
McDonough Int.	LOM (final)	Direct	2200	C-dn	400-1	500-1	500-½
Tucker Int.	LOM	Direct	3000	S-dn-33*%	200-½	200-½	200-½
Harrison Int.	LOM	Direct	3000	A-dn	600-2	600-2	600-2

Radar available.

Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 2200' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2200'.

Altitude of glide slope and distance to approach end of runway at OM, 2140'—4.2 miles; at MM, 1185'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, make climbing right turn to 3000' and proceed direct to REG VOR.

CAUTION: 1185' tank, ¾ mile W of airport.

NOTES: (1) TDZ-9R, CL-9R/27L, VASI-27R, REIL-27R, VASI-27L. (2) Glide slope unusable below 1085'. (3) Back crs unusable.

*400-¾ (RVR 4000') required when glide slope not utilized; 400-½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.

%RVR 2400'. Descent below 1224' not authorized unless approach lights visible.

#RVR 2400' authorized Runways 33, 9L. RVR (2000') 4-engine turbojet; RVR (1800') other aircraft authorized 9R.

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-AZA; Procedure No. ILS 33, Amdt. 11; Eff. date, 19 Nov. 66; Sup. Amdt. No. 10; Dated, 27 Aug. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR.....	BO LOM.....	Direct.....	2000	T-dn%.....	300-1	300-1	200-1½
Millis Int.....	ILS SW crs.....	090°.....	2000	C-dn#.....	600-1	600-1	600-1½
Whitman VOR.....	ILS SW crs.....	345°.....	2000	S-dn-4R*##.....	200-½	200-½	200-½
ILS SW crs.....	BO LOM (final).....	Direct.....	1900	A-dn.....	600-2	600-2	600-2
				With glide slope inoperative: S-dn-4R*##.....	400-¾	400-¾	400-¾

Radar available.
 Procedure turn E side of crs, 215° Outbnd, 035° Inbnd, 2000' within 10 miles.
 Minimum altitude at glide slope interception Inbnd, 1900'.
 Altitude of glide slope and distance to displaced threshold of runway at OM, 1821'—5.3 miles; at MM, 270'—0.6 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing BO LOM, climb to 2000' direct, Danvers Int. Hold NE of Danvers Int, 1-minute right turns, 210° Inbnd, or when directed by ATC, make right-climbing turn to 2000' direct, Skipper Int. Hold E of Skipper Int, 1-minute right turns, 270° Inbnd.
 CAUTION: (1) ILS touchdown point approximately 3500' in from approach end of runway to allow clearance over ship channel. Nonstandard ALS serving Runway 4R. Displaced threshold lights 2490' from end of Runway 4R. (2) 370' stack, 1 mile SW; 505' building, 1.7 miles W; 845' building and antenna, 3.1 miles W; 1349' antennae, 10.5 miles W of airport.
 %Departures from Runway 27—make left turn to heading, 260° as soon as practicable after takeoff.
 #RVR 2400' authorized for Runways 4R and 33.
 *No circling W of airport authorized from centerline extended Runway 4L to centerline extended, Runway 15 when ceiling is less than 800'.
 *Ceiling 200' and 2400' RVR. Descent below 219' not authorized unless approach lights are visible.
 #When tower advises of known surface vessels in the approach area, straight-in minimums of 400-1 and glide slope inoperative minimums of 500-1 will be authorized. Reduction not authorized.
 **Reduction not authorized. Back crs unusable.
 City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19'; Fac. Class., ILS; Ident., I-BOS; Procedure No. ILS-4R, Amdt. 17'; Eff. date, 19 Nov. 66; Sup. Amdt. No. 16; Dated, 22 Jan. 66

Dayton Int.....	CQN RBn.....	Direct.....	3000	T-dn.....	300-1	300-1	#200-1½
Halestown Int.....	CQN RBn.....	Direct.....	3500	C-dn.....	600-1½	700-1½	700-2
Chattanooga VORTAC.....	CQN RBn.....	Direct.....	3000	S-dn-20°.....	200-1½	200-1½	200-1½
Dunlap Int.....	CQN RBn.....	Direct.....	3400	A-dn.....	600-2	700-2	700-2
Chicamanga Int.....	CQN RBn.....	Direct.....	3000				
Whitwell Int.....	CQN RBn.....	Direct.....	3500				
Bridgeport Int.....	CQN RBn.....	Direct.....	3500				
Coalmont Int.....	CQN RBn.....	Direct.....	3400				
Georgetown Int.....	CQN RBn.....	Direct.....	3000				
Crandall Int.....	CQN RBn.....	Direct.....	3000				
Riceville Int.....	CQN RBn.....	Direct.....	3000				

Radar available.
 Procedure turn E side N crs, 016° Outbnd, 196° Inbnd, 3000' within 10 miles of CQN RBn.
 Minimum altitude at glide slope interception Inbnd, 3000'.
 Altitude of glide slope and distance to approach end of runway at CQN RBn, 2940'—7.7 miles; at OM, 1900'—4.1 miles; at MM, 890'—0.7 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CQN RBn, or 4.1 miles after passing OM, climb to 3000' on S crs ILS within 15 miles, or when directed by ATC, turn left and proceed direct to CHA VORTAC at 3000'.
 CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000' before continuing climb on crs.
 NOTE: Glide slope unusable below 885'.
 *500-¾ required when glide slope not utilized. Reduction below ¾ mile not authorized.
 #Takeoff on Runways 14-32 with less than 300-1 not authorized.
 City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682'; Fac. Class., ILS; Ident., I-CHA; Procedure No. ILS-20, Amdt. 17; Eff. date, 19 Nov. 66; Sup. Amdt. No. 16; Dated, 18 June 66

Papi Int.....	LOM.....	Direct.....	2200	T-dn%.....	300-1	300-1	200-½
ORD VOR.....	LOM.....	Direct.....	2200	C-dn.....	400-1	500-1	500-1½
OBK VOR.....	LOM.....	Direct.....	2200	S-dn-27#.....	200-½	200-½	200-½
Lakewood Int.....	ORD VOR.....	Via OBK, R 271° and ORD, R 306°.....	2500	A-dn.....	600-2	600-2	600-2
Niles Int.....	LOM.....	Direct.....	2500				
Warren Int.....	ORD VOR.....	Direct.....	2500				
Deerfield Int.....	LOM.....	Direct.....	2200				

Radar available.
 Procedure turn N side E crs, 088° Outbnd, 268° Inbnd, 2200' within 10 miles.
 Minimum altitude at glide slope interception Inbnd, 2200'.
 Altitude of glide slope and distance to approach end of runway at LOM, 2130'—4.5 miles; at MM, 860'—0.6 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3500' on a crs of 268° and proceed direct to DPA VOR, or climb to 2500' on crs of 268° and proceed to Elgin Int via ORD R 271° or make right turn, climb to 2500' proceed to OBK VOR via OBK R 170'.
 NOTE: Runway 27, LOM named "Taft." Back crs unusable.
 CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD VOR R 250° and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD VOR R 306° and climb to 2000' before proceeding westbound.
 %RVR 2400' authorized Runways 14L, 14R, 32L, and 27.
 #RVR 2400'. Descent below 867' not authorized unless approach lights are visible.
 *400-¾ required when glide slope not utilized and 400-½ authorized with operative ALS except for 4-engine turbojets.
 City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-IAC; Procedure No. ILS-27, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 26 June 65

CMH LOM.....	University Int.....	Direct.....	2500	T-dn.....	300-1	300-1	200 1½
				C-dn.....	500-1	500-1	500-1½
				S-dn-10R.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar available.
 Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2500' within 10 miles of University Int.
 Minimum altitude over University Int on final approach crs, 2500'.
 Crs and distance, University Int to airport, 096°—5.6 miles.
 No glide slope. Back crs approach.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing University Int, climb straight ahead to 2700' on E crs ILS to CM LOM and hold E, 1-minute right turns, 276° Inbnd.
 City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816'; Fac. Class., ILS; Ident., I-CMH; Procedure No. ILS-10R (back crs), Amdt. 8; Eff. date, 19 Nov. 66; Sup. Amdt. No. 7; Dated, 14 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FAY VOR.....	GR LOM.....	Direct.....	1700	T-dn..... C-dn..... S-dn-3*..... A-dn.....	300-1 400-1 200-1½ 800-2	300-1 500-1 200-1½ 800-2	200-1½ 500-1½ 200-1½ 800-2

Radar available.

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1700' within 15 miles.

Minimum altitude at glide slope interception Inbnd, 1700'.

Altitude of glide slope and distance to approach end of runway at OM, 1678'—5.1 miles; at MM, 395'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make right turn, intercepting 081° crs from LOM, climbing to 1700' within 15 miles, or when directed by ATC, turn right, climb to 1700' on R 091° of FAY VOR within 15 miles.

NOTE: Back crs unusable.

*400-¾ required when glide slope not utilized. 400-½ authorized with operative ALS except for 4-engine turbojets.

City, Fayetteville; State, N.C.; Airport name, Grannis Field; Elev., 189'; Fac. Class., ILS; Ident., I-GR; Procedure No. ILS-3, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 13 Nov. 65

Buffalo VOR.....	LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	*200-1½
Wolcottsville Int.....	LOM (final).....	Direct.....	1800	C-dn.....	500-1	500-1	500-1½
Grand Island Int.....	LOM.....	Direct.....	2000	S-dn-28 Rct#.....	200-1½	200-1½	200-1½
Buffalo VOR via VOR, R 347°.....	E crs ILS.....	Direct.....	2000	A-dn##.....	600-2	600-2	600-2

Radar available (Buffalo Radar).

Procedure turn N side of crs, 098° Outbnd, 278° Inbnd, 1800' within 10 miles of LOM.

Minimum altitude at glide slope interception Inbnd, 1800'.

Altitude of glide slope and distance to approach end of runway at OM, 1755'—4.2 miles; at MM, 805'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing IA LOM, climb straight ahead on crs, 278° to 2000' within 10 miles, then make right turn and return to LOM. Hold E, 1-minute right turns, Inbnd crs, 278°.

§RVR 2400' authorized 28R.

§RVR 2400'. Descent below 790' not authorized unless approach lights are visible.

*300-1 required on Runways 10R, 28L.

#400-¾ required with glide slope inoperative. 400-½ authorized with operative ALS except for 4-engine turbojets.

##All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.

City, Niagara Falls; State, N.Y.; Airport name, Niagara Falls Municipal; Elev., 590'; Fac. Class., ILS; Ident., I-IA G; Procedure No. ILS-28R, Amdt. 9; Eff. date, 19 Nov. 66; Sup. Amdt. No. 8; Dated, 12 Mar. 66

OSH VOR.....	LOM.....	Direct.....	2600	T-dn..... C-dn\$..... S-dn-9#..... A-dn\$.....	300-1 400-1 300-¾ 700-2	300-1 500-1 200-¾ 700-2	200-1½ 500-1½ 300-¾ 700-2
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Radar available.

Procedure turn S side of crs, 260° Outbnd, 089° Inbnd, 2600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2600'.

Altitude of glide slope and distance to approach end of runway at OM, 2498'—5.7 miles; at MM, 1001'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles of LOM, climb to 2600' on E crs of ILS within 15 miles, or when directed by ATC, make right-climbing turn to 2600' on R 165° OSH VOR within 15 miles.

Notes: (1) No approach lights. (2) Use Green Bay altimeter setting when control zone not effective. (3) Circling and straight-in ceiling minimums are raised 100' and alternate minimums not authorized when control zone not effective.

CAUTION: Runways 4/22 and 13/31 unlighted.

§These minimums apply at all times for air carriers with approved weather reporting service.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795'; Fac. Class., ILS; Ident., I-OSH; Procedure No. ILS-9, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 3 July 65

Greensburg Int.....	McKeesport RBN (final).....	Direct.....	3000	T-dn*.....	300-1	300-1	200-1½
Scottdale Int.....	McKeesport RBN.....	Direct.....	3000	C-dn.....	500-1	500-1	500-1½
Allegheny VOR.....	McKeesport RBN.....	Direct.....	3000	S-dn-27**%.....	200-1½	200-1½	200-1½
GP LOM.....	McKeesport RBN.....	Direct.....	3000	A-dn.....	600-2	600-2	600-2
McKeesport RBN.....	ILS OM (final).....	Direct.....	2700				
Imperial VOR.....	McKeesport RBN.....	IRL, R 117°.....	3000				
McKeesport RBN.....	Jeannette Int.....	Direct.....	3000				
Jeannette Int.....	McKeesport RBN (final).....	Direct.....	3000				

Radar available.

Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 3000' within 10 miles of MKP RBN. Nonstandard due to traffic.

Minimum altitude at glide slope interception Inbnd, 2700'. Glide slope may be intercepted at 3000' over MKP RBN or 2700' between MKP RBN and the ILS OM.

Altitude of glide slope and distance to approach end of runway at OM, 2615'—4.2 miles; at MM, 1480'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' proceeding to AGC RBN. Hold W, right turns, 1 minute, 082° Inbnd.

*RVR 2400' authorized Runway 27.

**RVR 2400'. Descent below 1452' not authorized unless approach lights are visible.

%400-¾ with glide slope inoperative.

%400-½ authorized with operative ALS except for 4-engine turbojet aircraft.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252'; Fac. Class., ILS; Ident., I-AGC; Procedure No. ILS-27, Amdt. 15; Eff. date, 19 Nov. 66; Sup. Amdt. No. 14; Dated, 22 May 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wheeling VOR.....	Hookstown Int.....	Direct.....	3000	T-dn*.....	300-1	300-1	200-1½
Hookstown Int.....	Creek RBN (final).....	Direct.....	3000	C-dn.....	500-1	500-1	500-1½
Ellwood City VOR@.....	Hookstown Int.....	Direct.....	3000	S-dn-10L*%.....	200-1½	200-1½	200-1½
Allegheny VOR@.....	Hookstown Int.....	Direct.....	3000	A-dn.....	600-2	600-2	600-2
Creek RBN.....	ILS OM (final).....	Direct.....	2600				

Radar available.

Procedure turn S side crs, 277° Outbnd, 097° Inbnd, 3000' within 10 miles of Creek RBN.

Minimum altitude at glide slope interception Inbnd, 2600'. (Glide slope may be intercepted at 3000' between Creek RBN and ILS OM).

Altitude of glide slope and distance to approach end of runway at OM, 2516'—4.3 miles; at MM, 1410'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing OM, make left-climbing turn to 3000' on a 360° crs, proceed direct to EWC VOR. Hold N, 1-minute right turns, 182° Inbnd.

%400-¾ required with glide slope inoperative. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

@Transitions from EWC and AGC require holding pattern entry for nonradar operation.

*RVR 2000' authorized for 4-engine turbojet. RVR 1800' authorized other aircraft. Descent below 1403' not authorized unless approach lights visible.

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., ILS; Ident., I-LXB; Procedure No. ILS-10L, Amdt. 8; Eff. date, 19 Nov. 66; Sup. Amdt. No. 7; Dated, 26 Feb. 66

Imperial VOR.....	Highland Int.....	IRL, R 097°.....	3000	T-dn**.....	300-1	300-1	200-1½
Ellwood City VOR.....	Highland Int.....	EWC, R 153°.....	3000	C-dn.....	500-1	500-1	500-1½
Allegheny VOR.....	Highland Int.....	AGC, R 027°.....	3000	S-dn-28L*%#.....	200-1½	200-1½	200-1½
Highland Int.....	GP LOM (final).....	Direct.....	3000	A-dn.....	600-2	600-2	600-2

Radar available.

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 3000' within 10 miles of GP LOM.

Minimum altitude at glide slope interception Inbnd, 3000'.

Altitude of glide slope and distance to approach end of runway at OM, 2980'—5.6 miles; at MM, 1384'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 3000' on a 180° crs, proceed direct to AGC VOR. Hold S, 1-minute right turns, 354° Inbnd.

NOTE: Holding pattern entry required at Highland Int during nonradar operation.

CAUTION: Runway 28R approach—Fluorescent street lighting aligned with Runway 28R and terminating approximately ¾ mile from runway, can be mistaken for runway lights.

*400-¾ required with glide slope inoperative. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

%RVR 2400'. Descent below 1368' not authorized unless approach lights are visible.

**RVR 2400'. Authorized Runway 28L.

#S-dn-28L—Altitude 1368' authorized for straight-in only (200').

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., ILS; Ident., I-GPB; Procedure No. ILS-28L, Amdt. 12; Eff. date, 19 Nov. 66; Sup. Amdt. No. 11; Dated, 18 Sept. 65

Flat Rock VOR.....	Bellwood Int.....	Via R 120°.....	2000	T-dn.....	300-1	300-1	200-1½
Flat Rock VOR.....	LOM.....	Direct.....	2000	C-dn.....	400-1	500-1	500-1½
Richmond RBN.....	LOM.....	Direct.....	1500	S-dn-6.....	200-1½	200-1½	200-1½
Bellwood Int.....	LOM.....	Direct.....	#1500	A-dn.....	600-2	600-2	600-2
Petersburg Int.....	LOM.....	Direct.....	1500	With glide slope inoperative: S-dn-6.....	400-¾	400-¾	400-¾

Radar available.

Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1500' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 1500'.

Altitude of glide slope and distance to approach end of runway at OM, 1370'—3.8 miles; at MM, 370'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on crs 063°, proceed direct to HPW VOR. Hold NE, 025° Outbnd, 205° Inbnd, 1-minute left turns.

#After interception of localizer crs Inbnd, descent on glide slope to cross OM at 1370' is authorized.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., ILS; Ident., I-RIC; Procedure No. ILS-6, Amdt. 15; Eff. date, 19 Nov. 66; Sup. Amdt. No. 14; Dated, 11 July 64

RST VOR.....	LOM.....	Direct.....	2900	T-dn.....	300-1	300-1	200-1½
Bell Int.....	LOM (final).....	Direct.....	2600	C-dn.....	400-1	500-1	500-1½
Byron Int.....	LOM.....	Direct.....	2800	S-dn-31#.....	200-1½	200-1½	200-1½
Granger Int.....	LOM.....	Direct.....	2900	A-dn.....	600-2	600-2	600-2
Freston Int.....	LOM.....	Direct.....	2900				

Procedure turn N side of crs, 127° Outbnd, 307° Inbnd, 2600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2600'.

Altitude of glide slope and distance to approach end of runway at LOM, 2590'—4.2 miles; at LMM, 1502'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 2800' on NW crs of ILS within 20 miles of LOM, or when directed by ATC, make left-climbing turn to 3000', proceed direct to RST VOR.

#300-¾ required when glide slope not utilized, and 300-½ authorized with operative ALS except for 4-engine turbojets.

City, Rochester; State, Minn.; Airport name, Rochester Municipal; Elev., 1316'; Fac. Class., ILS; Ident., I-RST; Procedure No. ILS-31, Amdt. 4; Eff. date, 19 Nov. 66; Sup. Amdt. No. 3; Dated, 31 Mar. 66

SAT VOR.....	LOM.....	Direct.....	3000	T-dn*.....	300-1	300-1	200-1½
				C-dn.....	#400-1	500-1	500-1½
				S-dn-12#%.....	200-1½	200-1½	200-1½
				A-dn.....	600-2	600-2	600-2

Radar available.

Procedure turn W side of NW crs, 303° Outbnd, 123° Inbnd, 3000' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2600'.

Altitude of glide slope and distance to approach end of runway at LOM, 2600'—5.9 miles; at MM, 1028'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 3000' on SAT VOR, R 158° within 20 miles.

*RVR 2400' authorized Runways 3 and 12.

#500-¾ required when glide slope not utilized.

%RVR 2400'. Descent below 1008' not authorized unless ALS is visible.

#500-1 required when glide slope not utilized.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-ANT; Procedure No. ILS-12, Amdt. 10; Eff. date, 19 Nov. 66; Sup. Amdt. No. 9; Dated, 20 Aug. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Syracuse VOR.....	Syracuse RBn.....	Direct.....	2000	T-dn*.....	300-1	300-1	200-1½
Lakeport Int.....	Syracuse RBn.....	Direct.....	2000	C-dn.....	700-1	700-1	700-1½
Weedsport Int.....	Syracuse RBn (final).....	Direct.....	2000	S-dn-10**.....	400-1	400-1	400-1
Whitford Int.....	SYR RBn (final).....	Direct.....	2000	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 2000' within 10 miles.

Minimum altitude over SYR RBn on final approach crs, 2000'; over Liverpool Int, or 4-mile Radar Fix, 1400'.

Crs and distance, SYR RBn to airport, 098°—6.7 miles. Crs and distance, Liverpool Int to airport, 098°—3.4 miles.

No glide slope.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing SYR RBn (3.4 miles after Liverpool Int), climb straight ahead to 2000' to SY LOM. Hold E of SY LOM, 278° Inbnd, 1-minute right turns.

CAUTION: 836' antenna, 1.1 miles S of approach end of Runway 28. 2549' antenna, 10.4 miles S of airport.

AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.

*600-1 required for takeoff on Runway 14.

**400-¾ authorized with operative HIRL except for 4-engine turbojet aircraft.

City, Syracuse; State, N. Y.; Airport name, Clarence E. Hancock; Elev., 421'; Fac. Class., ILS; Ident., I-SYR; Procedure No. ILS-10 (back crs), Amdt. 12; Eff. date, 19 Nov. 66; Sup. Amdt. No. 11; Dated, 8 May 65

PBI VOR.....	RBn (OM).....	Direct.....	1600	T-dn.....	300-1	300-1	200-1½
Morgan Int.....	RBn (OM).....	Direct.....	1600	C-dn.....	*400-1	500-1	500-1½
Parkway Int.....	RBn (OM).....	Direct.....	1600	S-dn-9*.....	300-¾	300-¾	300-¾
Andrews Int.....	RBn (OM).....	Direct.....	2000	A-dn.....	600-2	600-2	600-2
Shawnee Int# (final).....	RBn (OM).....	Direct.....	1600				
Willy Int.....	RBn (OM).....	Direct.....	1600				
Pompano Int.....	RBn (OM).....	Direct.....	2000				

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 1600'.

Altitude of glide slope and distance to approach end of runway at OM, 1560'—5.7 miles; at MM, 217'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 1600' on E crs of ILS localizer within 20 miles of LOM.

NOTE: Glide slope unusable below 150'.

*500-¾ required when glide slope not utilized. Reduction below ¾ mile not authorized.

#Shawnee Int may be used in lieu of procedure turn when authorized by Palm Beach approach control.

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Fac. Class., ILS; Ident., I-PBI; Procedure No. ILS-9, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 23 Apr. 66

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:			Surveillance approach		
0°.....	360°.....	5 miles.....	2500	T-dn*.....	300-1	300-1	200-1½
195°.....	090°.....	5-10 miles.....	2500	C-d#.....	500-1	500-1	500-1½
090°.....	195°.....	5-10 miles.....	4000	C-n#.....	500-1½	500-1½	500-1½
205°.....	285°.....	10-19 miles.....	2500	S-dn-4L**.....	400-1	400-1	400-1
205°.....	285°.....	19-24 miles.....	3000	S-dn-22R-18%.....	500-1	500-1	500-1
285°.....	080°.....	10-20 miles.....	3000	A-dn#.....	800-2	800-2	800-2
350°.....	080°.....	20-30 miles.....	4000				
080°.....	205°.....	10-17 miles.....	5000				
285°.....	360°.....	10-14 miles.....	2500				
142°.....	205°.....	17-23 miles.....	7000				

Distances are from radar antenna with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 18 and 22R: Proceed to LOM, climbing to 3000'. Runway 4L: Proceed to TYS VORTAC, climbing to 3000', or when directed by ATC, climb to 3000' on 070° bearing from TYS RBn or VOR R 070° within 20 miles.

NOTE: Terrain 3686' located 15 miles SE of antenna.

*All runways.

#Runways 18, 4L, and 22R.

**400-¾ authorized with HIRL except for 4-engine turbojets. 400-1½ authorized with ALS except for 4-engine turbojets.

% Reduction below ¾ mile not authorized Runways 22R-18.

City, Knoxville; State, Tenn.; Airport name, McGhee-Tyson; Elev., 989'; Fac. Class. and Ident., Knoxville Radar; Procedure No. 1, Amdt. 10; Eff. date, 19 Nov. 66; Sup. Amdt. No. 9; Dated, 31 July 65

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
355°	145°	10 miles	1500	T-dn	Surveillance approach		
146°	354°	10 miles	1900	C-dn	300-1	300-1	200-1½
0°	360°	15 miles	*2000	S-dn	500-1	600-1	600-1½
0°	360°	30 miles	*2300	S-dn-4, 22, 32, 35, A-dn	500-1	500-1	500-1
					800-2	800-2	800-2

* Radar control will provide 1000' vertical clearance within a 3-mile radius of tower 2215', 14 miles WNW and tower 2292', 16 miles S of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed direct to LIT VOR, climbing to 2000', or when directed by ATC, proceed direct to the LI LOM climbing to 2000'.

City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257'; Fac. Class. and Ident., Little Rock Radar; Procedure No. 1, Amdt. 3; Eff. date, 19 Nov. 66; Sup. Amdt. No. 2; Dated, 19 Sept. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
000°	360°	10	%2500	20	3000			40	5000						Surveillance approach		
000°	340°			25	3000	30	4000							T-dn#	300-1	300-1	200-1½
340°	360°			25	4000									C-dn	500-1	500-1	500-1½
														S-dn@	500-1	500-1	500-1
														S-dn-10L##	400-1	400-1	400-1
														28L, 32** and 10R.			
														A-dn	800-2	800-2	800-2
															Precision approach		
														S-dn-28L*	200-1½	200-1½	200-1½
														A-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 5, 10R, 14: Climb to 3000' within 10 miles and proceed to GP LOM, hold E right turn, 1 minute, 277° Inbnd. Runways 23, 28R, 32: Climb to 3000' within 10 miles and proceed to Creek RBN. Hold W, right turn, 1 minute, 097° inbnd. Runway 10L, make left-climbing turn to 3000' on a 360° crs, proceed direct to EWC VOR, hold N, 1-minute right turns, 182° Inbnd. Runway 28L, make left-climbing turn to 3000' on a 180° crs. Proceed direct to AGC VOR. Hold S, 1-minute right turns, 354° Inbnd.

CAUTION: Runway 28R approach: Fluorescent street lights aligned with Runway 28R and terminating approximately ¼ mile from runway end. Can be mistaken for runway lights.

**On approaches to Runway 32, do not descend below 1700' until radar advises passing water tank 1410', 3.3 miles from approach end of Runway 32.

*RVR 2400', also authorized for landing on Runway 28L providing all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers are operating satisfactorily. Descent below 1368' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

#RVR 2400', also authorized for takeoff on Runway 28L in lieu of 200-½, when 200-½ is authorized, providing high-intensity runway lights are operational.

@All runways except 10L, 28L, 32, and 10R.

%Radar control will provide 1000' vertical clearance within 3-mile radius of 2049' TV antenna, 10 miles E of radar antenna.

##Runways 28L, 10L, and 10R: 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

##Runways 28L, 10L: 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

##Runway 32: 400-¾ authorized, except for 4-engine turbojet aircraft, with operative REIL.

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., and Ident., Pittsburgh Radar; Procedure No. 1, Amdt. 10; Eff. date, 19 Nov. 66; Sup. Amdt. No. 9; Dated, 10 July 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 13, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-11396; Filed, Oct. 27, 1966; 8:45 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart P—Ex Parte Communications

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,¹ the National Labor Relations Board hereby issues the following further amendments to its rules and regulations, series 8, as amended, which it finds necessary to carry out the provisions of said act, such amendments to be effective November 1, 1966.

National Labor Relations Board rules and regulations, series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., October 24, 1966.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

The Board's rules and regulations are amended by adding the following subpart:

Subpart F—Ex Parte Communications

- Sec.
- 102.126 Unauthorized communications.
 - 102.127 Definitions.
 - 102.128 Types of on-the-record proceedings; categories of Board agents; and duration of prohibition.
 - 102.129 Communications prohibited.
 - 102.130 Communications not prohibited.
 - 102.131 Communications by Board agents.
 - 102.132 Solicitation of prohibited communications.
 - 102.133 Receipt of prohibited communications; reporting requirements.
 - 102.134 Penalties and enforcement.

AUTHORITY: The provisions of this Subpart P issued under 49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151-167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141-168).

§ 102.126 Unauthorized communications.

No person who is a party to, an agent of a party to, or who intercedes in, an on-the-record proceeding of the types defined in § 102.128, shall make an unauthorized ex parte communication to Board agents of the categories designated in that section, concerning the disposition on the merits of the substantive and procedural issues in the proceeding.

§ 102.127 Definitions.

When used in this subpart:

(a) The term "person who is a party," to whom the prohibitions apply, shall include any individual outside this agency

(whether in public or private life), partnership, corporation, association, or other entity, who is named or admitted as a party or who seeks admission as a party.

(b) The term "person who intercedes," to whom the prohibitions apply, shall include any individual outside this agency (whether in public or private life), partnership, corporation, association, or other entity, other than a party or an agent of a party, who volunteers a communication which he may be expected to know may advance or adversely affect the interests of a particular party to the proceeding, whether or not he acts with the knowledge or consent of any party or any party's agent.

§ 102.128 Types of on-the-record proceedings; categories of Board agents; and duration of prohibition.

Unless otherwise provided by specific order of the Board entered in the proceeding, the prohibition of § 102.126 shall be applicable in the following types of on-the-record proceedings to unauthorized ex parte communications made to the designated categories of Board agents who participate in the decision, from the stage of the proceeding specified until the issues are finally resolved for the purposes of that proceeding under prevailing rules and practices:

(a) In a preelection proceeding pursuant to section 9(c)(1) or 9(e), or in a unit clarification or certification amendment proceeding pursuant to section 9(b), of the Act, in which a formal hearing is held, communications to the regional director and members of his staff who review the record and prepare a draft of his decision, and members of the Board and their legal assistants, from the time the hearing is opened.

(b) In a postelection proceeding pursuant to section 9(c)(1) or 9(e) of the Act, in which a formal hearing is held, communications to the hearing officer, the regional director and members of his staff who review the record and prepare a draft of his report or decision, and members of the Board and their legal assistants, from the time the hearing is opened.

(c) In a postelection proceeding pursuant to section 9(c)(1) or 9(e), or in a unit clarification or certification amendment proceeding pursuant to section 9(b), of the Act, in which no formal hearing is held, communications to members of the Board and their legal assistants, from the time the regional director's report or decision is issued.

(d) In a proceeding pursuant to section 10(k) of the Act, communications to members of the Board and their legal assistants, from the time the hearing is opened.

(e) In an unfair labor practice proceeding pursuant to section 10(b) of the Act, communications to the trial examiner assigned to hear the case or to make rulings upon any motions or issues therein and members of the Board and their legal assistants, from the time the complaint is issued.

(f) In any other proceeding to which the Board by specific order makes the

prohibition applicable, to the categories of personnel and from the stage of the proceeding specified in the order.

§ 102.129 Communications prohibited.

Except as provided in § 102.130 ex parte communications prohibited by § 102.126 shall include:

(a) Such communications, when written, if copies thereof are not contemporaneously served by the communicator on all parties to the proceeding in accordance with the provisions of § 102.112.

(b) Such communications, when oral, unless advance notice thereof is given by the communicator to all parties in the proceeding and adequate opportunity afforded to them to be present.

§ 102.130 Communications not prohibited.

Ex parte communications prohibited by § 102.126 shall not include:

(a) Oral or written communications which relate solely to matters which the hearing officer, regional director, trial examiner, or member of the Board is authorized by law or Board rules to entertain or dispose of on an ex parte basis.

(b) Oral or written requests for information solely with respect to the status of a proceeding.

(c) Oral or written communications which all the parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis.

(d) Oral or written communications proposing settlement or an agreement for disposition of any or all issues in the proceeding.

(e) Oral or written communications which concern matters of general significance to the field of labor-management relations or administrative practice and which are not specifically related to pending on-the-record proceedings.

§ 102.131 Communications by Board agents.

No Board agent of the categories defined in § 102.128, participating in a particular proceeding as defined in that section, shall (a) request or entertain any prohibited ex parte communications; or (b) make any prohibited ex parte communications about the proceeding to any person who is a party to the proceeding, any agent of any person who is a party, or any other person, whom he has reason to know may transmit the communication to a person who is a party or to an agent of a person who is a party.

§ 102.132 Solicitation of prohibited communications.

No person shall knowingly and willfully solicit the making of an unauthorized ex parte communication by any other person.

§ 102.133 Receipt of prohibited communications; reporting requirements.

(a) Any Board agent of the categories defined in § 102.128 to whom a prohibited oral ex parte communication is attempted to be made shall refuse to listen to the communication, inform the communicator of this rule, and advise him

¹ 49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151-167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141-168).

that if he has anything to say it should be said in writing with copies to all parties. Any such Board agent who receives a written ex parte communication which he has reason to believe is prohibited by this subpart shall promptly forward such communication to the Office of the Executive Secretary if the proceeding is then pending before the Board, to the chief trial examiner if the proceeding is then pending before a trial examiner, or to the regional director involved if the proceeding is then pending before a hearing officer or the regional director. If the circumstances in which the unauthorized communication was made are not apparent from the communication itself, a statement describing those circumstances shall also be submitted. The executive secretary, the chief trial examiner, or the regional director to whom such a communication is forwarded shall then place the communication in the public file maintained by the agency and shall serve copies of the communication on all other parties to the proceeding and attorneys of record for the parties. Within 10 days after the mailing of such copies, any party may file with the executive secretary, the chief trial examiner, or regional director serving the communication, and serve on all other parties, a statement setting forth facts or contentions to rebut those contained in the unauthorized communication.

(b) Upon appropriate motion to the regional director, the trial examiner, or the Board, before whom the proceeding is pending, under circumstances in which such presiding authority shall determine that the dictates of fairness so require, the unauthorized communication and response thereto may be made part of the record of the proceeding, and provision made for any further action, including reopening of the record, which may be required under the circumstances. No action taken pursuant to this provision shall constitute a waiver of the power of the Board to impose an appropriate penalty under § 102.134.

§ 102.134 Penalties and enforcement.

Upon notice and hearing, the Board may censure, suspend, or revoke the privilege of practice before the agency of any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication. To the extent permitted by law, the Board may, under appropriate circumstances, deny or limit remedial measures otherwise available under the Act to any party who shall, directly or indirectly, knowingly and willfully make or solicit the making of an unauthorized communication. The Board may censure, or, to the extent permitted by law, suspend, dismiss, or institute proceedings for the dismissal of, any Board agent who knowingly and willfully violates the prohibitions and requirements of this rule. [F.R. Doc. 66-11737; Filed, Oct. 27, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Ridgefield National Wildlife Refuge, Wash.

On page 12533 of the FEDERAL REGISTER of September 22, 1966, there was published a notice of a proposed amendment to §§ 32.11 and 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds and upland game on Ridgefield National Wildlife Refuge, Wash., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. After consideration of all comments, suggestions, and objections received, the amendment is adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 7151 and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d)

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

* * * * *

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director.

OCTOBER 26, 1966.

[F.R. Doc. 66-11808; Filed, Oct. 27, 1966; 8:49 a.m.]

PART 32—HUNTING

Ridgefield National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the Federal migratory game

bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Ridgefield National Wildlife Refuge, Wash., is permitted from October 26, 1966, through January 8, 1967, and the hunting of common snipe from October 26 through December 3, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 876 acres, is delineated on maps available at refuge headquarters, Ridgefield National Wildlife Refuge, Ridgefield, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) A Federal permit is required to enter the public hunting area. Hunters must report at the check station to obtain a permit when entering the public hunting area and must return the permit when leaving the hunting area.

(2) Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 11 and November 24, 1966, and January 2, 1967.

(3) Dogs may be used for retrieving.

(4) Vehicles may be parked in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

PAUL T. QUICK,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

OCTOBER 26, 1966.

[F.R. Doc. 66-11806; Filed, Oct. 27, 1966; 8:49 a.m.]

PART 32—HUNTING

Ridgefield National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

Public hunting of ring-necked pheasants on Ridgefield National Wildlife Refuge, Wash., is permitted from October 26 through November 13, and from November 26 through December 31, 1966; and the hunting of cottontail rabbits is permitted from October 26, 1966, through January 8, 1967, but only on the area designated by signs as open to hunting.

This open area, comprising 876 acres, is delineated on maps available at refuge headquarters, Ridgefield National Wildlife Refuge, Ridgefield, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) A Federal permit is required to enter the public hunting area. Hunters must report at the check station to obtain a permit when entering the public hunting area and must return the permit when leaving the hunting area.

(2) Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 11 and November 24, 1966, and January 2, 1967.

(3) Dogs may be used for hunting and retrieving.

(4) Vehicles may be parked in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

PAUL T. QUICK,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

OCTOBER 26, 1966.

[F.R. Doc. 66-11807; Filed, Oct. 27, 1966;
8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2); Amdt. 9, Oct. 28, 1966]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

Change in List A

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was no consultation with industry because the changes affect many industries.

This amendment supersedes Amendment 8 to BDSA Reg. 2 (formerly NPA Reg. 2) of February 23, 1966. It affects BDSA Reg. 2 as heretofore amended by excluding from the category of items not subject to ratings the following, thereby making them subject to ratings under this regulation: (a) Copper intermediate shapes, and (b) radioisotopes, stable isotopes, source and fissionable materials not produced by Government-owned

plants or facilities operated by or for the Atomic Energy Commission.

Item 1 of List A of BDSA Reg. 2 (formerly NPA Reg. 2) is hereby amended to read as follows:

1. The following items are not presently subject to any ratings issued by or under the authority of BDSA, and therefore no rating shall be effective to obtain any of them:

Communications services.

Copper raw materials as that term is defined in BDSA Order M-11A (as the same may be amended from time to time), except copper-base alloy ingot, shot, and waffle containing 3 percent or more of nickel (by weight), and intermediate shapes (as defined in that order), and domestic refined copper (as defined in Direction 2 to BDSA Order M-11A).

Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Wood pulp.

Item 2 of List A of BDSA Regulation 2 is hereby amended by changing paragraph (e) thereunder to read as follows:

(e) Radioisotopes, stable isotopes, source and fissionable materials, produced by Government-owned plants or facilities operated by or for the Atomic Energy Commission,

and by deleting footnote 2 therefrom.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C., App. 2154; sec. 1, P.L. 89-482, 80 Stat. 235)

This amendment shall take effect October 28, 1966.

BUSINESS AND DEFENSE SERVICES
ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 66-11673; Filed, Oct. 27, 1966;
8:45 a.m.]

[BDSA Order M-11A, as amended Oct. 28,
1966]

M-11A—COPPER AND COPPER- BASE ALLOYS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

BDSA Order M-11A, as amended December 18, 1956, and as further amended January 20, 1958, has been amended to correct references to DMS Regulation 1 and to change the reference in section 6(e) and section 10(d) from "calendar year 1955" to "the preceding calendar year." Section 9 has been changed to provide for the mandatory use of rated orders to obtain intermediate shapes. (BDSA Regulation 2 has been simultane-

ously amended to provide for applicability of rated orders to intermediate shapes.) Section 10(b) has been changed to require copper controlled material distributors to use authorized controlled material orders to replace inventory used to fill authorized controlled material orders and to provide that such authorized controlled material orders shall call for delivery of an equal weight in terms of the copper content of such copper controlled materials. Section 10 has been further changed by the addition of a new paragraph (e) to permit a distributor who is an authorized agent of a copper controlled material producer to receive and transmit authorized controlled material orders to such producer for direct shipment to the purchaser. Schedule A to BDSA Order M-11A—Set-aside Percentages—is printed separately from this order as amended, because it is published as a separate schedule and will be revised as needed from time to time. Direction 1, and Direction 2 as amended, are not affected by the issuance of this amended order.

BDSA Order M-11A is hereby amended to read as follows:

Sec.

- 1 What this order does.
- 2 Definitions.
- 3 Applicability of other BDSA orders and regulations.
- 4 Opening of order books.
- 5 Acceptance of orders.
- 6 Rejection of ACM orders.
- 7 Priority status of delivery orders.
- 8 Reserved portion of production (set-asides).
- 9 Rated orders for intermediate shapes.
- 10 Rules applicable to distributors.
- 11 Directives.
- 12 Records and reports.
- 13 Request for adjustment or exception.
- 14 Communications.
- 15 False statements.
- 16 Violations.

AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, 80 Stat. 235, 50 U.S.C. App. 2166. Interpret or apply sec. 101, 64 Stat. 799, as amended, 50 U.S.C. App. 2071; sec. 705, 64 Stat. 816, as amended, 50 U.S.C. App. 2155; sec. 1, 80 Stat. 235, 50 U.S.C. App. 2166; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673, 23 F.R. 5061, 6971, 24 F.R. 3779, 27 F.R. 9683, 27 F.R. 11447; DMO 8-00.1, 28 F.R. 12164, 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F.R. 6503, as revised 29 F.R. 5408.

Section 1 What this order does.

This order supplements the DMS and priorities regulations and applies particularly to producers and sellers of intermediate shapes and to producers and distributors of brass mill products, copper wire mill products, copper powder mill products, and copper foundry products. It provides the rules for the acceptance of authorized controlled material orders. It also provides for an equitable distribution of such orders among all brass mills, copper wire mills, copper powder mills, and copper foundries. It provides limitations on the required acceptance of

authorized controlled material orders by distributors. It provides a method whereby copper controlled material producers requiring intermediate shapes to fill certain orders shall obtain such shapes.

Sec. 2 Definitions.

As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the U.S. Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the U.S. Department of Commerce.

(c) "Copper" means all unalloyed copper, including electrolytic copper and fire-refined copper.

(d) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U.S. Commercial Standard CS67-38.

(e) "Brass mill products" means copper and copper-base alloys in the following forms: Sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, cutting to width or length, and reduction in gauge, do not constitute changes in form of brass mill products except as determined by BDSA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs).
Cups (except brass military ammunition cups).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(f) "Copper wire mill products" means uninsulated or insulated wire and cable for transmission of electrical energy, whatever the outer protective coverings may be, made from copper or copper-base alloy, and also copper-clad steel or aluminum wire containing over 20 percent copper by weight regardless of end use. Copper wire mill products shall be measured in terms of pounds of copper content.

(g) "Copper powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

(h) "Copper foundry products" means cast copper and copper-based alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any machining or further processing. For centrifugal casting the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes and shot cast in a foundry or by an ingot maker.)

(i) "Copper controlled materials" means brass mill products, copper wire mill products, copper powder mill products, or copper foundry products, and does not include "intermediate shapes."

(j) "Copper controlled material producer" means any person who produces a copper controlled material.

(k) "Intermediate shape producer" means any person who produces an intermediate shape.

(l) "Authorized controlled material (ACM) order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, or pursuant to self-authorization, as provided in section 10 of DMS Regulation 1, or which is specifically designated to be such an order by any regulation or order of BDSA. "ACM-DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 10(b) of DMS Regulation 1.

(m) "Copper raw materials" as used in this order includes the following materials as defined below:

(1) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, copper powder mill products, copper wire mill products, brass mill products, or copper foundry products.

(2) "Blister copper"—High-grade crude copper in any form produced from converter operations and from which nearly all the oxidizable impurities have been removed by slagging and volatilization.

(3) "Brass mill scrap"—Uncontaminated scrap which is the waste or byproduct of the production or industry fabrication of brass mill products or copper wire mill products. It includes fired and demilitarized cartridge and artillery cases as defined below.

(4) "Other copper-base alloy scrap"—Alloyed copper scrap other than brass mill scrap. It includes contaminated fired and demilitarized cartridge and artillery cases.

(5) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(6) "Fired and demilitarized cartridge and artillery cases"—Fired and demilitarized brass cartridge and artillery cases which have been manufactured from brass mill products and are not contaminated.

(7) "Brass mill casting"—A copper-base alloy casting, from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting.

(8) "Copper-base alloy ingot"—A copper-base alloy used in remelting, alloying, or deoxidizing operations.

(9) "Copper or copper-base alloy shot and waffle"—Shot or waffle produced from copper or copper-base alloy, to be used in remelting, alloying, deoxidizing, or chemical operations.

(10) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

(11) "Intermediate shape" means any product which has been rolled, drawn, or extruded from refined copper or brass mill castings, which will be rerolled, redrawn, insulated, or further processed into finished brass mill or copper wire mill products by other producers of intermediate shapes or copper controlled materials. The term "intermediate shapes" includes intermediate shapes produced from other intermediate shapes. An intermediate shape is not a copper controlled material.

(n) "Distributor" means any person (including a warehouseman or jobber, but not a retailer) engaged in the business of stocking copper controlled materials received from a controlled material producer or another distributor at a location regularly maintained by him for such purpose for sale or resale in the form or shape as received, who in connection therewith maintains facilities and equipment necessary to conduct such business. For the purposes of this definition, the operations of straightening, threading, chamfering, cutting to width and length, and edging do not constitute changes in form or shape.

(o) "Average shipment" means the average monthly quantity (by weight) of each copper controlled material shipped by a producer or distributor for his own account during the base period designated in Schedule A of this order. (Copper wire mill products shall be calculated on the basis of copper content.)

Sec. 3 Applicability of other BDSA orders and regulations.

Any person operating under the provisions of this order must comply with the applicable provisions of all other BDSA and DMS regulations and orders except as otherwise specifically provided herein.

Sec. 4 Opening of order books.

Each copper controlled material producer shall open his order books for the

purpose of accepting ACM orders not later than 90 days prior to the first day of each calendar quarter for which such orders are valid pursuant to DMS Regulation 1. A copper controlled material producer may open his order books for the purpose of accepting ACM orders for any calendar quarter as long in advance of such 90-day period as he may choose, but after his order books are open, he shall accept such orders as provided in section 5 of this order: *Provided, however*, That acceptance by a copper controlled material producer prior to the date he opens his order books of (a) an ACM order placed directly by the Department of Defense or the Atomic Energy Commission, or (b) an ACM-DX order shall not affect an opening of his books so as to require acceptance of other orders for copper controlled materials.

Sec. 5 Acceptance of orders.

Each copper controlled material producer shall, after receipt of any ACM order tendered to him, promptly accept or reject such order. Receipt of an order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such order. Upon such acceptance or rejection, he shall immediately notify, by letter or by telegram, the person who tendered the order, of such acceptance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than 10 consecutive calendar days after receipt.

Sec. 6 Rejection of ACM orders.

Unless otherwise specifically directed by BDSA, a copper controlled material producer may reject an ACM order in any of the following cases:

(a) If it is for less than the minimum mill quantity specified in Schedule IV to DMS Regulation 1.

(b) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(c) If the order is received after the commencement of lead time for the product ordered as set forth in Schedule III of DMS Regulation 1: *Provided*, That an ACM-DX order must be accepted without regard to lead time unless it is impracticable for him to make delivery within the required delivery month in which event he must notify the person who placed the order of the earliest date upon which he can make delivery. Notification must be made within 5 calendar days of receipt of the order.

(d) If the order is received from another copper controlled materials producer who produces in his own plant the type of product ordered, except that the provisions of Direction 1 to BDSA Order M-11A shall apply to orders for ammo strip as defined in that direction.

(e) If the order is received from a distributor who has not purchased the gen-

eral type of copper controlled material ordered from such producer during the preceding calendar year.

(f) Except as provided in section 8(a) of this order, if the order calls for delivery of a quantity of any product listed in Schedule A of this order which, together with the quantity of that product for which he has previously accepted ACM orders for delivery during the same month, would exceed the quantity of that product computed as provided in section 8(b) or 8(c) of this order as the case may be.

Sec. 7 Priority status of delivery orders.

(a) Except as provided in paragraph (b) of this section, ACM orders for copper controlled materials shall take precedence over all other delivery orders for copper controlled materials. All ACM orders shall have equal preferential status: *Provided, however*, That ACM-DX orders shall have priority in acceptance or delivery over all other ACM orders including carryover orders as described below: *And provided further*, That ACM orders carried over from any previous month shall take precedence over ACM orders calling for delivery during the then current month involved. Such carryover orders shall not be applied against the capacity to be reserved in accordance with section 8(b) or 8(c) of this order for the month in which such carryover orders are rescheduled but shall be in addition thereto.

(b) A delivery order for copper controlled materials pursuant to a directive issued by BDSA shall take precedence over any other delivery order (including ACM orders) previously or subsequently received unless a contrary instruction appears in the directive.

Sec. 8 Reserved portion of production (set-asides).

(a) From the date of the opening of his books for the acceptance of orders for shipment in any month for each product produced by him, each copper controlled material producer shall reserve an amount of production capacity computed as provided in paragraph (b) of this section for the acceptance of ACM orders until such reserve capacity (set-aside) is filled: *Provided*, That an ACM-DX order must be accepted even though the set-aside has been or will be exceeded by such acceptance.

(b) The production capacity to be reserved in any month by a copper controlled material producer for the production of each copper controlled material product to be delivered in that month pursuant to ACM orders shall be that capacity required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the percentage set opposite such product in Schedule A of this order, as revised from time to time.

(c) A copper controlled material producer who did not ship a particular product listed in Schedule A of this order

during the base period designated therein shall compute his average shipment as follows:

(1) If he has shipped a particular product listed in Schedule A subsequent to calendar year 1964 but prior to the effective date of this order, he shall, commencing with the first month in which shipments were made for a period of 12 consecutive months, compute his average shipment in a manner consistent with section 2(o) of this order, using such 12 consecutive months in lieu of the base period established in Schedule A. If he has not shipped a particular product listed in Schedule A for 12 consecutive months, he shall, using the greatest number of consecutive months during which shipments were made, compute his average shipment, in a manner consistent with section 2(o) of this order, in lieu of the base period established in Schedule A.

(2) If he has not shipped a particular product listed in Schedule A prior to the effective date of this order, and thereafter schedules and makes shipment of such product, he shall, starting with the second month in which shipments are made, compute his average monthly shipment (including the first month in which shipments are made) until a period of 6 months has elapsed. Thereafter, he shall compute his average shipment in a manner consistent with section 2(o) of this order, using such 6-month period in lieu of the base period established in Schedule A.

Sec. 9 Rated orders for intermediate shapes.

(a) Any copper controlled materials producer requiring intermediate shapes in his production of controlled materials to fill ACM orders or to replace in inventory intermediate shapes used to fill ACM orders must use the rating DO-D1 or DX-D1, as the case may be, to obtain such shapes, and any intermediate shape producer requiring other forms of intermediate shapes in his production to fill rated orders or to replace in inventory intermediate shapes used to fill rated orders shall use the rating DO-D1 or DX-D1, as the case may be, to obtain intermediate shapes.

Sec. 10 Rules applicable to distributors.

(a) Except as otherwise provided in this section, every distributor shall accept all ACM orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in accepting or rejecting such orders:

(1) If the person seeking to place the order is unwilling or unable to meet his regularly established prices and terms of sale or payment.

(2) If the order is not for immediate delivery.

(3) If he does not have the material ordered in his stock, unless he knows that it is in transit to him.

(4) If acceptance of an ACM order will cause the combined total of such order with other such orders he has accepted to exceed the percentage of his average shipments as specified in paragraph (c) of this section: *Provided*, That an ACM-DX order must be accepted even though the percentage specified in paragraph (c) has been or will be exceeded by such acceptance.

(b) During each calendar month any distributor who has delivered copper controlled materials from his inventory to fill ACM or ACM-DX orders shall, in obtaining such materials to replace in inventory the materials delivered therefrom pursuant to such orders, place an ACM order bearing the allotment number D-8: *Provided*, however, That in placing such orders a distributor may obtain any copper controlled materials only in an amount equal in weight in terms of copper content to that of the copper controlled materials which he delivered from his inventory to fill such orders, and that the orders placed shall call for delivery only during the calendar quarter in which the materials were taken from the inventory of the distributor, or in the immediately succeeding calendar quarter.

(c) No distributor shall be required to make delivery of copper controlled materials from inventory on ACM orders in any calendar month of a total combined weight of such materials in excess of 25 percent of his average shipment of copper controlled materials sold by him: *Provided*, That an order received and transmitted by a distributor pursuant to paragraph (e) of this section shall not be construed as a delivery applicable to the percentage of his average shipment stated in this paragraph; and no distributor shall be required to accept an ACM order for more than 500 pounds of any item of brass mill products or 50 percent of his inventory of such item, whichever is less, or 500 pounds copper content of any item of copper wire mill products smaller than size 4/0, or any item of copper wire mill products 4/0 and larger in excess of standard mill single-reel lengths.

(d) No distributor shall be required to accept an ACM order bearing the allotment number D-8 placed with him by another distributor unless the latter has purchased and received delivery of the types of materials so ordered from him during the preceding calendar year.

(e) Nothing in this order shall prevent a distributor who normally acts as an authorized agent of a copper controlled material producer from acting not only in the capacity of a distributor as defined in section 2(n) of this order, but also as an agent of such copper controlled material producer for the purpose of receiving and transmitting ACM orders to such producer in amounts no less than minimum mill quantities as stipulated in Schedule IV to DMS Regulation 1, for direct shipment to the person placing such order. In transmitting such orders

to the producer involved, the distributor shall transmit the purchaser's allotment number rather than the allotment number D-8 authorized in this section.

Sec. 11 Directives.

BDSA may issue directives from time to time with respect to the production and delivery of copper controlled materials and intermediate shapes.

Sec. 12 Records and reports.

(a) Producers, distributors, and users of copper controlled materials, intermediate shapes, and copper raw materials shall make, and preserve for at least 3 years thereafter, accurate and complete records of purchases, receipts, inventories, production, use, sales, and deliveries of copper controlled materials, intermediate shapes, and copper raw materials. Such records shall include, but shall not be limited to, all ACM orders, rated orders, and directives received by such persons and copies of all ACM orders and rated orders placed by such persons. Records shall be maintained in sufficient detail to permit the determination upon examination or audit as to whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BDSA. This order does not specify any particular accounting method or system to be used provided the records required herein are maintained. Records may be retained in the form of microfilm or they may be converted to other recordkeeping systems which accurately reproduce or form a durable medium for reproducing the original records or the information contained therein by those persons who, at the time such microfilm or other records are made, maintain such records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the Business and Defense Services Administration, at the usual place of business where maintained.

(c) Any person who produces copper controlled materials or who uses copper raw materials (as defined herein) shall complete the following forms in accordance with the instructions applicable to such forms:

Respondent	Form
Brass Mills, Copper Wire Mills.	BDSAF-84 — Producers Program Report—Brass Mills and Copper Wire Mills
	6-1115 MS and Supplement ¹ Consumption of Copper Materials and Supplementary Report on Ownership of Refined Copper
Copper-Base Powder Mills.	BDSAF-574 — Copper Forms and Products: Report of Operations and Shipments

¹ U.S. Department of the Interior, Bureau of mines.

Respondent	Form
Brass and Bronze Foundries, Miscellaneous Users of Copper Raw Materials.	BDSAF-83 — Copper Forms and Products: Report of Operations and Shipments

(d) Persons subject to this order shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139-139F).

Sec. 13 Request for adjustment or exception.

Any person subject to any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 14 Communications.

All communications concerning this order shall be addressed to the Business and Defense Services Administration, Washington, D.C. 20230, Reference: BDSA Order M-11A.

Sec. 15 False statements.

The furnishing of false information or the concealment of any material fact in the course of operation under this order constitutes a violation of this order.

Sec. 16 Violations.

Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to require compliance with this order and correction of such violation. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who willfully violates any provision of this order, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

NOTE: All reporting and recordkeeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect October 28, 1966.

BUSINESS AND DEFENSE SERVICES
ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 66-11671; Filed, Oct. 27, 1966;
8:45 a.m.]

[BDSA Order M-11A, Direction 1, as amended
Oct. 28, 1966]

M-11A, DIR. 1—AMMO STRIP SET-ASIDE

This amended direction to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

This amended Direction 1 to BDSA Order M-11A affects Direction 1 dated November 15, 1965 to BDSA Order M-11A by providing for the use of rated orders in lieu of certified orders to obtain ammo strip to fill ACM orders.

Direction 1 to BDSA Order M-11A is hereby directed to read as follows:

Sec.

- 1 What this direction does.
- 2 Definitions.
- 3 Rules for the placement and acceptance of rated orders for ammo strip.

AUTHORITY: Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. I, P.L. 89-482, 80 Stat. 235.

Section 1 What this direction does.

This direction, as amended, contains rules for placement and acceptance of rated orders for ammo strip (as defined). It establishes a set-aside for ammo strip which is separate from the set-aside for other copper-base alloy strip shown in Schedule A to this Order M-11A. It permits an ammo strip producer (as defined) who is also a producer of cups (as defined) to place rated orders, bearing the rating symbols DO-D1 or DX-D1, as appropriate, with other ammo strip producers if he has filled his set-aside and needs additional ammo strip to fill ACM orders for cups which he has accepted. It also preserves the status of certified orders placed prior to the effective date of this amended direction in accordance with the provisions of Direction 1 dated November 15, 1965, to BDSA Order M-11A.

Sec. 2 Definitions.

As used in this direction:

- (a) "Cups" mean military ammunition cups and discs.
- (b) "Ammo strip" means the types of copper-base alloy strip used in the production of cups.
- (c) "Ammo strip producer" means a copper controlled material producer who has production capacity and/or capability to produce ammo strip.
- (d) "ACM order" means authorized controlled material order.

Sec. 3 Rules for the placement and acceptance of rated orders for ammo strip.

Notwithstanding the provisions of sections 8 and 9 of this order, the following rules shall apply to the placement and acceptance of rated orders for ammo strip:

(a) Each producer of cups shall use the rating DO-D1 or DX-D1, as appropriate, to obtain ammo strip to fill ACM orders for cups, or to replace in inventory ammo strip used for such purpose.

(b) Each ammo strip producer must reserve production capacity for the production of ammo strip in any month in a minimum amount determined by multiplying his average monthly shipments by weight of copper-base alloy plate, sheet, rolls, and strip (excluding ammo strip) and cups in the base period (January-June 1965, both inclusive), as shown in Table 1 of this direction, as amended, by the applicable percentage shown in the table. This reserved portion of his production capacity for ammo strip shall be separate from the set-aside for brass mill products—alloyed—plate, sheet, strip, and rolls, provided in Schedule A to this order, as revised from time to time.

(c) Each ammo strip producer must accept rated orders for ammo strip from producers of cups: *Provided, however*, That he need not accept such orders for delivery in any month in which the total cup weight in ACM orders which he has accepted for cups, together with the total weight of ammo strip in rated orders accepted by him for delivery in that month to other producers of cups, exceeds the weight of ammo strip which he is required to reserve pursuant to paragraph (a) of this section, except that each ammo strip producer must accept DX-rated orders for ammo strip from producers of cups who are not ammo strip producers even though his reserved production capacity for ammo strip has been or will be exceeded by such acceptance; he need not, however, accept DX-rated orders for ammo strip from other producers of ammo strip if his reserved production capacity for ammo strip would be exceeded thereby.

(d) Notwithstanding the provisions of section 10(d) of BDSA Regulation 2, each producer of cups who is also an ammo strip producer may place with other ammo strip producers rated orders for delivery of ammo strip in any month to the extent that the total weight of cups in ACM orders for cups which he has accepted exceeds the weight of ammo strip which he is required to reserve pursuant to paragraph (a) of this section. Rated orders for ammo strip placed with other ammo strip producers in any one month by producers of cups must be restricted in quantity to the net weight of such cups.

(e) All rated orders placed pursuant to this direction shall be certified as follows:

Certified for national defense use for manufacture of cups under Direction 1 to BDSA Order M-11A.

This certification shall be signed as provided in BDSA Regulation 2 and constitutes a representation to the supplier of the ammo strip and to BDSA that the ammo strip ordered is required by the purchaser to be used in his production of cups to fill ACM orders.

(f) Nothing in this amended direction shall affect the status of certified orders placed with ammo strip producers, in accordance with the provisions of Direction 1 dated November 15, 1965 to Order M-11A, prior to the effective date of this direction, as amended.

This direction shall become effective October 28, 1966.

BUSINESS AND DEFENSE SERVICES
ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

TABLE 1 OF DIRECTION 1 TO BDSA ORDER
M-11A

SET-ASIDE PERCENTAGES (SEE SEC. 3 OF THIS
DIRECTION) BASE PERIOD JANUARY-JUNE 1965,
BOTH INCLUSIVE

Calendar quarter 1966; and percentage set-
aside of average monthly shipments in base
period of copper-base alloy plate, sheet,
rolls, strip (excluding ammo strip), and
cups

1st quarter	17
2d quarter	19
3d quarter	24
4th quarter	26

[F.R. Doc. 66-11672; Filed, Oct. 27, 1966;
8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Market- ing Service (Meat Inspection), De- partment of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Miscellaneous Amendments

On April 16, 1966, there was published in the FEDERAL REGISTER (31 F.R. 5905) a notice of proposed amendments of Part 318 of the Federal Meat Inspection Regulations (9 CFR Part 318) to prescribe the conditions for safe use of certain chemicals in the processing of products under the Meat Inspection Act. After due consideration of all relevant matters in connection with such notice and under the authority of the Meat Inspection Act, as amended and extended (21 U.S.C. 71-91, 96), and subsections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)), Part 318 of said regulations is amended as stated below.

In § 318.7(b) (4) the chart is amended as stated in a, b, and c.

a. The information for cooling and re-tort water treatment agents is revised to read:

c. The information for hog scald agents is revised to read:

Class of substance	Substance	Purpose	Products	Amount
Hog scald agents; must be removed by subsequent cleaning operations:	Caustic soda.....	To remove hair.....	Hog carcasses.....	Sufficient for purpose. Do.
	Diethyl sodium sulfosuccinate.....	do.....	do.....	Do.
	Disodium-calcium ethylenediaminetetraacetate.....	do.....	do.....	Do.
	Disodium ethylenediaminetetraacetate.....	do.....	do.....	Do.
	Disodium phosphate.....	do.....	do.....	Do.
	Ethylenediaminetetraacetic acid.....	do.....	do.....	Do.
	Lime (calcium hydroxide).....	do.....	do.....	Do.
	Methyl polysilicic acid.....	do.....	do.....	Do.
	Propylene glycol.....	do.....	do.....	Do.
	Soap (prepared by reaction of calcium, potassium, or sodium with rosin or fatty acids of natural fats and oils).....	do.....	do.....	Do.
	Sodium acid pyrophosphate.....	do.....	do.....	Do.
	Sodium carbonate.....	do.....	do.....	Do.
	Sodium dodecylbenzene sulfonate.....	do.....	do.....	Do.
	Sodium hexametaphosphate.....	do.....	do.....	Do.
	Sodium lauryl sulfate.....	do.....	do.....	Do.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of October 1966.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.
[F.R. Doc. 66-11734; Filed, Oct. 27, 1966; 8:45 a.m.]

b. The information for denuding agents is revised to read:

Class of substance	Substance	Purpose	Products	Amount
Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water.	Lime (calcium oxide, calcium hydroxide).....	To denude ruminant membrane.....	Tripe.....	Sufficient for purpose.
	Sodium carbonate.....	do.....	do.....	Do.
	Sodium gluconate.....	do.....	do.....	Do.
	Sodium hydroxide.....	do.....	do.....	Do.
	Sodium metasilicate.....	do.....	do.....	Do.
	Sodium persulfate.....	do.....	do.....	Do.
	Trisodium phosphate.....	do.....	do.....	Do.
	do.....	do.....	do.....	Do.
	do.....	do.....	do.....	Do.
	do.....	do.....	do.....	Do.

Title 39—POSTAL SERVICE
Chapter 1—Post Office Department
PART 35—PHILATELY

PART 41—SERVICE IN POST OFFICES

Miscellaneous Amendments

Part 35 has been completely revised and rewritten to update instructions concerning philately and to show a new illustration for first-day covers.

Section 41.3(b) (3) (i) is amended to eliminate Social Security cards as acceptable identification from patrons applying for post office box rentals.
As the amendments and revisions to Part 35 and § 41.3(b) (3) (i) are a proprietary function of the Government and do not affect substantive rights advanced notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest.
1. Part 35 is revised to read as follows:

Sec.

- 35.1 Commemorative stamps.
- 35.2 The philatelic sales unit.
- 35.3 New stamp issues.
- 35.4 Cancellations for philatelic purposes.
- 35.5 Inaugural covers.
- 35.6 Stamp exhibits.
- 35.7 Stamp publication.

AUTHORITY: The provisions of this Part 35 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 35.1 Commemorative stamps.

(a) *Description.* Commemorative stamps are postage stamps issued in limited quantities to focus attention on historical places, events, or personages. Widespread use of these stamps by the American public is encouraged by the Department in order that our ideals, progress, and heritage, as reflected in our stamps, are carried throughout the world. They do not displace regular stamps of like denomination, but are provided on request, if available.

(b) *Commemorative stamp supplies.* Postmasters shall carefully evaluate the philatelic demand for new stamps and shall forward a separate requisition for stock needed in addition to the automatic distribution in accordance with notices which appear in the Postal Bulletin, so that ample supplies will be available at all post offices on the day following official first-day sale. Accountable paper depositories shall make certain less-than-bulk quantities of stamps are supplied to post offices in time to permit sales the day after the official first-day sale.

(c) *Sale of commemorative stamps.* Commemorative stamps will be sold to meet the public demand until supply is exhausted, as follows:

(1) *Window service.* In post offices where full or part-time philatelic window service is provided, the sale of plate numbers and marginal markings shall be restricted according to the instructions outlined by the Philatelic Sales Unit. When notice is published in Postal Bulletin of removal of a stamp from sale in the Philatelic Sales Unit, the item will be immediately withdrawn from the philatelic window of post offices and the stock sold for regular postage purposes.

(2) *Plate number blocks.* Plate number blocks are the stamps (usually requested in blocks of four) located on one corner of a sheet of stamps with a plate number printed on the margin. Stamp clerks must not remove plate number blocks in advance from a large number of sheets for the benefit of individual purchasers. Plate blocks may be laid aside, however, as sheets are broken for regular sale purposes and may be sold as an accommodation to local stamp collectors.

(3) *Outside sales of commemorative stamps.* Postmasters shall not accept mail orders for postage stamps from patrons outside the limits of the area served by their post office, and any such requests shall be returned to the sender calling attention to the services provided by the Philatelic Sales Unit, City Post Office, Washington, D.C. 20013.

§ 35.2 The philatelic sales unit.

(a) *Establishment and purpose.* The Philatelic Unit was established on

November 25, 1921, to make available to stamp collectors U.S. postage stamps of selected quality. Stamps sold by the Unit have been selected for good centering and are the best available.

(b) *Stamps available.* In addition to stamps of the ordinary series, the Unit has for sale commemorative, airmail, special delivery, and migratory-bird hunting stamps. To obtain a list of items available for sale, patrons should send a self-addressed stamped envelope and a request to the Philatelic Sales Unit, City Post Office, Washington, D.C. 20013. The list is revised when a new stamp is announced or an old one withdrawn.

(c) *Order for stamps.* All stamps are for sale at face value plus postage and handling charges listed below, for mail orders where domestic rates apply:

1 to 500 stamps-----	\$0.50
501 to 1,500 stamps-----	1.00
1,501 to 3,000 stamps-----	1.50
3,001 to 5,000 stamps-----	2.50
5,001 to 10,000 stamps-----	3.50
10,001 to 30,000 stamps-----	6.50
30,001 to 100,000 stamps-----	16.50
Over 100,000 stamps-----	22.50

¹ Plus 20 cents per 1,000 stamps over 30,000.

A flat charge of 75 cents will be made on each order for registration, regardless of value of shipment, where this protection is desired. All mail orders will be returned by official mail, and postage

stamps will not be affixed to covering envelopes. Address orders to Philatelic Sales Unit, City Post Office, Washington, D.C. 20013.

(d) *Remittance.* Remittance should be by money order, cashier's check, or certified check payable to Philatelic Sales Unit. Postage stamps and foreign or mutilated money are not acceptable. When cash is sent, it is suggested that the letter be registered.

§ 35.3 New stamp issues.

(a) *Notification.* Issuance of new stamps is announced by notices displayed in the lobbies of post offices, in the Postal Bulletin, and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person or event commemorated is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers.* (1) First-day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading "First Day of Issue." Patrons who want first-day cancellations of a new stamp should send addressed envelopes to the postmaster in the city where the stamp is to be placed on sale, with remittance to cover the cost of stamps. (See § 35.2(d).)



(2) Cover envelopes should be of ordinary letter size and each must be properly addressed. Place an enclosure of postal-card thickness in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, "First-Day Covers." Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be stuck there.

(3) With orders for first-day covers, do not include requests for uncanceled stamps.

(4) The Philatelic Sales Unit does not service first-day covers.

§ 35.4 Cancellations for philatelic purposes.

(a) *How stamps are canceled.* Postmasters will cooperate with stamp collectors by furnishing clean and legible

postmarks. They will give special attention to mail bearing an endorsement that it is of philatelic value or to a request for a light cancellation. Stamps must be canceled sufficiently to protect the postal revenue, but this should be accomplished without excessive defacement and with a minimum number of impressions.

(b) *Plain cards or slips of paper.* Postmarks will not be placed on plain slips of paper or plain cards submitted for philatelic or other purposes.

(c) *Picture post cards (maximum cards).* Picture post cards with the stamp stuck on the face of the card rather than on the address side are known as maximum cards. Postmasters may cancel these cards and hand them back to the person presenting them. Maximum cards are considered to be collectors' items and must be given special care in canceling.

(d) *Preparation requirements.* Post cards, postal cards, and envelopes submitted for philatelic or other purposes must bear complete addresses, and postage at the applicable rate, to be postmarked. (See § 36.5(a) of this chapter for postage on mail to be canceled with a special cancellation.) After they are postmarked they may be either dispatched or handed back to the person presenting them. This paragraph (d) does not apply to any arrangements made by the Department under §§ 35.3 and 35.5.

(e) *Holding the mail.* Postmasters will not hold mail to comply with patron's requests that the mail be postmarked on a particular date, except as provided for under §§ 35.3 and 35.5.

§ 35.5 Inaugural covers.

(a) *First flights—(1) Cachets authorized.* (i) The Post Office Department recognizes events such as new air service by applying cachets on inaugural covers. Official cachets of distinctive commemorative design are authorized, by publication of a notice in the Postal Bulletin, if notification is received from the carrier at least 20 days before the scheduled date of the new service.

(ii) Cachets are authorized for:

(a) All stop points on a new airmail route.

(b) New stop points on an existing route or on an additional segment.

(c) Events of national aviation interest.

(2) *Where cachets may be used.* (i) Official cachets are authorized for use at post offices and airport mail facilities on covers actually dispatched on the inaugural flights.

(ii) One or more of the following points may be authorized to use official cachets:

(a) *Terminal points.* Cachets will be applied to covers dispatched on the actual inaugural flight.

(b) *Intermediate points.* Cachet will be applied to covers dispatched to the actual inaugural flights in each direction. Directional service is not applicable to events of national aviation interest. If service is inaugurated in only one direction, cachet will not be used when serv-

ice is established in the other direction at a later date.

(3) *Preparation of covers.* (i) Covers must be individually addressed to a post office.

(ii) Covers must bear postage at the airmail letter rate.

(iii) Each envelope should contain a uniform enclosure of the approximate weight of a postal card to assure a good impression.

(iv) A space should be provided on the address side, at least 4 inches to the left of the right end of the envelope and 1½ inches to the left of the innermost stamp to permit a clear impression of the postmark.

(v) A clear space 2½ by 2½ inches must appear to the left of the postmark and address area for application of the cachet. If this clear space is not provided, the cachet will not be applied.

(4) *Submission of covers.* (i) Send the items for inaugural cachets under cover to the postmaster or superintendent, airport mail facility, at the point where service is to be inaugurated. Envelope enclosing items for cachet should bear endorsement "First Flight Covers or Philatelic Mail."

(ii) Include a letter requesting the holding of the covers for the inaugural service and stating the cachet desired.

(iii) Indicate directional service desired, if applicable. (See subparagraph (5)(i) of this paragraph.)

(5) *Compliance with collectors requests—(i) Directional covers.* Requests of collectors for dispatch in a particular direction will be complied with to the greatest extent practicable. No directional service is available for events of national aviation interest.

(ii) *Point-to-point covers.* Requests of collectors for point-to-point covers will not be observed. Request that a dispatching office send one each of several covers to each stop point will not be honored.

(iii) *Direction not specified.* In the absence of specific requests, covers will be dispatched on the actual first flight, regardless of direction.

(iv) *Incomplete instructions.* If the collector's request is not clear, covers will be dispatched in accordance with the judgment of the dispatching office.

(v) *Color of ink.* Requests for the use of a color of ink other than that authorized by the Post Office Department can not be complied with. The authorized color of ink will be used in applying the cachet to all covers.

(vi) *Position of cachet.* Cachets will be applied legibly and neatly to left portion of address side of cover. Cachets will not be applied to:

(a) Covers for immediate return to sender; covers must receive dispatch on first flight.

(b) Covers bearing a previous official or unofficial cachet.

(c) Covers lacking sufficient clear space for application of cachet without obscuring the address.

(d) Double postal or post cards intended for return reply purposes.

(e) Covers received after first flight.

(f) Covers on which postage is not fully prepaid.

(g) Anything other than an inaugural cover.

(vii) *Backstamping.* All inaugural covers will be backstamped at a designated post office and forwarded to address destination. Requests for additional or special backstamping will not be honored.

(b) *First highway post office trips—(1) Announcement of service.* The Post Office Department recognizes events such as new HPO service by applying special postmarks to inaugural covers. A notice that new service will be established is published in the Postal Bulletin when the decision to establish service is made, far enough in advance of the beginning date so that the notice will reach most subscribers in time to permit them to send covers for dispatch on first trips.

(2) *Special postmark.* No official cachets are applied to first-trip covers, but when time permits procuring distinctive first-trip postmarking stamps for each trip, impressions of them are used to postmark all covers carried on the first trips.

(3) *Preparing covers.* Prepare covers as described in paragraph (a)(3) of this section except postage will be at the first-class rate.

(4) *Submitting covers.* Patrons should send first-trip covers to the postmaster at the initial terminal of the trip on which the covers are to be carried, with a letter or note instructing the postmaster to dispatch covers on the desired trip.

(5) *Complying with collectors' requests.* (i) All covers received at the initial post office or by the crew en route will be carried to the end of the run and dispatched to addressees from that point. Requests for different dispatch will not be honored. No backstamps will be applied to first-trip HPO covers.

(ii) The first-trip stamp is evidence that the cover was carried on the trip indicated.

§ 35.6 Stamp exhibits.

(a) *Loan exhibits.* The Post Office Department has a set of valuable stamp exhibit frames which are available for display at stamp exhibitions and conventions. These are sent upon request to national and international exhibits as well as to the conventions of the larger stamp societies. Requests should be addressed to the Director, Division of Philately, Post Office Department, Washington, D.C. 20260.

(b) *Philatelic exhibit.* The Office of the Special Assistant to the Postmaster General maintains a comprehensive exhibit of U.S. postage stamps, containing die proofs of all domestic stamps since 1847. There are also approximately 40,000 stamps of other countries in this exhibit, from every postal administration in the world. Equipment used in the production of postage stamps, such as a plate and transfer roll, is shown to illustrate methods of manufacture. Philatelic publications are on file for the benefit of students and collectors.

§ 35.7 Stamp publication.

The Department issues a publication (POD-9 rev.) entitled "United States Postage Stamps," 1847-1965, containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the Abraham Lincoln stamp of the "Prominent Americans" series of regular stamps, issued November 19, 1965.

NOTE: The corresponding Postal Manual part is 145.

2. Section 41.3(b)(3)(i) is revised to read as follows:

§ 41.3 Post office boxes.

* * * * *

(b) *How to rent a box*— * * *

(3) *Unknown applicant.* Applications from unknown applicants must be treated as follows:

(i) The applicant must present his driver's license, military identification card, or other identification document.

* * * * *

NOTE: The corresponding Postal Manual section is 151.323a.

(5 U.S.C. 301, 39 U.S.C. 501.)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 24, 1966.

[F.R. Doc. 66-11674; Filed, Oct. 27, 1966;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

FROZEN FRENCH FRIED POTATOES

Standards for Grades¹

Notice is hereby given that the U.S. Department of Agriculture is considering several amendments to the U.S. Standards for Grades of Frozen French Fried Potatoes (7 CFR 52.2391-52.2405) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same in duplicate, not later than January 1, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendment. On August 31, 1966, the Northwest Cannery & Freezers Association in behalf of their potato processor members requested the Department to again amend the U.S. Standards for Grades of Frozen French Fried Potatoes which became effective on July 1, 1966. The Department was asked especially to distinguish between french fried potatoes for retail and for institutional use and to adjust the defect tolerances for the institutional type to a level similar to that proposed prior to revising the standards on July 1.

That Association claims that studies conducted by the packers indicate that the current standards are much more restrictive, with respect to defect requirements in the institutional pack, than is necessary for proper competitive marketing, thus impairing the usefulness of the standards for marketing the institutional product.

Defect allowances for the institutional type as proposed by the Department on September 10, 1965, were listed as "Defectives in a 1-pound sample unit." It is contended by the Northwest Cannery & Freezers Association that the tightening effect of defect allowances on this basis, as compared to a larger sample as

customarily used for institutional products, was not properly evaluated by many of the packer members. This misunderstanding resulted in very few comments on the proposal.

In consideration of the request of the Northwest Cannery & Freezers Association and in recognition of the very small participation of interested persons in the rule making procedure proposing revised standards, the Department now proposes to amend these standards, with respect to permitted defects in the institutional pack, in much the same form and level as was proposed on September 10, 1965, prior to the promulgation of the currently effective standards.

This proposal would:

(a) Reestablish the two types—"retail" and "institutional"—with separate defect allowances for each type.

(b) Change the sample unit size for the Institutional type from 1 pound to 2 pounds of product, and adjust the defect allowances.

The proposed amendments are as follows:

1. The following new section would be inserted:

§ 52.2392a Types.

(a) Frozen french fried potatoes are of two types, based principally on intended use, as follows:

(1) *Retail type.* This type is intended for household consumption. It is nor-

mally packed in small packages which are labeled or marked for retail sales. It may be otherwise designated for such use.

(2) *Institutional type.* This type is intended for the hotel, restaurant, or other large feeding establishment trade. Primary containers, usually 5 pounds or more, are often not completely labeled as for retail sales.

(b) If it is not possible to ascertain the type, the quality requirements of the retail type apply.

2. In § 52.2396, paragraph (b) would be revised to read as follows:

§ 52.2396 Ascertaining the grade of a sample unit.

(b) *Sample unit size.* For purposes of rating the quality factors sample units are established as follows:

(1) *Retail type.* One pound of product (16 ounces) selected from a production line or from one or more market packages.

(2) *Institutional type.* Two pounds of product (32 ounces) selected from a production line or from one market package.

§ 52.2400 [Amended]

3. In § 52.2400, Table I and Table II would be deleted in their entirety and the following revised tables substituted therefor:

TABLE I—MAXIMUM ALLOWANCES FOR DEFECTIVES IN ALL STYLES EXCEPT SHOESTRING STYLE STRIPS AND DICES

Grade classification	Type of defects	Retail type	Institutional type
		Defectives in a 1-lb. sample unit	Defectives in a 2-lb. sample unit
A and A short.....	Minor and major..... Limit for major.....	5 defectives..... 1 defective.....	18 defectives. 4 defectives.
B.....	Minor and major..... Limit for major.....	9 defectives..... 2 defectives.....	28 defectives. 8 defectives.

TABLE II—MAXIMUM ALLOWANCES FOR DEFECTIVES IN SHOESTRING STYLE STRIPS AND DICES

Grade classification	Type of defects	Retail type	Institutional type
		Defectives in a 1-lb. sample unit	Defectives in a 2-lb. sample unit.
A and A short.....	Minor and major..... Limit for major.....	9 defectives..... 2 defectives.....	28 defectives. 8 defectives.
B.....	Minor and major..... Limit for major.....	18 defectives..... 5 defectives.....	36 defectives. 12 defectives.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: October 24, 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-11744; Filed, Oct. 27, 1966; 8:45 a.m.]

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959, both as amended (7 CFR Part 959).

This marketing program regulates the handling of onions grown in designated counties in south Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 959.207 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1966, through July 31, 1967, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$34,000.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one cent (\$0.01) per 50-pound sack of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1967, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 25, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 66-11776; Filed, Oct. 27, 1966;
8:48 a.m.]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which

was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in south Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 959.307 Limitation of shipments.

During the period beginning March 1, 1967, through June 15, 1967, no handler may (1) package or load onions on Sundays, or (2) handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of

onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls*—(1) *Experimental shipments.* Onions may be handled for experimental purposes as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a certificate of privilege to make such shipments.

(ii) After obtaining an approved certificate of privilege, each handler may handle onions packed in 3- or 5-pound consumer size containers, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided*, That shipments of 3- and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments, of all onions allowed to be marketed under this section.

(iii) The average gross weight of master containers per lot, as computed by multiplying the number of packages therein by their weight classification, plus the weight of the master container, may not exceed 15 percent over the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for experimental shipments.* Each handler who handles such experimental shipments of onions shall report thereon to the committee on forms and at such times as the committee prescribes, as follows:

(i) The number of the inspection certificate showing the grade and size of onions so packed and the size container in which such onions were handled.

(ii) Prices received for each such shipment on a f.o.b. basis and prices paid to growers of such onions.

(iii) Any adjustments from the original sales price agreement for such onions on each shipment, with reasons therefor, and the final net prices paid to the grower of such onions.

(iv) Such other incidental and related information necessary to provide the foregoing data on prices received by growers, as requested by the committee.

(v) The time and location at which such shipment may be reinspected at destination.

Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner or form and in such time as it may prescribe. Also, each handler of experimental shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and are not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a) (1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraph (d) or (e) (3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195-51.3209 of this title), or in the U.S. Standards for Grades of Onions (§§ 51.2830-51.2850 of this title), whichever is applicable to the particular variety. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 25, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11777; Filed, Oct. 27, 1966; 8:48 a.m.]

[7 CFR Parts 1003, 1016]

[Docket Nos. AO-293-A14, AO-312-A10]

MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Marriott Twin Bridges Motor Hotel, 333 Jefferson Davis Highway, Arlington, Va., beginning at 10 a.m., on November 2, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Maryland & Virginia Milk Producers Association, Inc.:

Proposal No. 1. Section 1003.50(a) be amended so that the Class I price December 1966 through June 1967 be set at \$6.40 for 3.5 percent milk f.o.b. city.

Proposed by Maryland Cooperative Milk Producers, Inc.:

Proposal No. 2. Revise § 1016.50(a) to read as follows:

§ 1016.50 Class prices.

(a) *Class I price.* The price per hundredweight for Class I milk for the months of December 1966 through March 1967 shall be \$6.40 and for the months April through June 1967 the Class I price shall be the same as that provided under Federal Order No. 4 for Class I sales in the Delaware Valley marketing area.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the respective orders may be procured from the Market Administrator, Post Office Box 9245, Rosslyn Station, 1801 North Moore Street, Arlington, Va. 22209, from the Market Administrator, Post Office Box 6848, Towson Station, 20 East Susquehanna Avenue, Baltimore, Md. 21204, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 25, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11779; Filed, Oct. 27, 1966; 8:48 a.m.]

[7 CFR Part 1013]

[Docket No. AO-286-A11]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Governors' Club Hotel, 236 Southeast First Avenue, Fort Lauderdale, Fla., beginning at 10 a.m., on November 9, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southeastern Florida marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Borden Co.; Foremost Dairies of the South, Division of Home Town Foods, Inc.; Sealtest Foods, Division of National Dairy Products Corp.; and the Southland Corp.:

Proposal No. 1. Revise § 1013.50(a) to read as follows:

§ 1013.50 Class prices.

(a) *Class I milk price.* The Class I price through the month of June 1967 shall be \$7.25 per hundredweight.

Proposed by the Milk Marketing Orders Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 4886, Room 113, Professional Building, Sunrise Center, Fort Lauderdale, Fla. 33304, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., or may be there inspected.

Signed at Washington, D.C., on October 25, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11778; Filed, Oct. 27, 1966; 8:48 a.m.]

[7 CFR Parts 1063, 1070, 1078, 1079]

[Docket Nos. AO-105-A24, AO-229-A15, AO-272-A10, AO-295-A12]

MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Roosevelt Hotel, 200 First Avenue Northeast, Cedar Rapids, Iowa, beginning at 10 a.m., local time, on November 15, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Des Moines Cooperative Dairy:

Proposal No. 1. Delete all sections 50 (c) of Parts 1063, 1070, 1078, and 1079 and substitute therefor the following language:

(c) *Class II milk price.* The Class II milk price shall be the higher of the prices computed as follows:

(1) The average of prices reported to have been paid per hundredweight for milk received from farmers in bulk during the month at the following plants or places for which prices have been reported to the market administrator or to the Department: Carnation Co., Waverly, Iowa; Amboy Milk Products Co., Amboy, Ill.; Kraft Foods Co., Galena, Ill.; Maquoketa Valley Cooperative Creamery, Strawberry Point, Iowa; Jesup Cooperative Creamery, Jesup, Iowa; Hudson Cooperative Creamery, Hudson, Iowa; and Kraft Foods Co., Stockton, Ill.

(2) The basic formula price for the month.

Proposed by Cedar Valley Co-operative Milk Association, Inc.:

Proposal No. 2. Delete § 1078.50(c) and substitute therefor the following:

§ 1078.50 Basic formula and class prices.

(c) *Class II milk price.* The Class II milk price shall be the higher of the prices computed as follows:

(1) The average of prices reported to have been paid per hundredweight for milk received from farmers in bulk during the month at the following plants or places for which prices have been reported to the market administrator or to the Department: Carnation Co., Waverly, Iowa; Amboy Milk Products Co., Amboy, Ill.; Kraft Foods Co., Galena, Ill.; Maquoketa Valley Cooperative Creamery, Strawberry Point, Iowa; Jesup Cooperative Creamery, Jesup, Iowa; Hudson Cooperative Creamery, Hudson, Iowa; and Kraft Foods Co., Stockton, Ill.

(2) The basic formula price for the month.

Proposed by Mississippi Valley Milk Producers Association, Inc.:

Proposal No. 3. Delete § 1063.50(c) and substitute therefor the following language:

§ 1063.50 Basic formula and class prices.

(c) *Class II milk price.* The Class II milk price shall be the higher of the prices computed as follows:

(1) The average of prices reported to have been paid per hundredweight for milk received from farmers in bulk during the month at the following plants or places for which prices have been reported to the milk market administrator or to the Department: Carnation Co., Waverly, Iowa; Amboy Milk Products Co., Amboy, Ill.; Kraft Foods Co., Galena, Ill.; Kraft Foods Co., Stockton, Ill.; Maquoketa Valley Cooperative Creamery, Strawberry Point, Iowa; Jesup Cooperative Creamery, Jesup, Iowa; Hudson Cooperative Creamery, Hudson, Iowa.

(2) The basic formula price for the month.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Watch Tower Plaza, 924 37th Avenue, Post Office Box 691, Rock Island, Ill. 61201; 202 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402; Cedarloo Shopping Center, 3536 Waterloo Road, Cedar Falls, Iowa 50613; and 6000 Douglas Avenue, Room 190, Des Moines, Iowa 50322; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 25, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11781; Filed, Oct. 27, 1966; 8:49 a.m.]

[7 CFR Part 1068]

[Docket No. AO-178-A18]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the East Room of the Curtis Hotel, Third Avenue and 10th Street South, Minneapolis, Minn., beginning at 10 a.m., local time, on November 3, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Twin City Milk Producers Association, et al.:

Proposal No. 1. Amend § 1068.53 to provide that the Class I price differentials shall be \$1, for each of the months of December 1966 through June 1967.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Sanford A. Balgaard, 7703 Normandale Road, Room 100, Minneapolis, Minn. 55435, or from the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on October 25, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11780; Filed, Oct. 27, 1966; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Parts 170, 174]

**WATCHES, WATCHCASES, AND
WATCH MOVEMENTS****Trade Practice Rules Respecting Terms
Waterproof, Shockproof, Nonmag-
netic, and Related Designations;
Extension of Time for Comments**

A public hearing was held on July 26, 1966, to consider proposed revision of trade practice rules pertaining to the watch and watchcase industries. Notice of the hearing was published on page 8882 of the FEDERAL REGISTER issued June 25, 1966, 31 F.R. 8882.

Notice is hereby given that the Commission has extended the closing date for submission of written views concerning the proposed revised rules until November 25, 1966.

Approved: October 19, 1966.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11756; Filed, Oct. 27, 1966;
8:46 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 251; Delegation of Authority
107-1]

MIGRATION AND REFUGEE ASSISTANCE

Delegation of Functions

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601 et seq.) (hereinafter referred to as the Act), Executive Order No. 11077 of January 22, 1963, entitled "Administration of the Migration and Refugee Assistance Act of 1962" (hereinafter referred to as the order), section 4 of the Act of May 26, 1949, as amended (5 U.S.C. 151c) and as Secretary of State, it is ordered as follows:

SECTION 1. Statement of purpose. It is the intention to delegate to the Special Assistant to the Secretary of State for Refugee and Migration Affairs all statutory and other authorities of the Secretary of State for the overall direction, coordination, and supervision of interdepartmental refugee and migration activities of the U.S. Government, to the full extent permitted by law.

In particular, the Special Assistant is delegated the function assigned to the Secretary of State by section 1(c) of the order to "assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States."

SEC. 2. Functions of the Special Assistant to the Secretary of State for Refugee and Migration Affairs. (a) Exclusive of the functions otherwise delegated herein, there are hereby delegated to the Special Assistant to the Secretary of State for Refugee and Migration Affairs all functions conferred upon the Secretary of State by the Act and the order.

SEC. 3. Functions of the Deputy Under Secretary of State for Administration. (a) The following functions are delegated to the Deputy Under Secretary of State for Administration:

(1) The functions enumerated in section 5(a) (1) of the Act and reserved to the Secretary of State by section 1(a) (3) of the order insofar as they relate to compensation, allowances, and travel of personnel whose services are utilized primarily for the purpose of the Act.

(2) The functions enumerated in sections 5(a) (2), (3), (4), and (5) of the Act and reserved to the Secretary of State by section 1(a) (3) of the order.

(3) The functions delegated to the Deputy Under Secretary of State for Administration by subsection 3(a) (1) and (2) of this Delegation of Authority may be exercised by the organizational components vested with functions of that

nature by the Organization Manual and other delegations of authority.

SEC. 4. General provisions. (a) Any officer to whom functions are delegated by this Delegation of Authority may, to the extent consistent with law, delegate any of the functions delegated to him by this Delegation of Authority.

(b) Except to the extent that they may be inconsistent with this Delegation of Authority, all delegations, determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into with respect to any functions affected by this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) This Delegation of Authority supersedes and cancels Delegation of Authority No. 107 of April 1, 1963 (Public Notice No. 217, 28 F.R. 3674, on Apr. 13, 1963) and shall be deemed to have become effective on the date of signature.

Dated: October 17, 1966.

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-11753; Filed, Oct. 27, 1966;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. LW-18]

OLAF M. JOHNSON

Notice of Loan Application

OCTOBER 25, 1966.

Olaf M. Johnson, Rural Route 2, Oconto, Wis. 54153, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a used 52.3-foot registered length vessel to engage in the fishery for alewives.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated opera-

tions of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11745; Filed, Oct. 27, 1966;
8:45 a.m.]

ADOLPH G. OLOFSON

[Docket No. A-405]

Notice of Loan Application

OCTOBER 25, 1966.

Adolf G. Olofson, 1516 Tongass Avenue, Ketchikan, Alaska 99901, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 38-foot wood vessel to engage in the fishery for salmon, halibut, crab, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11746; Filed, Oct. 27, 1966;
8:45 a.m.]

[Docket No. C-247]

FRED SCHNEIDER

Notice of Loan Application

OCTOBER 25, 1966.

Fred Schneider, 12809 Kalnor Avenue, Norwalk, Calif. 90650, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 63-foot steel vessel to engage in the fishery for albacore, yellowfin and skipjack tuna, swordfish, groupers, squid, anchovies, and bonito.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being

considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11747; Filed, Oct. 27, 1966;
8:45 a.m.]

[Docket No. Sub-C-16]

SEVEN SEAS, INC.

Notice of Hearing

Seven Seas, Inc., Box 1243, Ponce, P.R. 00712, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 153-foot overall length steel vessel to engage in the fishery for tuna.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on December 8, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 25, 1966.

[F.R. Doc. 66-11748; Filed, Oct. 27, 1966;
8:46 a.m.]

[Docket No. G-379]

ROBERT A. AND BILLIE S. THACKWELL

Notice of Loan Application

OCTOBER 25, 1966.

Robert A. and Billie S. Thackwell, 1417 Brookhill Drive, Fort Myers, Fla. 33901, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 55.1-foot registered

length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11749; Filed, Oct. 27, 1966;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its usual annual survey of inventories covering 30 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1966, under the provisions of the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225. This survey, together with the previous surveys, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, and governmental agencies and are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide yearend inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for

"sizes No. 10 or larger." (In addition, a number of multiunit firms will be requested to provide information on the location of establishments maintaining canned food stocks that are not currently reporting in the Canned Food Survey.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

Dated: October 17, 1966.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 66-11736; Filed, Oct. 27, 1966;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF WASHINGTON

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Washington for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Washington and summarizing the State's proposed program, was also submitted to the Commission. With the exception of referenced Charts 1-3 and advisory committee memberships, this résumé is set forth below as an appendix to this notice. A copy of the program, including proposed Washington regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons

should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 12th day of October 1966.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF WASHINGTON FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Washington is authorized under Revised Code of Washington 70.98.110 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Washington certified on October 3, 1966, that the State of Washington (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ----- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This agreement shall become effective on December 31, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at -----, in triplicate, this ----- day of -----.

For the United States Atomic Energy Commission.

For the State of Washington.

DANIEL J. EVANS,
Governor.

FOREWORD

This document presents the current and proposed programs for managing the use of ionizing radiation in this State in a manner consistent with the paramount need in such use for the protection of the public and occupational health and safety. It includes supporting information on authority, regulation, organization, and resources available.

Washington, an early pioneer in the nuclear age, has worked closely with the Atomic Energy Commission and its contractors in assuring adequate protection through the long period of major nuclear activity in the State. As Washington progresses in the nuclear age, and invites beneficial nuclear development, it is fully aware of the responsibility to assure continuing protection in the use of both new and existing sources of ionizing radiation.

The Governor, on behalf of the State of Washington, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the State. This authority is found in the Revised Code of Washington (RCW) 70.98.110 relating to development, regulation, and utilization of sources of ionizing radiation.

The Atomic Energy Commission is authorized to enter into an agreement with the Governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass—this authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

BACKGROUND

PERTINENT EVENTS AND LEGISLATIVE HISTORY

1949—The Columbia River Advisory Group (CRAG) was organized at the request of the Atomic Energy Commission Operations Office in 1949 to advise on matters of reactor waste disposal and water used in the Columbia River. Its members were from Oregon (State Sanitary Authority), Washington (Department of Health and Pollution Control Commission), and the U.S. Public Health Service (Portland Office of the Water Supply and Pollution Control).

1956—An Interim Advisory Committee on Radiation Protection and Control was formed to advise the Department of Health on initiating activity in the control of hazards from ionizing radiation.

A program was formed to undertake activity in air pollution and radiation control in the "then" Division of Engineering and Sanitation.

1957—Chapter 43.39 RCW was passed by the legislature, calling for review by named State departments, including Health, of legislative and regulatory needs, establishing the position of Coordinator of Atomic Development Activities, and creating an Advisory Council on Atomic Energy.

The Air Sanitation and Radiation Control Section was formally created in the Division of Engineering and Sanitation of the Department of Health. Staff recruitment and training were initiated.

1961—Chapter 70.98 RCW was enacted. It repealed Chapter 43.39 RCW and established the Department of Health as the radiation control agency with authority to register sources of ionizing radiation and to regulate their use. It created the Technical Advisory Board on Radiation Control, established the Department of Commerce and Economic Development as the agency for promotion and development of nuclear energy, and created the Advisory Council on Nuclear Energy and Radiation. It au-

thorized the Governor to enter into agreements with the Federal Government for transfer of authority. It provided for administrative and legal proceedings, outlawed shoe fluoroscopes, and provided for exemptions.

1964—Rules and Regulations of the State Radiation Control Agency pertaining to the registration of reportable radiation sources were adopted. These required, in addition to registration, the reporting of changes including loss of control by theft, loss, or accident. Exemptions from registration and reporting were provided.

1965—Chapter 70.98 RCW was amended. The Department of Health was named as the sole agency responsible for administering the regulatory provisions for the protection of the public and occupational health and safety, and provided for licensing of byproduct, source, special nuclear materials and devices utilizing such materials, or other naturally-occurring or artificially-produced radioactive materials.

Chapter 43.31 RCW was amended establishing the office of Nuclear Energy Development in the Department of Commerce and Economic Development. It authorized the Department to acquire, develop, operate, lease, sublease, or sell land and facilities for nuclear development purposes and provided for perpetual maintenance and/or surveillance for radioactive material waste-management purposes.

1966—Regulations for licensing, registration, and standards for protection pertaining to the use of ionizing radiation were adopted.

From the time of the establishment of the Advisory Council on Atomic Energy, the Council and its successor, the Advisory Council on Nuclear Energy and Radiation, have provided continuous leadership in developing and improving legislation which would enable Washington to become an agreement-state and to undertake the development of its nuclear potential. The Departments of Health and of Commerce and Economic Development have worked closely with the Councils in this endeavor.

The Department of Health was an active participant in the Columbia River Advisory Group. Through this mechanism, while no formal State programs had been established, it was able to continuously review appropriate information on Hanford waste disposal practices and to advise the Atomic Energy Commission and its contractors concerning discharges to the Columbia River and significant water uses.

PREVIOUS AND CURRENT ACTIVITIES

The initiation of Departmental programs directed at the problems associated with ionizing radiation resulted in a series of activities the most significant of which are described below.

Tuberculosis chest X-ray program. Beginning in 1957, more emphasis in this long-standing program was placed on radiation protection. The continuous effort to upgrade X-ray picture quality through improved technique resulted in reducing unnecessary exposure—in participating public agency, private physician, and hospital installations. X-ray installation and operations inspections and consultation were performed by an engineer who is now a senior member of the section radiation control staff.

Environmental surveillance. The Department has participated continuously since 1956 in the U.S. Public Health Service Radiation Surveillance Network for air and precipitation sampling and coordinated local health department's participation. All of the technical staff of the section have participated in this program. Arrangements were made for regular collection of milk by local health departments in the milksheds

for Seattle since 1960 and Spokane since 1958 for the National Pasteurized Milk Network.

A raw milk network was established in 1962 to provide for early detection in producing areas of elevated levels of radioactivity from fallout. It continues to operate on a flexible schedule to meet the need.

A substantial program of monitoring of surface and ground water, shellfish, and water biota was initiated in 1961. Equipment resources and part of other costs were largely supported through a contract with the U.S. Public Health Service. The total State network program includes (as of July 1, 1966), 61 active stations of which 39 are for surface water, 10 for shellfish, 9 for raw milk, 2 for air precipitation, and 1 for salt water and sediment. Ground water is sampled at random locations. Sample collection is largely dependent upon co-operators from local health and water departments and the State Pollution Control Commission. Exclusive of air and precipitation, a total of 1,167 samples were collected and analyzed during the 24 months ending June 30, 1966. Four annual reports have been prepared covering this work. Since 1958 the environmental surveillance program has been under the supervision of the staff member now serving as assistant section head and technical director and is operated by a Sanitary Engineer II.

X-ray survey. In 1958, a study was conducted in 352 dental offices using film badges for operator personnel and site exposure determinations. After a period of 1 month, the badges were collected, developed and evaluated. Thirty-eight offices with the highest personnel film badge readings were revisited for the purpose of recommending measures to reduce exposure levels. Filters and/or collimators were added as needed and protective measures for operators were recommended. All others surveyed were notified of the results by letter. This survey was conducted through joint arrangement with the Washington State Dental Association and the U.S. Public Health Service.

In 1962, Sur-Pak kits were sent to all dentists in Washington listed with the Department of Professional Licenses. A total of 1,344 Sur-Paks were returned and evaluated. The dentists were notified of the evaluation of their equipment. Where indicated, the filter and collimator, as required, were mailed to the dentist with instructions for installing them on his particular machine. Those requiring more difficult procedures were revisited by survey teams who made the modifications for the dentist.

In 1962, physical surveys were started on dental X-ray machines using U.S. Public Health Service X-ray protection survey procedures. A written report was left with the dentist and, when indicated, recommendations for compliance with the standards of the American Academy of Oral Roentgenology were included. Filters and collimators, as required, were installed.

In 1963, radiation protection demonstration surveys were started on other diagnostic X-ray installations in the healing arts. In 1966, medical X-ray therapy equipment surveys were started. The demonstration surveys are conducted in the manner of combined inspections and consultations, but without the basis of formal regulations.

Surveys were based on N.C.R.P. recommended physical standards, as published in National Bureau of Standards Handbook No. 76. A written report with recommendations was left with the user after each survey. Where filters were needed, they were furnished and installed by the survey team.

The following table indicates the number of surveys in each category that have been completed and an estimate of the degree of compliance, including corrections made as a result of the survey. Approximately 50

percent of all dental X-ray machines, 90 percent of the diagnostic equipment used by physicians, and 10 percent of the X-ray therapy equipment have been physically surveyed. Of all the remaining categories, about 95 percent have had an initial survey visit.

X-RAY SURVEYS TO JULY 1, 1966

Category	Number of facilities surveyed	Number of X-ray units surveyed	Estimated percent in compliance after survey
Physicians (M.D.).....	799	1,064	70
Osteopaths.....	68	81	70
Chiropractors.....	147	150	95
Chiropodists.....	33	33	95
Veterinary.....	173	183	85
Hospitals.....	104	441	90
Industrial.....	10	33	100
Dentists.....	837	1,063	95
Naturopaths.....	9	10	70
Schools.....	8	12	100
Health Departments.....	33	36	95
Nursing Homes.....	2	2	100
State Institutions.....	12	31	90
Others.....	15	16	90
Totals.....	2,260	3,163	-----

Registration. Registration of all sources of ionizing radiation, with the exception of certain minor exempt sources, in accordance with Department regulations was started late in 1964. The initial registration phase has been completed. A simple return post card registration form was used to enhance a more rapid and complete response. Department of Licenses professional listings, Atomic Energy Commission licensee records, and professional and industrial society rosters were utilized to develop a mailing list. An informational program, directed through public and organizational channels, called attention to the registration requirement. Based upon registration data to July 1, 1966, the following table summarizes the radiation use picture in the State excluding uses under AEC licenses.

Category of user (Federal agencies not included)	Number of X-ray units	Number of locations with radium	Miscellaneous (other sources)
Human uses:			
Physicians (M.D.).....	1,197	31	3
Other licensed Practitioners.....	396	1	-----
Industrial medicine.....	20	-----	-----
Health programs.....	88	-----	-----
Hospitals*.....	667	18	-----
Dentists.....	1,652	-----	-----
Industrial** (Non-medical).....	48	8	4
Universities, Colleges and Schools.....	76	3	36
Veterinary.....	245	-----	-----
Totals.....	4,389	61	43

*Includes University of Washington Hospital.

**Includes commercial, Civil Defense, and miscellaneous.

Radioactive materials. With the exception of radium, essentially all radioactive material of significant quantity is under the jurisdiction of the Atomic Energy Commission. The Department section staff, starting in 1956, has regularly accompanied the AEC on licensee inspections. In the 2½-year period ending July 1, 1966, present staff members participated in 79 percent of all AEC inspections in the State. As of July 1, 1966, there were approximately 190 AEC licenses in effect in the State, including Federal installations.

ORGANIZATION AND RESPONSIBILITY

The State government organization for the purpose of development, utilization, and regulation of sources of ionizing radiation is illustrated in Chart 1.

The Advisory Council on Nuclear Energy and Radiation is appointed by the governor and advises and reports to him. It consists of seven appointed members providing representation from industry, labor, the healing arts, research, and education. In addition, the directors of the Departments of Health, Labor and Industries, Agriculture, and Commerce and Economic Development are ex-officio members. Its present membership is shown in the appendix. The Council's duties include:

1. Review and evaluation of State policies and programs.
 2. Advice to the governor on matters pertaining to the development, utilization, and regulation of sources of ionizing radiation.
- The Department of Health will regulate the use of all sources of ionizing radiation except those which it may exempt or are under the jurisdiction of the Federal Government. This function rests in the Air Quality and Radiation Control Section.

The Technical Advisory Board on Radiation Control is appointed by the Director of Health with the approval of the governor. It consists of nine appointed members including representatives of the healing arts, research, industrial, and other recognized users of ionizing radiation, or experts in the field of physiological effects of ionizing radiation. The Director of Health is ex-officio chairman. The head of the Air Quality and Radiation Control Section is radiation control officer and ex-officio secretary of the Board without vote. Its present membership is shown in the appendix. The Board's duties are to:

1. Furnish technical advice to the Department.
2. Advise with reference to matters of policy affecting administration of the Act.
3. Approve rules and regulations prior to adoption by the Department. In practice the Board participates in the development of proposed rules and regulations and in the public hearing.

The Department of Commerce and Economic Development is responsible for the promotion and development of nuclear energy through its office of Nuclear Energy Development. Its functions, powers, and duties are to:

1. Advise the governor and the legislature regarding nuclear progress and State policy for research, development, and education.
2. Sponsor, support, or conduct appropriate studies and issue reports on nuclear progress.
3. Develop information on sites for nuclear industry and acquire land and facilities for nuclear development use.

DEPARTMENT AND STAFF ORGANIZATION

The Air Quality and Radiation Control Section is one of three sections in the Division of Environmental Health—the other sections being Sanitary Engineering and Environmental Sanitation. The Division of Environmental Health is one of eight in the Department—the others being Health Services, Health Facilities, Nursing, Epidemiology, Laboratories, Local Health Services, and Staff Services.

Legal services are provided by assistants to the Attorney General assigned to the Office of the Director. Statistical services are provided by the Division of Staff Services.

The current organization and functions of the section are illustrated in the attached charts, 2A and 2B. The Section Head has overall administrative responsibility for Section programs. The Assistant Section Head

is responsible routinely for the performance of the Air Quality Control Services and the Air-Rad Laboratory Services, and acts fully in the absence of the Section Head. He also provides technical assistance to the Radiation Control Services in instrumentation, special problems and emergencies.

The Radiation Control Services programs are supervised by the Radiation Control Specialist III who reports directly to the Section Head. He will specifically have responsibility for directing the licensing, inspection, and registration activities.

The Licensing and Compliance Unit will be staffed with a Nuclear Energy Licensing Supervisor and a Radiation Control Specialist II. The licensing supervisor position is vacant as of October 1, 1966, but it is expected to be filled before the effective date of the agreement. The Radiation Control Specialist III will initiate the organizational activity for this function and, if necessary, can carry the operating responsibility until the vacancy is filled. This unit will provide the routine review of applications for licenses, amendments, and renewals. Findings will be reported to the Radiation Control Specialist III who will recommend action to the Section Head as to issuance, modification, or denial. The Section Head will make the final determination with the cognizance of or in consultation with the Division Chief and the Director of Health.

The Licensing and Compliance Unit will also maintain the necessary records by which appropriate reviews can be made to determine compatibility with programs of the AEC and other agreement States. It will review inspection reports in order to maintain knowledge on the status of licensee operations and provide information to the Radiation Control Specialist III in determining required corrective measures.

The Inspection and Registration unit is staffed with a Radiation Control Specialist II and a Radiation Control Specialist I. It will carry out the inspection functions for both licensed and registered radiation sources. Inspectors will handle minor items of noncompliance and review all findings including items of noncompliance with management at the time of inspection as outlined under Regulatory Procedures and Policy. It will prepare written reports of all inspections. This unit will also have responsibility for maintaining the registration records with statistical assistance from Staff Services.

The current staff and experience records are shown under STAFF.

REGULATORY PROCEDURES AND POLICY

LICENSING AND REGISTRATION

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part III of the State Radiation Control Regulations.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date.

The Department, when it determines such to be appropriate, will request the advice of the Technical Advisory Board on Radiation Control, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing application.

A Review Committee on Medical Use of Radiation has been appointed by the Director of Health. All applications for nonroutine medical uses of radiation will be referred to the Review Committee for advice and consultation. Appropriate research protocol will be required as part of an application. The Review Committee is composed of persons having training and experience in nonroutine medical uses of radiation. It will at all times contain an appropriate representation of disciplines including, but not limited to, radiology, internal medicine, and pathology. The Department will maintain knowledge of current developments, techniques, and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the Atomic Energy Commission and other agreement States.

Specific licenses and amendments, or renewals thereto, will be issued for a period of time appropriate to the conditions of use and will be issued over the signature or in the name of the Director of Health.

Typical processing of applications for specific licenses or amendments is shown in Chart 3.

The registration program will be a continuation of the current activity except that it will be applicable only to sources of ionizing radiation other than radioactive material covered by licensing or sources which are exempt by regulation.

INSPECTION

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations, and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once each 2-year period. The following frequency is anticipated:

Use of classification	Usual inspection frequency
Industrial radiography:	
Fixed installations.	Once each 12 months.
Mobile operations.	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Board licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses—industrial, medical, or academic.	Once each 12–24 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and, instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the licensee management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the con-

ditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the section head for approval.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license upon request by the licensee may be amended, consistent with Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

The department will use its best efforts to attain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Administrative Procedures Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Department, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the attorney general in the appropriate court upon request of the Department after notice to such person and ample opportunity to comply.

EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under this chap-

ter which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or, on the date of expiration specified in the Federal license, whichever is earlier.

ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

The basic standards of procedure for administrative agencies in the State of Washington are set by the Administrative Procedures Act, Chapter 34.04 RCW. Briefly stated, this act provides for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.
2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.
3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.
4. Declaratory judgment on the validity of any rule upon petition to the Superior Court of Thurston County, or declaratory ruling by the Department upon petition of any interested person with respect to the applicability of any rule or statute enforceable by the Department.
5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.
6. Judicial review in the appropriate superior court by any person aggrieved by a final decision of the Department, and appeal to the state supreme court for review of and final judgment of the superior court.

COMPATIBILITY AND RECIPROCITY

In promulgating rules and regulations, the Department has, insofar as practicable, avoided requiring dual licensing and has provided for such recognition of other state and federal licenses.

RADIOLOGICAL EMERGENCY CAPABILITY

Currently, the Department is equipped with suitable instrumentation for monitoring in the event of an incident, or presumed incident, involving spread of contamination, undue exposure, or loss of a radiation source. Such situations have occurred and the staff has provided assistance. By mutual agreement with the Seattle-King County Health Department and Seattle Police Department, the Department staff is on call to provide assistance in that jurisdiction. Qualified persons from the University of Washington and a major industry are likewise on call. Contact communications for that area are established. This basic type of plan with refinements is anticipated throughout the State under Department coordination. In the meantime, the staff will respond in the event of any incident in the State requiring radiological assistance.

Liaison is maintained with the Richland Operations office of the AEC and reciprocal assistance is available. Emergency instrumentation from Richland Operations is maintained in the Department office for its use and is regularly taken to Richland Operations for maintenance.

Emergency communications and transportation are available through State and local authorities including police and Civil Defense. By mutual understanding with the Department of Civil Defense, reciprocal assistance and information is available. The Department is prepared to provide or assist in public information.

The Department has authority, in emergency situations, to issue necessary orders and to impound or order the impounding of radiation sources.

STAFF

EMIL C. JENSEN

CHIEF, DIVISION OF ENVIRONMENTAL HEALTH

Education and Training:

B.S. Civil Engineering, University of Washington, 1936.

M.S. Engineering, Harvard, 1938.

U.S.P.H.S. Basic Radiologic Health, 1953.

Experience and Related Activities:

Washington State Department of Health: District Engineer, 1941-44.

Head, Sanitary Engineering Section, 1945.

Chief, Division of Environmental Health, 1946 to date.

Washington State representative on the Columbia River Advisory Group since its inception in 1949. This group was formed to advise the Hanford Operations Office on matters relating to the disposition of radioactivity from the production plants at Hanford.

Participated with AEC in inspections of authorized uses of radioactive materials in early and mid-1950's.

Other:

President, Water Pollution Control Federation, 1957.

Chairman, Conference of State Sanitary Engineers, 1962.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

ROBERT L. STOCKMAN

HEAD, AIR QUALITY AND RADIATION CONTROL SECTION; SECRETARY, TECHNICAL ADVISORY BOARD ON RADIATION CONTROL; EXECUTIVE SECRETARY, STATE AIR POLLUTION CONTROL BOARD

Education and Training:

B.S. Civil Engineering, Sanitary option, Oregon State University, 1941.

U.S.P.H.S. Training Courses:

Radiological Health Training for Water Works Operators, 1952, Reed College. Occupational Radiation Protection, 1956, University of Washington.

Basic Radiological Health, 1957, Taft Center.

Radiation Surveillance, 1959, Nevada Test Site.

Radionuclide Protection, 1959, Taft Center.

X-Ray Protection, 1959, Taft Center.

Numerous air pollution courses.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation, 1964-65 (in two parts), Bethesda.

Experience and Related Activity:

Washington State Department of Health: Public Health Engineer, 1941-42 (10 months).

District Engineer, 1946-48, 1950-56.

Head, air pollution and radiation control program development, including direction of statewide air pollution study, 1956-58.

Head, Air Quality and Radiation Control Section, 1958 to date.

Final responsibility for developing, organizing, and administering the section air pollution and radiation control programs—including technical and regulatory programs, budget, and personnel.

Represent the Department in liaison with the legislature, Office of Nuclear Energy Development, federal, state and local agencies, and professional, trade and business organizations.

ROBERT L. STOCKMAN—Continued

Experience and Related Activity—Continued

Serve for the Director, in his absence, on the Advisory Council on Nuclear Energy and Radiation.

Serve for the Division Chief, in his absence, on the Columbia River Advisory Group and serve on its technical committee.

Member Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensee users of radioactive materials starting in 1957.

Other:

Commissioned Officer, U.S. Navy (R) Civil Engineer Corps—
Company Commander Seabee Battalion and Seabee Operations.

Officer Cinc Pac; to Lt.s.g., 1913-45. Employed by Consulting Engineer in municipal utilities, 1949.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

Currently, President-elect, Air Pollution Control Association.

PETER W. HILDEBRANDT

ASSISTANT HEAD AND TECHNICAL DIRECTOR, AIR QUALITY AND RADIATION CONTROL SECTION

Education and Training:

B.S. Civil Engineering, University of Washington, 1954.

M.S. Civil Engineering, University of Washington, 1964, with major work in air pollution and radiation.

Graduate program included Radiation Biology, 3 quarters, and Control of Radioactive Waste, 1 quarter.

U.S.P.H.S. Training Courses:

Basic Radiological Health, 1957, Portland, Oreg.

Sanitary Engineering Aspect of Nuclear Energy, 1958, University of California.

Individual Training in Use and Calibration of Radiation Counting Equipment for Surveillance Systems 1961, S.W. Radiological Health Lab.

Numerous air pollution courses.

Experience and Related Activity:

Washington State Department of Health: Public Health Engineer and Sr. Public Health Engineer, 1957-62.

Supervising Sanitary Engineer serving as Assistant Head and Technical Director, Air Quality and Radiation Control Section, 1962 to date.

Conducted a major part of the 1959 occupational exposure study in dental X-ray.

Responsible for the performance of technical programs in air pollution and environmental radiation surveillance.

Designed and supervises the radiation surveillance systems, including counting facilities.

Assists the Section Head in overall planning, administration, and liaison functions. Acts fully as Section Head in his absence and represents him as requested.

Member, Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensed users of radioactive material, 1957-60.

PETER W. HILDEBRANDT—Continued

Experience and Related Activity—Continued

Other:

Consultant to U.S. Public Health Service, Southwest Radiological Health Laboratory, in development and performance of altitude and ground-level environmental radiation sampling techniques (4 months total), 1962-65. U.S. Air Force Reserves, 1954-62.

Active Duty, Pilot and Flight Line Maintenance Officer, Armament and Electronics Training; to Captain, 1954-57. U.S. Public Health Service Reserve, 1962 to date.

Licensed Professional Engineer, Washington.

ARNOLD J. MOEN

RADIATION CONTROL SPECIALIST III, SUPERVISOR, RADIATION CONTROL SERVICES

Education and Training:

B.S. Electrical Engineering, University of Idaho, 1935.

One Full Academic year, Radiological Health Major in Graduate School of Public Health, University of Michigan, 1961-62.

U.S.P.H.S. Training Courses:

Occupational Radiation Protection, University of Washington, 1956.

Radiation Protection Aspects of Tuberculosis Case Finding, Taft Center, 1958.

Environmental Radiation Sampling and Analysis, Reed College, 1959.

Management of Radiation Accidents, Las Vegas, 1965.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1964.

Civil Defense Courses:

Medical Aspects of the Atomic Bomb, 1950.

Elements of Civil Defense and Defense Mobilization, 1959.

Radiological Monitoring for Instructors, 1960.

Radiological Defense Officers, 1960.

Medical Self-Help, 1965.

Experience and Related Activity:

Washington State Department of Health: X-Ray Engineer, Tuberculosis Control Section, 1946-60.

Radiation protection surveys and consultation on technique for all installations participating in chest X-ray program.

Consultation and plan review service for radiation protection in hospital and clinic design.

Radiation Safety Officer for Department—Civil Defense responsibility.

Radiation Control Specialist III, Air Quality and Radiation Control Section, 1960 to date. Performance and supervision of radiation protection survey programs in healing arts and industry, dental X-ray Sur-Pak Program, radiation source registration program, and emergency service. Assists Section Head in program planning, development of regulations and represents him as requested in liaison and administrative functions.

Provides instruction for local health personnel in Civil Defense radiological monitoring. Organizes and instructs in summer training program for graduate students in radiological health at the University of Washington. Reviews all plans for radiological facilities in hospital design under Department hospital licensing and Hill-Harris programs. Responsible for inspection of radiological facilities under Medicare certification program.

ARNOLD J. MOEN—Continued

Experience and Related Activity—Continued

Currently, primarily Section participant with AEC in inspection of licensed users of radioactive materials.

Other:

Washington Water Power Consulting and Research Division, 1943-44.

Milwaukee Road high voltage transmission engineering, 1944-45.

ARRT Firland Sanatorium, Seattle, following hospitalization, 1946.

Past president local and State societies Northwest Conference of Radiological Technologists. Currently Vice-President NWCRT.

CLIFFORD G. LEWIS

RADIATION CONTROL SPECIALIST II, LICENSING AND COMPLIANCE UNIT

Education and Training:

B.S. Technology, The University of Manchester (England) 1931, 5-year curriculum including Mathematics and Physics equivalent for engineering degree and chemistry for American General Science degree.

Experience and Related Activities:

Christie Hospital and Holt Radium Institute, Manchester, England, 1933-48; Radium curator responsible for custody, care and manipulation of radium stocks, operation of radon plant, supervision of appropriate technical terms, and maintenance of all records relevant to these operations in Britain's largest radiation therapy center.

M.D. Anderson Hospital and Tumor Institute, Houston, Texas, 1948-53:

Radium curator and X-ray technician. Responsible for radium, procurement of isotopes, assisted in dosimetric problems, operated X-ray equipment and conducted superficial X-ray therapy.

Tumor Institute of the Swedish Hospital, Seattle, 1953-66:

Assistant and acting health physicist. Responsible for radium, isotope manipulations, calibration of X-ray machines, maintenance of records, dosimetry, safety surveys and direction of technicians.

As acting health physicist served as Radiation Safety Officer for the Radioisotope Committee of the Swedish Hospital complex operating under AEC license.

Washington State Department of Health starting September 1966: AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1966.

GROVER E. NELSON

RADIATION CONTROL SPECIALIST II, INSPECTION AND REGISTRATION UNIT

Education and Training:

B.A. Economics and Business, University of Washington, 1941.

B.S. Chemistry, Seattle University, 1952. Creighton School of Medicine, 1953-58. Basic Radiological Health Taft Center, 1961.

Experience and Related Activity:

Washington State Department of Health, 1964 to date:

Conduct of radiation protection surveys in X-ray installations, including industrial, dental, medical and other healing arts. Participates in the radiation source registration program and summer instruction and field training for University of Washington graduate program in radiological health.

Assists in inspection of radiological facilities for Medicare certification program.

GROVER E. NELSON—Continued

Experience and Related Activity—Continued

Participates with AEC in inspection of licensed users of radioactive materials.

Other:

The Boeing Co., Seattle, Wash.:

Quality Control Chemist (1 year), 1952-53.

Industrial Hygiene Chemist (2 years), 1958-60.

Industrial Hygiene Radiation Control (2 years), 1962-63.

Semiannual certification of multicurie cobalt and iridium facilities and X-ray installation for shielding, warning and interlock systems, system controls, posting and film badge program. Regular survey and monitoring of laboratories, radiography, waste packaging and source fabrication facilities, field disposal, semiannual leak test of sealed sources. Survey instrument calibration. Inventory and monitor isotope receipt.

CHARLES E. MCJILTON

RADIATION CONTROL SPECIALIST I, INSPECTION AND REGISTRATION UNIT

Education and Training:

Wisconsin State College, 1948-50, 103 credit hours biology, chemistry.

St. John's University, Minnesota, 1950-51, 40 credit hours chemistry, philosophy. B.A. Philosophy, Carroll College, Montana, 1956-58.

B.S. Physical Science and Mathematics, University of Minnesota, 1962.

M.S. Environmental Health with Radiological Health major, University of Minnesota, 1965.

AEC Summer Fellowship in applied radiation protection. National Reactor Testing Station, Idaho Falls, 1965.

Experience and Related Activities:

Secondary Science Teacher, Dixon High School, Montana, 1962-64.

Field representative, University of Idaho Extension Service, teaching radiological monitoring and radiological defense, 1 year, 1965-66.

Washington State Department of Health: Radiation Control Specialist I, starting October 1966.

[F.R. Doc. 66-11254; Filed, Oct. 13, 1966; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Society Corp., which is a bank holding company located in Cleveland, Ohio, for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The First National Bank of Ashland, Ashland, Ohio.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize

the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks

concerned, and the convenience and needs of the community to be served.

Not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 25th day of October 1966.

By order of the Board of Governors.

[SEAL]

KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11818; Filed, Oct. 27, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Notice of Approvals of Applications

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33), notice is given of the following new drugs for which applications, or supplemental applications for substantive labeling changes, have been approved on the dates specified:

DRUGS FOR HUMAN USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed ¹
Meprobamate, 200 and 400 mg.	Fas-Cile 200 and Fas-Cile 400 (tablet).	Tranquilizer.....	Schlicksup Drug Co., Inc.	June 23, 1966	R _x
Epinephrine bitartrate..	Medihaler-Epi (inhalant).	Bronchodilator.....	Riker Laboratories.	June 27, 1966 ²	OTC
Lyophilized urea, 90 gm., to be reconstituted with 310 cc. of 10% invert sugar.	Urevert (intravenous solution).	To reduce intracranial pressure.	Baxter Laboratories.	.....do. ²	R _x
Anticoagulant acid citrate dextrose solution in plastic containers.	Blood Pack (disposable plastic blood collection unit).	Unit for storage of whole blood.	.....do.....	June 29, 1966 ²	R _x
Chlordiazepoxide hydrochloride, 5, 10, and 25 mg.	Librium (capsule).	Tranquilizer.....	Hoffmann-La Roche, Inc.	July 1, 1966 ²	R _x
Furosemide, 40 mg.....	Lasix (tablet).....	Diuretic agent.....	Hoechst Pharmaceuticals, Inc.	July 1, 1966	R _x
Pipobroman, 10 and 25 mg.	Vercyte (tablet)....	Antineoplastic agent.	Abbott Laboratories.	.....do.....	R _x
Sulfametin, 500 mg.....	Sulla (tablet).....	Long-acting sulfonamide for genitourinary tract infections.	A. H. Robins Co., Inc.	.....do.....	R _x
Meprobamate, 400 mg. per 5-cc. ampule.	Miltown Intramuscular (intramuscular injection).	Adjunct in the treatment of tetanus.	Wallace Laboratories, division of Carter-Wallace, Inc.	July 14, 1966 ²	R _x
Acetohexamide, 250 and 500 mg.	Dymelor (tablet).	Hypoglycemic agent.	Eli Lilly & Co....	July 18, 1966 ²	R _x
Chlordiazepoxide, 5, 5, and 10 mg.; water-soluble conjugated estrogens (expressed as sodium estrone sulfate), .2, .4, and .4 mg., respectively.	Menrium (tablet).	Tranquilizer-estrogen combinations for management of menopausal syndrome.	Hoffmann-La Roche, Inc.	July 28, 1966	R _x
Hydroxyzine hydrochloride; 25 and 50 mg. per cc., 1 cc. per unit, and 100 mg. per 2 cc., 2 cc. per unit; 25 and 50 mg. per cc. in 10-cc. vials.	Vistaril, Atarax (parenteral).	Tranquilizer.....	Chas. Pfizer & Co., Inc.	Aug. 2, 1966 ²	R _x
Zinc pyrithione (zinc 2-pyridinethiol-1-oxide).	ZP-11 Antidandruff Hairdressing (cream).	Antidandruff hairdressing.	Revlon, Inc.....	Aug. 2, 1966	OTC
Hydroxyzine hydrochloride 10 mg. per teaspoon (5 cc.).	Atarax (syrup).....	Tranquilizer.....	Chas. Pfizer & Co., Inc.	Aug. 5, 1966 ²	R _x
Hydroxyzine pamoate equivalent to hydroxyzine hydrochloride, 25 mg. per 5 cc.	Vistaril (oral suspension).	.....do.....	.....do.....	.....do. ²	R _x

See footnotes at end of table.

DRUGS FOR HUMAN USE—Continued

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dis- pensed ¹
Hydroxyzine pamoate equivalent to hydrox- yzine hydrochloride, 25, 50, and 100 mg. per capsule.	Vistaril (capsule)	do	do	do ²	R ₁
Betamethasone, 0.4%	Celestone Aerosol (aerosol spray).	Anti-inflammatory corticosteroid.	Schering Corp.	Aug. 18, 1966	R ₁
Hydroxyzine hydro- chloride, 10, 25, 50, and 100 mg.	Atarax (tablet)	Tranquillizer	Chas. Pfizer & Co., Inc.	Aug. 18, 1966 ²	R ₁
Allopurinol, 100 mg.	Zyloprim (tablet)	Antihyperuricemic agent.	Burroughs Well- come & Co. (U.S.A.), Inc.	Aug. 19, 1966	R ₁
Diazepam, 5 mg. per cc.	Valium Injectable (injection).	Tranquillizer; mus- cle relaxant in cerebral palsy and athetosis.	Hoffman-La Roche, Inc.	Aug. 24, 1966	R ₁
Pyrimethamine, 25 mg.	Daraprim (tablet)	Antimalarial; treat- ment of ocular toxoplasmosis.	Burroughs Well- come & Co. (U.S.A.), Inc.	do ²	R ₁
Codeine sulfate, 1 gr.; bromodiphenhydra- mine hydrochloride, 24 mg.; diphenhydra- mine hydrochloride, 56 mg.; ammonium chloride, 8 gr.; and po- tassium guaiacol sul- fonate, 8 gr.; per fluid ounce.	Ambenyl Expec- torant (solu- tion).	Expectorant	Parke, Davis & Co.	Aug. 25, 1966 ²	R ₁

¹ The abbreviation "R₁" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

² Supplemental application, labeling change.

Correction. In the notice of approvals published in the FEDERAL REGISTER of April 30, 1964 (29 F.R. 5769), the class of compound "Vitamin; antibacterial" for the drug PAS-C (Pascorbic) should have read "Antituberculosis agent."

Dated: October 19, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11637; Filed, Oct. 27, 1966; 8:45 a.m.]

ABRIL INDUSTRIAL WAXES LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2106) has been filed by Abril Industrial Waxes Ltd., Queens Road, Industrial Estate, Bridgend, Glamorgan, England, proposing an amendment to § 121.2507 Cellophane to provide for the safe use of stearamido-ethyl stearate as a component of vinylidene chloride coatings on cellophane for food-contact use.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11763; Filed, Oct. 27, 1966;
8:47 a.m.]

GENERAL ELECTRIC CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2112) has been filed by General Electric Co., 1 Plastics Avenue, Pittsfield, Mass. 01201, proposing the issuance of a

regulation to provide for the safe use of polyphenylene oxide resins as components of articles for food-contact use.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11764; Filed, Oct. 27, 1966;
8:47 a.m.]

W. R. GRACE & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2107) has been filed by W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, proposing an amendment to § 121.2550 Closures with sealing gaskets for food containers to provide for the safe use of diisodecylphthalate as an optional component of closure-sealing compounds for food containers.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11765; Filed, Oct. 27, 1966;
8:47 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2102) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing an amendment to § 121.2520 Adhesives to provide for the safe use of the sodium salt of sulfonated octadecylene and 1,3-butylene glycol dimethacrylate as optional components of food-packaging adhesives.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11766; Filed, Oct. 27, 1966;
8:47 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petitions Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that petitions (PP 7F0537, 7F0538) have been filed by Union Carbide Corp., Agricultural Products, Post Office Box 8361, South Charleston, W. Va. 25303, proposing the establishment of a tolerance of 0.5 part per million for residues of the insecticide carbaryl (1-naphthyl N-methylcarbamate), including its hydrolysis product 1-naphthol (calculated as 1-naphthyl N-methylcarbamate), in or on the raw agricultural commodities eggs, potatoes, and sweetpotatoes.

The analytical method proposed in the petitions for determining residues of the insecticide is a colorimetric determination using *p*-nitrobenzenediazonium fluoroborate as the reagent. This is accomplished after the residues have been separated from the crop by means of extraction, vacuum distillation, and precipitation.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-11767; Filed, Oct. 27, 1966;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15356 etc.]

NORTHEAST-BAHAMAS SERVICE CASE

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing, heretofore assigned in the above-entitled

proceeding for November 14, 1966, is hereby postponed and reassigned for November 28, 1966, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., October 24, 1966.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 66-11754; Filed, Oct. 27, 1966;
8:46 a.m.]

FOREIGN AND OVERSEAS INCLUSIVE TOUR CHARTERS

Applications To Be Accepted for Statements of Authorization

OCTOBER 25, 1966.

On September 30, 1966, Board decisions were issued in the foreign and overseas phase of the Supplemental Air Service Proceeding, Docket 13795, etc.,¹ and in the Reopened Transatlantic Charter Investigation (All-Expense Tour Phase), Docket 11908 etc.,² granting authority, effective November 26, 1966, to supplemental air carriers to engage in foreign and overseas inclusive tour charters in conjunction with tour operators. Concurrently therewith, the Board amended Part 378 of the Board's Special Regulations to expand its coverage to inclusive tours in foreign and overseas air transportation, also effective November 26, 1966.³

Under Part 378, as a condition to the advertisement, solicitation, or operation of any inclusive tour charter, a statement of authorization issued by the Board must be in effect for the particular tour or tours involved.⁴ Subsequent to the issuance of the above decisions, the Board has received a number of inquiries from interested persons as to whether the Board will accept, prior to November 26, 1966, applications for statements of authorization to engage in foreign and overseas inclusive tour charters filed pursuant to Part 378. In response thereto, and in order to remove any uncertainty which might exist in this area, the Board hereby gives notice that it will accept and process the aforesaid applications, effective immediately.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-11755; Filed, Oct. 27, 1966;
8:46 a.m.]

¹ Orders E-24237, E-24238, and E-24239.

² Orders E-24240 and E-24241.

³ Reg. No. SPR-16.

⁴ Sec. 378.10 provides that no tour or series of tours "shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there shall be in effect a statement of authorization issued by the Board authorizing the specific tour or series of tours"; in addition, sec. 378.11 provides that "[a]pplications for a statement of authorization shall be filed with the Civil Aeronautics Board (Director, Bureau of Operating Rights) jointly by the supplemental air carrier and the prospective tour operator at least 90 days in advance of the date of commencement of the proposed tour or series of tours."

CIVIL SERVICE COMMISSION

ADMINISTRATIVE MANAGEMENT ADVISER

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective October 19, 1966, that there is a manpower shortage for the positions of Administrative Management Adviser (ADP-Public Welfare), GS-301-13, Department of Health, Education, and Welfare, Washington, D.C.

Appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

UNITED STATES CIVIL SERVICE
COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-11771; Filed, Oct. 27, 1966;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 66-923]

RADIO AND TV STATIONS

Statements of Proposed Commercial Practices

OCTOBER 24, 1966.

As part of the Commission's overall review of applications for renewal of licenses of commercial radio and television stations, it has heretofore been considering representations as to commercial practices made in response to the inquiries contained in section IV of Form 303 as it has been in effect during prior years. The Commission has recently amended this section so that the representations and data now sought are stated in terms of minutes of commercial matter rather than the number and length of commercial announcements. The Commission believes it would be more fair and efficient to base its review of a licensee's performance on the factors and data included in the new program forms as quickly as possible, without waiting for all licensees to file renewal applications on the new forms in the normal course of business.

Accordingly, the Commission hereby requests all commercial television and radio (AM and FM) stations, without exception, to file with the Commission prior to January 1, 1967, a statement of their proposed commercial practices in accordance with the requirements of the recently adopted program forms. The applicable items to which response is sought are set forth in Appendix A below.

All statements filed in response to this public notice will be considered as amendments to licensees' most recent applications for license or license renewal. Any evaluation of commercial practices will be made on the basis of the representations contained in the response to this public notice.

Appendix A requires, in addition to a statement as to proposed commercial practices, a statement, where appropriate, as to the basis on which a licensee has concluded that a maximum amount of commercial matter in excess of 18 minutes per hour for radio (AM or FM) or 16 minutes per hour for television (rounded to the nearest minute) as a normal practice would be consonant with the needs and interests of the community which licensee serves. These limits are in general accord with those accepted by the industry generally as appropriate, as expressed in codes adopted by the National Association of Broadcasters. The Commission gives great weight to such industry judgment, without denying the right of each broadcaster to make his own different judgment on any reasonable basis in terms of his particular situation.

Licensees are cautioned that responses to Appendix A should not be in terms of vague generalities or references to industry codes, but should be as precise as possible. If in response to Question B below the licensee proposes to exceed his normal limits other than in special and limited situations, then a question may arise as to whether the proposal is in fact an established norm. By this action the Commission does not imply or seek to impose any particular requirement or limitation on the commercial practices of licensees, but does seek a full, specific, and responsive statement as to licensee's commercial practices.

Adopted: October 12, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Appendix A

INQUIRY CONCERNING PROPOSED COMMERCIAL PRACTICES OF COMMERCIAL BROADCASTING STATIONS

Name of licensee -----
Call letters of station -----
City and State which station is licensed
to serve -----

A. State the maximum amount of commercial matter in any 60-minute segment which licensee proposes normally to allow -----

B. If licensee proposes to permit this amount to be exceeded at times, state under what circumstances and how often this is expected to occur, and the limits that would then apply.

C. If licensee proposes a normal hourly maximum in excess of 18 minutes for radio (AM or FM) or 16 minutes for television (rounded to the nearest minute) state the basis on which licensee concluded that such proposed commercial practices will be consonant with the needs and interests of the community which licensee serves.

Dated -----

(Name of licensee)

By: -----
(Signature)

(Name (printed))

(Title)

NOTE: If space is insufficient use additional sheets and attach to this sheet. This statement will be considered an amendment to

the most recent application for a license or renewal.

[F.R. Doc. 66-11757; Filed, Oct. 27, 1966; 8:46 a.m.]

[Docket No. 16943; FCC 66M-1429]

ASSOCIATED BELL SYSTEM COMPANIES

Order Scheduling Hearing

In the matter of The Associated Bell System Companies, Docket No. 16943; tariffs for channel service for use by community antenna television system.

It is ordered, This 21st day of October 1966, that Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the initial prehearing conference herein shall be convened on November 9, 1966; that the formal hearing is scheduled to commence on December 19, 1966; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11758; Filed, Oct. 27, 1966; 8:47 a.m.]

[Docket No. 16942; FCC 66M-1430]

MESSAGE TOLL TELEPHONE SERVICE

Order Scheduling Hearing

In the matter of use of the carterphone device in message toll telephone service; Docket No. 16942.

It is ordered, This 21st day of October 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 28, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 9, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11759; Filed, Oct. 27, 1966; 8:47 a.m.]

[Docket Nos. 16824, 16825; FCC 66M-1437]

FOX RIVER BROADCASTING CO. AND RADIO OSHKOSH, INC.

Order Continuing Hearing

In re applications of Sterling H. Saunders and Stanley H. Krinsky, doing business as The Fox River Broadcasting Co., Oshkosh, Wis., Docket No. 16824, File No. BP-15129; Radio Oshkosh, Inc., Oshkosh, Wis., Docket No. 16825, File No. BP-15805; for construction permits.

Upon written "Petition For Continuance Of Pre-Hearing Date" filed in this matter by The Fox River Broadcasting Co. on October 21, 1966,

It is ordered, This 24th day of October 1966, that the aforesaid petition is granted and, accordingly, the prehearing conference now scheduled for October 25, 1966, is rescheduled to commence at 9 a.m., November 15, 1966, in the Commission's offices in Washington, D.C., and the hearing now scheduled for November 15, 1966, is postponed to a date to be determined at the aforementioned prehearing conference.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11760; Filed, Oct. 27, 1966; 8:47 a.m.]

[Docket Nos. 16944, 16945; FCC 66M-1434]

PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

Order Scheduling Hearing

In re applications of Stephen P. Belinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper, and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, Ill., Docket No. 16944, File No. BPH-5296; Richard P. Lamoreaux, Monmouth, Ill., Docket No. 16945, File No. BPH-5441; for construction permits.

It is ordered, This 21st day of October 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 5, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 9, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11761; Filed, Oct. 27, 1966; 8:47 a.m.]

[Docket No. 16785; FCC 66M-1440]

RICE CAPITAL BROADCASTING CO.

Order Continuing Hearing

In re application of Barton W. Free-land, Sr., L. O. Fremaux, and Edmond M. Keim doing business as Rice Capital Broadcasting Co., Crowley, La., Docket No. 16785, File No. BP-15130; for construction permit.

In order to avoid a possible conflict with a prehearing conference in Docket No. 16070 which is scheduled to commence at 9 a.m., November 29, 1966,

It is ordered, This 24th day of October 1966, on the Hearing Examiner's own motion, that the hearing in the above-

entitled matter now scheduled for 10 a.m. on November 29, 1966, is rescheduled to commence at 11 a.m., November 29, 1966, in the Commission's offices, Washington, D.C.

Released: October 25, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11762; Filed, Oct. 27, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4424]

IROQUOIS GAS CORP.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

OCTOBER 24, 1966.

Notice is hereby given that Iroquois Gas Corp. ("Iroquois"), 10 Lafayette Square, Buffalo, N.Y. 14203, a gas utility subsidiary company of National Fuel Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6 thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Iroquois proposes to issue and sell during November and December 1966 its unsecured promissory notes to the banks named below in an aggregate amount not to exceed \$2,500,000. The notes will mature not more than 9 months from the date of issuance and will bear interest at a rate equal to the prime rate (presently 6 percent) in effect at The Chase Manhattan Bank, New York, on the date of issuance. The borrowings will be made from three Buffalo, New York banks in the following proportions: Marine Midland Trust Co. of Western New York, 47 percent; Manufacturers & Traders Trust Co., 45 percent; Liberty National Bank & Trust Co., 8 percent.

It is stated that Iroquois presently has \$5 million of short-term bank notes outstanding which were issued pursuant to the 5 percent exemptive provision of the first sentence of section 6(b) of the Act; that of the \$2,500,000 of notes presently proposed to be issued only the first \$500,230 will be so exempt; and that any such notes issued in excess of \$500,230 requires the authorization of this Commission. Upon the issue and sale of the proposed \$2,500,000 of short-term notes, the aggregate amount of such notes then outstanding will be equal to approximately 6.8 percent of the principal amount and par value of the other outstanding securities of Iroquois.

It is stated that the proceeds of the proposed notes are to be applied by Iroquois toward plant construction. It is also stated that no State commission and

no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated by the company at \$300.

Notice is further given that any interested person may, not later than November 14, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11738; Filed, Oct. 27, 1966;
8:45 a.m.]

[File No. 70-4423]

NEW ENGLAND POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 24, 1966.

Notice is hereby given that New England Power Co. ("NEPCO"), 441 Stuart Street, Boston, Mass. 02116, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rules 42(b) (2) and 50 as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, \$10 million principal amount of First Mortgage Bonds, Series L, _____ percent due December 1, 1996. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the

principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under an Indenture of Trust and First Mortgage dated November 15, 1936, between NEPCO and New England Merchants National Bank of Boston (successor to New England Trust Co.), Trustee, as heretofore supplemented and as to be further supplemented by an 11th Supplemental Indenture to be dated December 1, 1966.

The net proceeds from the sale will be applied to the payment of NEPCO's short-term notes evidencing borrowings made to pay for capitalizable expenditures or to reimburse the treasury therefor. Such notes are expected to be outstanding in the amount of \$16 million at the time of the proposed issuance and sale of the bonds.

The fees and expenses to be paid in connection with the proposed transactions are estimated at \$75,000, including \$34,000 for legal, accounting and other services to be rendered at cost by the system service company. The fees and expenses of independent counsel for the underwriters, to be paid by the successful bidders, are to be supplied by amendment.

The filing states that the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board have jurisdiction over the proposed issuance and sale of bonds and no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 16, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11739; Filed, Oct. 27, 1966;
8:45 a.m.]

[File No. 70-3945]

SOUTHERN ELECTRIC GENERATING CO., ET AL.

Supplemental Notice Proposing Additional Reduction of Par Value of Common Stock

OCTOBER 24, 1966.

Notice is hereby given that Alabama Power Co. ("Alabama") 600 North 18th Street, Birmingham, Ala. 35203, and Georgia Power Co. ("Georgia"), 270 Peachtree Street NW., Atlanta, Ga. 30303, public-utility subsidiary companies of The Southern Co., a registered holding company, and Southern Electric Generating Co. ("SESCO"), 600 North 18th Street, Birmingham, Ala. 35203, a public-utility subsidiary company of Alabama and Georgia, have filed with this Commission a supplemental declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the said supplemental declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated April 25, 1961 (Holding Company Act Release No. 14417), this Commission authorized SESCO to reacquire limited amounts of its common stock from Alabama and Georgia, commencing in 1967. To create capital surplus against which to charge the resultant decrease in capital, there was also authorized a reduction of the par value of the outstanding common stock from \$100 to \$4.50 per share. To date, the par value has not been reduced, and SESCO now proposes to reduce the same, prior to January 1, 1967, to \$1 per share, instead of \$4.50 as heretofore authorized. It is stated that such further reduction in the par value will enable SESCO to effectuate substantial savings in state taxes. In all other respects, the transactions as heretofore authorized will remain unchanged.

Notice is further given that any interested person may, not later than November 9, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said supplemental declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as supplemented, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption

from such rules as provided in Rules 20(a) and 100 thereof or take such action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11740; Filed, Oct. 27, 1966;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 25, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40760—*Class and commodity rates from and to South Columbus, Ga.* Filed by O. W. South, Jr., agent (No. A4955), for interested rail carriers. Rates on property moving on class and commodity rates, between South Columbus, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40761—*Class and commodity rates from and to Salem, S.C.* Filed by O. W. South, Jr., agent (No. A4956), for interested rail carriers. Rates on property moving on class and commodity rates, between Salem, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40762—*Substituted service—Camas Prairie RR., et al., for Asbury Transportation Co., et al.* Filed by William M. Larimore, agent (No. 6), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flatcars, between specified interchange points west of the Mississippi River, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11750; Filed, Oct. 27, 1966;
8:46 a.m.]

[Notice 276]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 25, 1966.

The following are notices of filing of applications for temporary authority

under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67, (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 97357 (Sub-No. 17 TA), filed October 20, 1966. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen and liquid nitrogen*, in bulk, in specially designed trailer equipment, from Santa Susana, Calif., to Cape Kennedy, Patrick Air Force Base, Fla., for 150 days. Supporting shipper: The Department of Defense, Washington, D.C. 20423. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 97357 (Sub-No. 18 TA), filed October 20, 1966. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen and liquid nitrogen*, in bulk, in specially designed trailer equipment between New Orleans, Lake Charles, and Baton Rouge, La., and Huntsville, Ala., on the one hand, and, on the other, Patrick Air Force Base, Cape Kennedy, Fla., for 150 days. Supporting shipper: The Department of Defense, Washington, D.C. 20423. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 115931 (Sub-No. 18 TA), filed October 20, 1966. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Box 1961, Billings, Mont. 59101. Applicant's representative: Stockton, Lewis & Mitchell, The 1650 Grant Street Building, Denver, Colo.

80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Lake, Lincoln, Mineral, and Sanders Counties, Mont., to points in Illinois, Indiana, Iowa, Minnesota, Ohio, South Dakota, and Wisconsin; and from points in Flathead, Granite, Missoula, and Ravalli Counties, Mont., to points in Indiana and Ohio, for 180 days. Supporting shippers: St. Regis Paper Co., Libby, Mont. 59923, Plum Creek Lumber Co., Columbia Falls, Mont. 59912, Forest Products Co., Post Office Box 1039, Kalispell, Mont. 59901, Intermountain Lumber Co., Post Office Box 1347, Missoula, Mont. 59801, C & C Plywood Corp., Route 1 Sunset Drive, Kalispell, Mont. 59901, Diamond National Corp., Post Office Box 548, Superior, Mont. 59872, Bitterroot Timber Industries, Inc., Post Office Box 395, Darby, Mont. 59829, Broeder Brothers Lumber Co., Route 4, Kalispell, Mont. 59901, Diehl Lumber Co., Inc., Plains, Mont. 59859, General Construction Co., Post Office Box 2427, Great Falls, Mont. 59401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 117815 (Sub-No. 115 TA), filed October 21, 1966. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50316. Applicant's representative: John P. Burroughs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches, wooden or paper*, when in combined shipments with "canned foodstuffs", with the weight of the matches not to exceed twenty-five percent (25%) of the total weight of the shipment, from the plantsites and storage facilities utilized by Hunt Foods and Industries, Inc., located at Northlake and Chicago, Ill., to points in Iowa. Restricted to shipments originating at the plantsites and storage facilities utilized by Hunt Foods and Industries, Inc., at Northlake and Chicago, Ill., and destined to points in Iowa, for 180 days. Supporting shipper: Hunt Foods and Industries, Inc., 1645 West Valencia Drive, Fullerton, Calif. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 119777 (Sub-No. 71 TA), filed October 20, 1966. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer 31, U.S. Highway 41 South, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Suite 202-204 Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hard-board*, from the plantsite of Superwood of Arkansas, in Pulaski County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Texas, for 180 days. Supporting shipper: Mr. Glenn Benne-

wise, Traffic Manager, Superwood of Arkansas, Post Office Box 3095, North Little Rock, Ark. 72117. Send protests to: Wayne L. Merillatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 126256 (Sub-No. 3 TA), filed October 20, 1966. Applicant: ARLAN KIRK, Spencer, Nebr. 68777. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Rapid City, S. Dak., to O'Neill, Nebr., for 180 days. Supporting shipper: Fuller & Son, O'Neill, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 126474 (Sub-No. 2 TA), filed October 21, 1966. Applicant: C. M. CARPENTER, doing business as CARPENTER TRUCKING CO., Annville, Ky. 40402. Applicant's representative: Fred F. Bradley, 202-204 Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, limestone, gravel, aggregate, and agricultural lime*, from the site of Smith's Branch Stone Co., Inc., U.S. 60, Carter County, Ky., to points in Lawrence, Scioto, and Gallia Counties, Ohio, and Cabell, Putnam, Wayne, Lincoln, and Kanawha Counties, W. Va., for 180 days. Supporting shipper: G. C. Fluty Jr., Secretary-Treasurer, Smith's Branch Stone Co., Inc., Grayson, Ky. 41143. Send protests to: R. W. Schneider, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 115992 (Sub-No. 3 TA), filed October 21, 1966. Applicant: L. M. PEP-
PER, doing business as, Pep's Kerosene Service, 2300 Tidelands Avenue, National City, Calif. 92050. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Magnesium*

chloride, in bulk, in tank trucks, from Chula Vista, Calif., to the port of entry on the international boundary between the United States and Mexico at or near Calexico, Calif., destined to Baja, California, Mexico, from Chula Vista over U.S. Highway 80 to Mountain Springs, Calif., and thence over California Highway 98 to the port of entry at or near Calexico, serving no intermediate points, for 180 days. Supporting shipper: FMC Corp., Inorganic Chemicals Division, 2121 Yates Avenue, Los Angeles, Calif. 90022. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 111981 (Sub-No. 15 TA), filed October 21, 1966. Applicant: ROBI-DEAU'S EXPRESS, INC., 460 Oregon Avenue, Philadelphia, Pa. 19148. Applicant's representative: Vincent D'Anella (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products and fruit juices*, in containers, from Riverside, N.J., to points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill and York Counties, Pa., and New Castle County, Del., for 180 days. Supporting shipper: Hernig Milk Co., Inc., 3175 John F. Kennedy Boulevard, Philadelphia, Pa. 19104. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128630 (Sub-No. 2 TA), filed October 21, 1966. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. Applicant's representative: Euveff Oldham, 700 Denargo Market, Denver, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, frozen foods, and bakery goods* (frozen and not frozen), from Denver and Colorado Springs, Colo., to points in Kansas, Missouri, and Indiana, for 180 days. Supporting shipper: Johnson Food Co., 201 Lee Street, Colorado Springs, Colo., Colorado Pizza Co.,

2143 Court Place, Denver, Colo. 80205. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Office Building, Denver, Colo. 80202.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11751; Filed, Oct. 27, 1966;
8:46 a.m.]

[Notice 1433]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 25, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69182. By order of October 13, 1966, Division 3, acting as an Appellate Division, Approved the transfer to Raymond B. Long, Inc., of Tylersport, Pa., of a portion of the operating rights in certificate No. MC-109973, issued November 24, 1964, to Michael Sadowski, doing business as Michael Sadowski Trucking, of Morrisville, Pa., authorizing the transportation of: Building and road construction materials in bulk, between points in Bucks County, Pa., on the one hand, and, on the other, points in New Jersey within 35 miles of Bristol, Pa. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11752; Filed, Oct. 27, 1966;
8:46 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATIONS:		728.....	13036	PROPOSED RULES—Continued	
3749.....	12935	729.....	12921, 12940	1103.....	13476
3750.....	12995	751.....	13531	1106.....	13607
3751.....	13197	775.....	13791	1126.....	13005, 13607
3752.....	13635	777.....	13502	1205.....	13478
EXECUTIVE ORDERS:		811.....	13133, 13313	Ch. XI.....	12956
Sept. 24, 1847 (revoked by		813.....	13589		
PLO 4100).....	12950	815.....	13836		
April 17, 1926 (revoked in part		847.....	13837		
by PLO 4098).....	12950	849.....	13695		
10126 (superseded by 14 CFR		873.....	13748		
73.87).....	13422	874.....	12940		
10154 (superseded by EO		905.....	12835, 13385		
11313).....	13417	906.....	13750		
10558 (superseded by EO		908.....	12836, 13077, 13385, 13639		
11313).....	13417	909.....	13134		
10686 (superseded by EO		910.....	12837, 13077, 13386, 13640		
11313).....	13417	915.....	13135, 13386		
11122 (superseded by EO		932.....	13171		
11307).....	12917	947.....	13171		
11215 (amended by EO 11309).....	13075	948.....	13791		
11307.....	12917	958.....	12940		
11308.....	12919	982.....	13591, 13837		
11309.....	13075	984.....	13421, 13640		
11310.....	13199	989.....	13696		
11311.....	13413	993.....	13037, 13751		
11312.....	13415	1004.....	13751		
11313.....	13417	1038.....	13037		
11314.....	13419	1126.....	13641		
		1421.....	13078, 13641		
		1427.....	13641, 13696		
		1443.....	12837		
		1446.....	13207		
		1475.....	13532		
		1490.....	12997		
4 CFR		PROPOSED RULES:			
Ch. II.....	13381	52.....	13551, 13861		
5 CFR		725.....	13242		
213.....	12833,	730.....	12952		
12937, 13113, 13465, 13521,	13695,	905.....	13800		
13835.		909.....	13174		
351.....	13521	912.....	13758		
534.....	13521	929.....	13136		
550.....	13835	947.....	13758		
1700.....	13113	948.....	12953		
2200.....	13787	959.....	13862		
6 CFR		971.....	13551		
530.....	13747	972.....	13394		
7 CFR		982.....	12954, 13346		
51.....	13637	984.....	13005		
81.....	13203, 13527	989.....	13244, 13552		
110.....	13203	991.....	13394		
112.....	13203	993.....	13136		
113.....	13203	994.....	13090		
207.....	13747	1003.....	13863		
210.....	13035	1005.....	12845, 13090, 13726		
301.....	13747, 13835	1006.....	13272		
319.....	12834	1012.....	13605		
354.....	13203	1013.....	13655, 13863		
401.....	13581, 13583-13588	1016.....	13863		
402.....	13588	1038.....	12954		
403.....	13588	1041.....	13136		
406.....	13588	1063.....	13864		
407.....	13588	1067.....	13395		
408.....	13589	1068.....	13864		
409.....	13589	1069.....	13091		
701.....	13035	1070.....	13864		
719.....	13204	1078.....	13864		
722.....	13035,	1079.....	13864		
13036, 13132, 13168, 13205,	13303,	1102.....	13395		
13465, 13529, 13530, 13589.					

14 CFR—Continued		Page	23 CFR		Page	33 CFR		Page
PROPOSED RULES—Continued			Ch. II			84		
75		13176	24 CFR			202		
91		13352	5			203		
121		13802	203			204		
127		13802	220			13129, 13445, 13647		
15 CFR			221			36 CFR		
230	13167, 13390,	13752	232			311		
372		13040	234			326		
373		13040	1000			37 CFR		
374		13040	25 CFR			1		
379		13040	PROPOSED RULES:			4		
382		13040	131			38 CFR		
385		13040	221			2		
398		13040	26 CFR			3		
399	13040, 13699		147			14		
16 CFR			177			36		
13	12938, 13078–13080, 13208, 13209, 13337, 13423, 13753, 13792.	12937	507			39 CFR		
15	13210, 13423, 13754	13754	PROPOSED RULES:			35		
PROPOSED RULES:			1			41		
170		13865	28 CFR			96		
174		13865	PROPOSED RULES:			822		
303		13353	5			PROPOSED RULES:		
17 CFR			29 CFR			33		
200		13533	102			43		
18 CFR			462			41 CFR		
141		13593	512			5–12		
154		13720	PROPOSED RULES:			9–1		
204		12840	40			9–2		
PROPOSED RULES:			1207			9–3		
141		13557	31 CFR			22–1		
260		13557	500			42 CFR		
19 CFR			520			22		
1	12938, 13080, 13390, 13721, 13755	13755	32 CFR			52		
4	13424, 13755	13722	1			43 CFR		
13		13722	2			5430		
PROPOSED RULES:			3			PUBLIC LAND ORDERS:		
12		12964	4			1195 (revoked in part by PLO 4099)		
20 CFR			7			3152 (revoked in part by PLO 4104)		
404	13126, 13533	13533	8			3584 (revoked in part by PLO 4104)		
405	13424, 13456, 13534	13534	11			4094 (corrected)		
602		13466	13			4097		
21 CFR			15			4098		
3		13537	18			4099		
8		12840	156			4100		
17	12949, 13792,	13793	713			4101		
27		12949	855			4102		
51		12950	1001			4103		
53		12840	1002			4104		
120		13210	1003			4105		
121		12841	1004			PROPOSED RULES:		
13128, 13474, 13475, 13722,		13793	1007			3107		
146		12841	1010			45 CFR		
146a		13723	1012			6		
148k		13603	1013			7		
PROPOSED RULES:			1017			8		
19		13005	1018			170		
121		12849	1030			46 CFR		
130		13347	1053			12		
191		13006	1054			510		
22 CFR			32A CFR			PROPOSED RULES:		
41		13080	BDSA (Ch. VI):			2		
42		13080	M–11A			24		
50		13537	M–11A, Dir. 1			30		
51	13540, 13654	13654	Reg. 2			70		
52		13546	FRS (Ch. XV):			FRS Reg. V		
53		13546	PROPOSED RULES:			Ch. X		
			12924, 13050					

46 CFR—Continued

Page

PROPOSED RULES—Continued

90-----	12860
110-----	12860
175-----	12860
188-----	12860
189-----	12860
190-----	12860
191-----	12860
192-----	12860
193-----	12860
194-----	12860
195-----	12860
196-----	12860
525-----	13805

47 CFR

0-----	13473
1-----	13228, 13593
2-----	13230
15-----	13391
73-----	13234,
	13237, 13474, 13653, 13755, 13794
83-----	13653
91-----	13230
99-----	13230

PROPOSED RULES:

31-----	13244
33-----	13244
73- 12965, 13245, 13246, 13481,	13803

49 CFR

7-----	13446
71-79-----	13756

PROPOSED RULES:

Ch. I-----	13392
95-97-----	13393

50 CFR

32-----	12923,
	12939, 13003, 13004, 13048, 13049,
	13088, 13130, 13240, 13241, 13342,
	13447, 13475, 13549, 13550, 13757,
	13851.
33-----	12939, 13391, 13447, 13475, 13550

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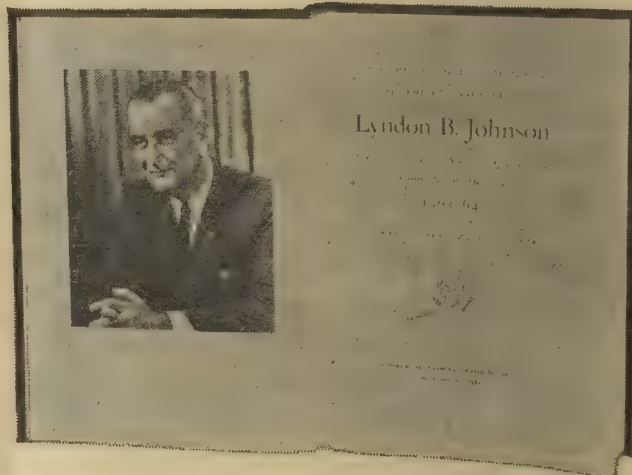
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FEDERAL REGISTER

VOLUME 31 • NUMBER 211

Saturday, October 29, 1966 • Washington, D.C.

Pages 13883-13930

Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Agriculture Department
Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Foreign Assets Control Office
General Services Administration
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Black stem rust:	
Eradication areas.....	13896
Quarantine	13887
Rust resistant plants.....	13889
Specifically approved sources.....	13890
White-pine blister rust; revocation of quarantine.....	13896

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Sugar; mainland cane area; proportionate shares for farms, 1967 crop.....	13896
---	-------

Notices

Agreement with American Sheep Producers Council, Inc.; determination of producers' approval on referendum.....	13921
--	-------

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

Notices

Nebraska; extension of designation of area for emergency loans	13921
--	-------

CIVIL AERONAUTICS BOARD

Notices

<i>Hearings, etc.:</i>	
Compania de Aviacion "Fau-cett", S.A.....	13922
Ozark-Central merger case.....	13922

COAST GUARD

Proposed Rule Making

Apprentice engineers; licensing and certifying.....	13916
---	-------

COMMODITY CREDIT CORPORATION

Rules and Regulations

Grains; standards for approval of warehouses.....	13910
---	-------

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Fruit:	
Arizona and California; handling limitations:	
Lemons (2 documents).....	13898
Oranges, Valencia.....	13897
Florida; grapefruit:	
Handling limitation.....	13899
Shipment limitation.....	13897

Milk in certain marketing areas:	
Mississippi; order suspending certain provision.....	13910
Southeastern Florida.....	13901
Tri-State; order amending order	13899

National school lunch program; apportionment of funds.....	13887
--	-------

Proposed Rule Making

Milk in Minneapolis-St. Paul marketing area; rescheduled hearing	13916
--	-------

Notices

Paynes Livestock Auction et al.; changes in names of posted stockyards	13921
--	-------

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directive; Grumman Model G-164 and G-164A airplanes	13912
Restricted area; alteration.....	13913
Standard instrument approach procedures; miscellaneous amendments	13913

Proposed Rule Making

Transition areas:	
Alteration.....	13916
Designation	13917

FEDERAL POWER COMMISSION

Notices

<i>Hearings, etc.:</i>	
Continental Oil Co. et al.....	13924
Midwestern Gas Transmission Co.....	13922
Smith, L. E., et al.....	13923
Trunkline Gas Co.....	13922
Wisconsin Power and Light Co. and Michigan Wisconsin Pipe Line Co.....	13923

FEDERAL RESERVE SYSTEM

Notices

Depositors Corp.; approval orders:	
Application	13924
Merger of banks.....	13924

FEDERAL TRADE COMMISSION

Rules and Regulations

Administrative opinions and rulings:	
Removal of foreign origin disclosure and use of word "manufacturing"	13913
Retailer's advertising of "re-ward" approved.....	13913

FOREIGN ASSETS CONTROL OFFICE

Rules and Regulations

Importation of and dealings in certain merchandise; cotton, linen, and silk manufactures; beaded articles.....	13914
--	-------

GENERAL SERVICES ADMINISTRATION

Notices

Secretary of Health, Education, and Welfare Department; authority delegation.....	13924
---	-------

INTERIOR DEPARTMENT

See Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief	13927
Motor carrier; temporary authority applications.....	13927

LAND MANAGEMENT BUREAU

Rules and Regulations

Public lands; designation of areas and sites.....	13914
---	-------

Notices

Sacramento, Calif., district office; change of location.....	13922
--	-------

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

Brokers and dealers not members of national securities associations; conduct, supervision, and records	13917
--	-------

Notices

<i>Hearings, etc.:</i>	
Bowser, Inc., et al.....	13925
Continental Assurance Company Separate Account (B) ..	13925
Final County Development Association	13926
Underwater Storage, Inc.....	13926

TREASURY DEPARTMENT

See Coast Guard; Foreign Assets Control Office.

13885

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

7 CFR		14 CFR		17 CFR	
210	13887	39	13912	PROPOSED RULES:	
301 (5 documents)	13887,	73	13913	240	13917
	13889, 13890, 13896	97	13913		
855	13896	PROPOSED RULES:		31 CFR	
905	13897	71 (2 documents)	13916, 13917	500	13914
908	13897	16 CFR		43 CFR	
910 (2 documents)	13898	15 (2 documents)	13913	1720	13914
913	13899			46 CFR	
1005	13899			PROPOSED RULES:	
1013	13901			10	13916
1103	13910			11	13916
1421	13910			12	13916
PROPOSED RULES:					
1068	13916				

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Initial Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1967

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1967, are apportioned among the States as follows:

State	Initial apportionment	State agency	Withheld for private schools
Alabama	\$55,315	\$54,209	\$1,106
Alaska	6,975	6,975	
Arizona	22,069	19,054	3,615
Arkansas	63,985	62,383	1,602
California	39,142	39,142	
Colorado	11,062	9,329	1,833
Connecticut	4,130	4,130	
Delaware	802	786	16
District of Columbia	15,204	15,204	
Florida	93,083	90,954	2,129
Georgia	112,745	112,745	
Guam	166	72	72
Hawaii	5,804	3,183	2,621
Idaho	2,058	1,852	206
Illinois	18,643	18,643	
Indiana	14,649	14,649	
Iowa	13,084	9,354	3,730
Kansas	6,608	6,608	
Kentucky	79,393	79,393	
Louisiana	128,287	128,287	
Maine	10,210	7,612	2,598
Maryland	10,985	8,182	2,803
Massachusetts	22,428	22,428	
Michigan	25,664	19,845	5,819
Minnesota	16,626	12,351	4,275
Mississippi	51,459	51,459	
Missouri	24,075	24,075	
Montana	7,118	5,647	1,471
Nebraska	9,985	6,983	3,002
Nevada	1,320	1,308	12
New Hampshire	3,589	3,589	
New Jersey	12,895	6,654	6,241
New Mexico	25,473	25,473	
New York	356,750	356,750	
North Carolina	98,946	98,946	
North Dakota	5,391	3,758	1,633
Ohio	44,095	33,543	10,552
Oklahoma	26,518	26,518	
Oregon	3,798	3,798	
Pennsylvania	62,719	41,136	21,583
Puerto Rico	57,867	57,867	
Rhode Island	781	781	
South Carolina	115,986	114,560	1,426
South Dakota	8,055	8,055	
Tennessee	91,947	90,813	1,134
Texas	83,335	78,324	5,011
Utah	10,441	10,328	113
Vermont	3,115	3,115	
Virginia	41,011	39,961	1,050
Virgin Islands	1,659	1,659	
Washington	9,162	7,652	1,510
West Virginia	45,423	44,634	789
Wisconsin	16,255	9,218	7,037
Wyoming	807	807	
Samoa, American	807	308	
Total	2,000,000	1,905,011	94,989

(Secs. 2-12, 60 Stat. 230-233, as amended, 75 Stat. 944; 42 U.S.C. 1751-1760)

Dated: October 26, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11823; Filed, Oct. 28, 1966;
8:48 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 38 relating to black stem rust and the regulations supplemental to said quarantine (7 CFR 301.38, 301.38-1 through 301.38-11) are hereby amended to read as follows:

Subpart—Black Stem Rust

QUARANTINE AND REGULATIONS

- Sec. 301.38 Quarantine: restriction on interstate movement of specified articles.
- 301.38-1 Definitions.
- 301.38-2 Authorization for Director to list rust-resistant plants, specifically approved sources, and eradication areas; cancellation of approval of specifically approved sources.
- 301.38-3 Conditions governing the interstate movement of regulated articles.
- 301.38-4 Inspection of regulated articles and issuance and withdrawal of certificates and limited permits.
- 301.38-5 Inspection and disposal of regulated articles and pests.
- 301.38-6 Special provisions governing the interstate movement of regulated articles for scientific purposes only.
- 301.38-7 Movement of live black stem rust spores.
- 301.38-8 Division policies relating to compliance agreements; cancellation of such agreements.
- 301.38-9 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 29 F.R. 16210, as amended; 30 F.R. 5799, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161.

QUARANTINE AND REGULATIONS

§ 301.38 Quarantine: restriction on interstate movement of specified articles.

(a) *Notice of quarantine.* Pursuant to section 8 of the Plant Quarantine Act, as

amended (7 U.S.C. 161), the Secretary of Agriculture heretofore determined, after public hearing in accordance with said section 8, that it was necessary to quarantine all States within the conterminous United States and the District of Columbia in order to prevent the spread of black stem rust (*Puccinia graminis*), a dangerous plant disease of small grains; and accordingly quarantined said States and District. Under the authority of said section 8 and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined areas of the articles specified in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restriction on interstate movement.* No common carrier or other person shall move interstate from any quarantined State or District of the United States, any plants, seeds, fruits, or other parts of plants which are capable of propagation, and belong in the genera *Berberis*, *Mahoberberis*, or *Mahonia* (other than *Mahonia* cuttings for decorative purposes), except in accordance with the conditions prescribed in this subpart.

§ 301.38-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice-versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Black stem rust.* The disease commonly known as the black stem rust of grains (*Puccinia graminis*).

(b) *Certificate.* A document issued or label authorized by an inspector to allow the movement of regulated articles to any destination.

(c) *Compliance agreement.* A written agreement between a person engaged in growing, dealing in, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with conditions specified in the agreement by the inspector who executes the agreement on behalf of the Division, to prevent the dissemination of black stem rust.

(d) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(e) *Eradication area.* Any State, or portion of any State, or the District of

Columbia, listed as an eradication area in § 301.38-2c by the Director in accordance with § 301.38-2.

(f) *Inspector.* Any employee of the U.S. Department of Agriculture, or other person, authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(g) *Interstate.* From any State into or through any other State or the District of Columbia, or from the District of Columbia into or through any State.

(h) *Limited permit.* A document issued by an inspector to allow the interstate movement of certain regulated articles to a specified destination for particular handling or utilization.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved. "Movement" and "move" shall be construed accordingly.

(j) *One year's growth.* The growth of a plant during all growing seasons of any calendar year.

(k) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(l) *Regulated articles.* All plants, seeds, fruits, and other parts of plants which are capable of propagation, and belong in the genera *Berberis*, *Mahoberberis*, or *Mahonia*, except *Mahonia* cuttings for decorative purposes.

(m) *Rust-resistant plants.* *Berberis*, *Mahoberberis*, and *Mahonia* plants listed as rust-resistant plants in § 301.38-2a by the Director in accordance with § 301.38-2.

(n) *Scientific permit.* A document issued by the Director to authorize movement of regulated articles to a specified destination for scientific purposes.

(o) *Seedlings.* Any plant within the genera *Berberis* or *Mahoberberis* of less than 2 years' growth and any plant within the genera *Mahonia* of less than 1 year's growth.

(p) *Specifically approved source.* Any nursery, dealer's establishment, or other establishment, listed as a specifically approved source in § 301.38-2b by the Director in accordance with § 301.38-2.

(q) *Two years' growth.* The growth of a plant during all growing seasons of 2 successive calendar years.

§ 301.38-2 Authorization for Director to list rust-resistant plants, specifically approved sources, and eradication areas; cancellation of approval of specifically approved sources.

(a) The Director shall publish and amend from time to time as the facts warrant, the following lists:

(1) *List of rust-resistant plants.* The Director shall list as rust-resistant plants, in a supplemental regulation designated as § 301.38-2a, the species and horticultural varieties of *Berberis*, *Mahoberberis*, and *Mahonia*, which he has found are rust-resistant.

(2) *List of specifically approved sources.* The Director shall list as specifically approved sources, in a supplemental

regulation designated as § 301.38-2b, nurseries, dealers' establishments, and other establishments which are found to be growing or handling plants and/or seed of species or horticultural varieties of *Berberis*, *Mahoberberis*, and *Mahonia* only if they have been designated as rust-resistant in § 301.38-2a, and which are found to be otherwise operating in accordance with a compliance agreement.

(3) *List of eradication areas.* The Director shall list as eradication areas, in a supplemental regulation designated as § 301.38-2c, the States, or portions of States, or the District of Columbia, which have adopted and are enforcing specific procedures to eradicate *Berberis*, *Mahoberberis*, and *Mahonia* plants susceptible to black stem rust, in cooperation with the Plant Pest Control Division.

(b) The approval of any establishment as a specifically approved source may be canceled by the inspector who is supervising the enforcement of the compliance agreement with such establishment, whenever he finds, after notice and reasonable opportunity to present views has been accorded to the operator of the establishment, that such operator, while his establishment was listed as a specifically approved source, has grown or handled any plants or seed of species or horticultural varieties of *Berberis*, *Mahoberberis*, or *Mahonia* which were not then designated as rust-resistant by the Director, or has failed to comply with any other condition stated in the compliance agreement. When approval of any establishment as a specifically approved source is canceled under this paragraph, the name of such establishment shall be deleted by the Director from the listing of specifically approved sources in § 301.38-2b.

§ 301.38-3 Conditions governing the interstate movement of regulated articles.

The following regulated articles may be moved interstate under this subpart if all of the applicable conditions as specified below have been fulfilled:¹

(a) *Rust-resistant *Berberis* and *Mahoberberis* plants.* (1) Seedlings of rust-resistant *Berberis* and *Mahoberberis* plants originating at a specifically approved source may be moved interstate, if accompanied by a limited permit, to a destination specified in the permit. Such a permit will be issued only if the recipient has entered into a compliance agreement with the Plant Pest Control Division which will include requirements for holding such seedlings by the recipient at such destination until the plants have completed 2 years' growth.

(2) *Rust-resistant *Berberis* and *Mahoberberis* plants of at least 2 years' growth, and cuttings taken from such plants, may be moved interstate to any destination if an inspector determines that the plants and cuttings are true to type and if the plants and cuttings are*

accompanied by a certificate: *Provided, however,* That such plants and cuttings originating at a specifically approved source may be moved interstate without a certificate if the outside of the container in which they are moved is labeled with the name and address of the specifically approved source and the species and horticultural variety of the plants and cuttings contained therein.

(b) *Rust-resistant *Mahonia* plants.* Rust-resistant *Mahonia* plants of at least 1 year's growth, and cuttings taken from such plants, may be moved interstate to any destination if an inspector determines that the plants and cuttings are true to type and if the plants and cuttings are accompanied by a certificate: *Provided, however,* That such plants and cuttings originating at a specifically approved source may be moved interstate without a certificate if the outside of the container in which they are moved is labeled with the name and address of the specifically approved source and the species and horticultural variety of the plants and cuttings contained therein.

(c) *Seeds and fruits of rust-resistant *Berberis* and *Mahoberberis* plants.* (1) Seeds and fruits of rust-resistant *Berberis* and *Mahoberberis* plants originating at a specifically approved source within an eradication area may be moved interstate between eradication areas if accompanied by a limited permit.

(2) Seeds and fruits of rust-resistant *Berberis* and *Mahoberberis* plants may be moved interstate between noneradication areas and from any eradication area to any noneradication area without restriction under this subpart.

(d) *Seeds and fruits of rust-resistant *Mahonia* plants.* (1) Seeds and fruits of rust-resistant *Mahonia* plants originating at a specifically approved source within an eradication area may be moved interstate between eradication areas if accompanied by a limited permit.

(2) Seeds and fruits of rust-resistant *Mahonia* plants originating at a specifically approved source in a noneradication area may be moved interstate into any eradication area if accompanied by a limited permit. Such a permit will be issued only if the recipient has entered into a compliance agreement with the Plant Pest Control Division which will include the requirement for holding plants from such seed at his establishment until they have completed 1 year's growth.

(3) Seeds and fruits of rust-resistant *Mahonia* plants may be moved interstate between noneradication areas and from any eradication area to any noneradication area without restriction under this subpart.

§ 301.38-4 Inspection of regulated articles and issuance and withdrawal of certificates and limited permits.

(a) If a certificate or limited permit is required to accompany the interstate movement of regulated articles, such certificate or permit shall be issued or authorized by an inspector only if he has examined the regulated articles and de-

¹ However, requirements under other applicable Federal plant quarantines must also be met.

terminated that such articles are eligible for such movement under this subpart. Certificates will be issued or authorized if the regulated articles are found upon such examination to be free from evidence of black stem rust; to be rust-resistant; and to be otherwise eligible for the proposed interstate movement under this subpart. Limited permits will be issued to allow interstate movement of regulated articles not eligible for movement under certificate to specified destinations for specific handling or utilization in accordance with provisions specified in this subpart and with additional conditions specified in any applicable compliance agreement. Any certificate or limited permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any conditions for the use of such documents as specified in this subpart or with any applicable compliance agreement.

(b) Persons desiring to move interstate regulated articles which must be accompanied by a certificate or limited permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement.

(c) If a certificate or limited permit is required to authorize the interstate movement of regulated articles, the certificate or limited permit shall be firmly attached to the outside of the container in which such articles are moved, except that, where the certificate or limited permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, limited permit, or shipping document, the attachment of the certificate or limited permit to each container of the articles shall not be required. Certificates or permits attached to the waybill or other shipping document shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.38-5 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and live black stem rust spores, as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd).

§ 301.38-6 Special provisions governing the interstate movement of regulated articles for scientific purposes only.

Regulated articles may be moved interstate for experimental or scientific purposes under such conditions as may be prescribed by the Director if a scientific permit issued by the Director is attached to the container of such articles or the article itself.

§ 301.38-7 Movement of live black stem rust spores.

Regulations requiring a permit for and otherwise governing the movement of live black stem rust spores (*Puccinia graminis*) in interstate or foreign commerce

are contained in the Federal Plant Pest regulations in Part 330 of this chapter. Applications for the movement of such spores may be made to the Director.

§ 301.38-8 Division policies relating to compliance agreements; cancellation of such agreements.

(a) The policies of the Division as to the conditions that may be included by the inspectors in compliance agreements are outlined in instructions issued to the inspectors. Information thereon may be obtained upon request to the Division or the inspectors.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with any of the conditions of the agreement.

§ 301.38-9 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections required under the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

The primary purpose of this amendment is to simplify and clarify the black stem rust quarantine and regulations. The only substantive changes made are as follows:

The term "eradication area" is substituted for the term "eradication States" and provision is made whereby the Director of the Plant Pest Control Division may limit designation of an eradication area to the portion of a State in which a cooperative eradication program is being conducted, if the entire State is not within such program. This would enable imposition of more stringent requirements than now apply to interstate shipments from points within the portions of the States which would be excluded from designation as "eradication areas" and in this respect the amendment should be made effective as soon as possible in order to prevent the spread of black stem rust. The amendment would enable relieving of restrictions for shipments into portions of former "eradication States" which would be excluded from the "eradication areas."

The amendment also relieves restrictions by allowing regulated nursery stock to be moved interstate by any person instead of limiting shipments to those made by approved nurseries and dealers. This will involve no increase in pest risk because adequate restrictions are provided by the regulations to prevent the spread of black stem rust.

To the extent that the amendment relieves restrictions it should be made effective as soon as possible in order to be of maximum benefit to persons subject to the requirements of the quarantine and regulations.

Therefore under administrative procedure provisions in 5 U.S.C. 553, it is

found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of October 1966.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-11798; Filed, Oct. 28, 1966; 8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

RUST RESISTANT PLANTS

Under authority conferred by § 301.38-2 of the Black Stem Rust Quarantine regulations, 7 CFR 301.38-2, as amended, 31 F.R. 13888, the following supplemental regulation is hereby issued to appear in 7 CFR 301.38-2a:

§ 301.38-2a Rust-resistant Barberry, Mahoberberis, and Mahonia plants.

On the basis of evidence satisfactory to the Director, the following species and horticultural varieties of Berberis, Mahoberberis, and Mahonia have been found to be resistant to black stem rust. Accordingly, such species and horticultural varieties are hereby listed as rust-resistant:

SCIENTIFIC NAME

Berberis aridocalida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. cavalleri.
B. chenaulti.
B. circumserrata.
B. concinna.
B. coxii.
B. darwini.
B. dasystachya.
B. dubia.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. gladwynensis.
B. heterophylla.
B. horvathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. manipurana.
B. media "Park Juweel."
B. mentorensis.
B. pallens.
B. potaninii.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.

SCIENTIFIC NAME—Continued

B. stenophylla.
B. stenophylla diversifolia.
B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. taliensis.
B. telomaica artisepala.
B. thunbergi.
B. thunbergi aurea.
B. thunbergi "Kobold."
B. thunbergi argenteo marginata.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea erecta.
B. thunbergi atropurpurea "Golden Ring."
B. thunbergi atropurpurea nana.
B. thunbergi atropurpurea "Redbird."
B. thunbergi atropurpurea "Zebra."
B. thunbergi "Dwarf Jewell."
B. thunbergi erecta.
B. thunbergi "globe."
B. thunbergi "golden."
B. thunbergi maximowiczii.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "Rose Glow."
B. thunbergi "thornless."
B. thunbergi "Upright Jewell."
B. thunbergi "variegata."
B. thunbergi xanthocarpa.
B. triacanthophora.
B. triculosa.
B. verruculosa.
B. virgatorum.
B. wokingensis.
B. xanthoxylon.
Mahoberberis aquicandidula.
M. aquicandidulae.
M. miethkeana.
Mahonia amplexens.
M. aquifolium.
M. aquifolium atropurpurea.
M. aquifolium compacta.
M. aquifolium "Donewell."
M. aquifolium "Orangee Flame."
M. bealei.
M. dictyota.
M. fortunei.
M. japonica.
M. lomarifolia.
M. nervosa.
M. pinnata.
M. piperiana.
M. pumila.
M. repens.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This list of rust-resistant Barberry, Mahoberberis, and Mahonia plants supersedes the list of rust-resistant plants in P.P.C. 577, 8th revision, effective May 20, 1964 (7 CFR 301.38-5a).

This supplemental regulation shall become effective October 29, 1966.

The purpose of this regulation is to add the following species and horticultural varieties of Berberis and Mahonia to the list of rust-resistant plants: *B. thunbergi* "Kobold," *B. thunbergi atropurpurea* "Golden Ring," *M. aquifolium* "Donewell," and *M. aquifolium* "Orangee Flame," and to delete the reference to *M. compacta* since it is synonymous with *M. aquifolium compacta*. The format of this supplemental regulation has been changed in accordance with the black stem rust-quarantine and regulations (7 CFR 301.38, 301.38-1 et seq.) as recently amended.

The designation of rust-resistant species and varieties constitutes a relaxation of the restrictions of the regulations since it permits the interstate movement of

such species and varieties under less stringent requirements of the regulations than otherwise apply. Such designation is based on tests conducted by the U.S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. Such tests show there is no unwarranted pest risk involved in such movement of the species and varieties listed above, and authorization for their movement under the lesser restrictions of the regulations should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning this regulation are impracticable, and since it relieves restrictions it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of October 1966.

[SEAL]

E. D. BURGESS,
Director,

Plant Pest Control Division.

[F.R. Doc. 66-11801; Filed, Oct. 28, 1966;
8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

SPECIFICALLY APPROVED SOURCES

Under authority conferred by § 301.38-2 of the Black-Stem Rust Quarantine regulations (7 CFR 301.38-2, as amended, 31 F.R. 13888), the following supplemental regulation is hereby issued to appear in 7 CFR 301.38-2b:

§ 301.38-2b List of specifically approved sources.

The following nurseries, dealers' establishments, and other establishments have been found to be growing or handling plants and/or seed of species and horticultural varieties of Berberis, Mahoberberis, and Mahonia only if they have been designated as rust resistant in § 301.38-2a and such establishments have been found to be otherwise operating in accordance with a compliance agreement. Accordingly, each establishment listed herein is hereby designated as a specifically approved source. (The listing for Montgomery Ward & Co., Inc., and Sears, Roebuck & Co. under the heading "Illinois" applies to all their outlets in the United States.)

SPECIFICALLY APPROVED SOURCE, ADDRESS

ALABAMA

Abbot's Nursery, Route 4, Box 550, Mobile.
 Athens Nursery Co., Box 107, Athens.
 Azaleawood Nursery, Elmore County.
 Bradford's Blue Spring Nursery, Route 2, Box 548, Huntsville.
 Byers Nursery Co., Huntsville.
 Chase Nursery Co., Chase.
 Cottage Hill Nursery, 4000 Japonica Lane, Mobile.
 Crossville Nurseries, Box 127, Crossville.
 Tom Dodd Nurseries, Inc., Semmes.
 Eva Nurseries, Post Office Box 65, Eva.

ALABAMA—Continued

Flowerwood Nursery, Inc., Route 1, Box 130, Mobile.
 Fraser Nurseries, Inc., 630 Montevallo Road, SW., Birmingham.
 Grimes Nursery, Semmes.
 Guthrie-Barton Nursery, Inc., Route 2, Box 42-A, Tuscaloosa.
 Joppa Nursery Co., Joppa.
 A. L. Kendrick Retail Nursery, Irvington.
 King's Nursery, Auburn.
 Loop Nursery, 2406 Grant, Mobile.
 Monroe Nurseries, Inc., Crossville.
 Overlook Nurseries, Inc., 4125 Overlook Grove, Mobile.
 Harry A. Partridge Nursery, 1955 Springhill Avenue, Mobile.
 Semmes Nurseries, Inc., Semmes.
 Silver Bay Nurseries, Route 1, Daphne.
 Stephens Nursery, Semmes.
 Strain and Son Nursery, Highway 31 South, Athens.
 Tallapoosa County Nursery, R.F.D. 1, Dadeville.
 Webb Nursery and Landscape Co., 4501 Blue Spring Highway, NW., Huntsville.

ARKANSAS

Piggott Nursery Co., Piggott.

CALIFORNIA

Armstrong Nurseries, Inc., 1265 South Palmetto Street, Ontario.
 Bee Line Nursery, 1160 North Amelia, San Dimas.
 Bordier's Nursery, Inc., 7231 Irvine Boulevard, Santa Ana.
 Carpinteria Nursery, 3798 North Via Real, Carpinteria.
 Christensen Nursery Co., 935 Old County Road, Belmont.
 J. Clarke Nursery Co., Post Office Box 343, San Jose.
 Coast Wholesale Nursery, 5006 North Bartlett Avenue, San Gabriel.
 Leonard Coates Nurseries, Inc., Post Office Box 231, San Jose.
 Deigaard Nurseries, Inc., Post Office Box 582, Monrovia.
 Descanso Nurseries, 12492 Pipeline Avenue, Chino.
 Descanso Nurseries, North Benson Lane, Fort Bragg.
 Edenvale Nursery, Inc., 40160 Mission Boulevard, Fremont.
 Egli Nursery, 110 East 25th Avenue, San Mateo.
 Hemet Wholesale, Post Office Box 37, Hemet.
 Hines Nurseries, 301 North San Gabriel Boulevard, San Gabriel.
 Hines Wholesale Nurseries, 12621 Jeffrey Road, Santa Ana.
 Hubbard Wholesale Growers, Inc., Post Office Box 116, Duarte.
 J & J Nursery, 13521 South Crenshaw, Hawthorne.
 K. M. Nursery, Inc., Post Office Box 847, Carpinteria.
 Mayflower Nurseries, Inc., 16908 South Normandie Avenue, Gardena.
 Medallion Nurseries, Route 4, Box 409N, Escondido.
 L. B. Merrick Nurseries, 9531 East Whittier Boulevard, Pico Rivers.
 Monrovia Nursery Co., 18331 Foothill Boulevard, Azusa.
 Nelson Nursery, 32149 Alvarado Boulevard, Union City.
 F. L. Norman's Nursery, 3343 Del Mar Boulevard, Pasadena.
 Frank H. Ogawa, Inc. (dealer), 2221 73d Avenue, Oakland.
 Oki Nursery, Inc., Post Office Box 7118, Perkins Branch, Sacramento.
 Olle Olsson Nursery, Inc., 2154 Peck Road, Monrovia.
 Pomona Wholesale Nursery, 1480 East Fifth Street, Pomona.

CALIFORNIA—Continued

Ponto Nursery, Inc., 2545 Ramona Drive, Vista.
 San Gabriel Nursery & Florist, Inc., 632 South San Gabriel Boulevard, South San Gabriel.
 Select Nurseries, Inc., 12831 East Central Avenue, Brea.
 Skylark Nursery, 6735 Sonoma Highway, Santa Rosa.
 Stribling's Nurseries, Inc., 1620 West 16th Street, Merced.
 Sunnyside Nursery, 1650 West El Segundo Boulevard, Gardena.
 Ben Taketomo Nursery, 14417 South Budlong Avenue, Gardena.
 Tom's Nursery, Inc., 13021 Doty Avenue, Hawthorne.
 Twin Pines Nursery, 2707 West Olive Avenue, Fresno.
 The White Flower Nursery Co., Inc., 1535 West 120th Street, Los Angeles.

COLORADO

Alameda Nursery, 3160 South Zuni Street, Englewood.
 Fort Morgan Nursery, West Platte Avenue, Fort Morgan.
 Iliff Garden Nursery, 4750 East Iliff, Denver.
 Virgil Johnson Wholesale Nursery (dealer), 4400 Wynkoop, Denver.
 Kroh Bros. Nurseries, Box 536, Loveland.
 Marshall Nurseries, 5825 West 16th Avenue, Denver.
 Northern Nursery, 6364 North Washington, Denver.
 Nuzum Nurseries, 96 Arapahoe, Boulder.
 Shapard's Gardens, 5350 East Arapahoe, Boulder.
 Tower Nursery & Greenhouse Inc., 17050 Smith Road, Aurora.
 Western Evergreens, Inc., 14201 West 44th Avenue, Golden.
 W. W. Wilmore Nurseries, Inc., 7615 West 38th Avenue, Wheat Ridge.

CONNECTICUT

Brimfield Gardens Nursery, 245 Brimfield Road, Wethersfield.
 Brouwer's Nurseries, Box 25, New London.
 Brouwer's Nurseries, Jack, 55 Lester Street, New London.
 Brouwer's Nurseries, Peter, 24 Lester Street, New London.
 Burr, C. R. & Co., Inc. (dealer), 276 North Main Street, Manchester.
 Hoyt's Sons Co., Inc., Stephen, 529 Carter Street, New Canaan.
 Imperial Nurseries, Post Office Box 1000, East Hartford.
 Oliver Nurseries (dealer), 1159 Bronson Road, Fairfield.
 Reynold's Farms Nurseries, Box 30, South Norwalk.
 Verkade's Nurseries, 98 Gardner Avenue, New London.
 White Flower Farm (dealer), Route 63, Litchfield.
 Woodcock's Nurseries, Danbury Road, Ridgefield.
 Young's Nursery, 211 Danbury Road, Wilton.

DELAWARE

Weaver Valley Nursery, Inc. (dealer), 5601 Concord Pike, Wilmington.
 Buntings Nurseries, Inc., Selbyville.
 Danegger's Hi-Way Nursery, Inc., Post Office Box 336, Milford.
 Del-Mar-Va Nurseries, DuPont Boulevard, Lincoln.
 Diamond State Nurseries, Rehoboth Road, Milford.
 Evergreen Acres, Inc., R.F.D. 2, Middletown.
 Huber Nurseries, 703 Boxwood Road and Dodson Avenue, Wilmington.
 Millcreek Nursery, Inc., Route 3, Pleasant Hill Road, Newark.
 Peninsula Nurseries, Hoosier Avenue, Selbyville.

DELAWARE—Continued

Phillips Nurseries, Inc., 5014 Concord Pike, Wilmington.
 J. R. Warrington & Son, Inc., Greenwood.

DISTRICT OF COLUMBIA

Bolgiano, F. W. & Co. (dealer), 411 New York Avenue NE, Washington.
 Hecht Co., Arcadian Gardens (Goldfarb) (dealer), 4143 Branch Avenue SE, Washington.

FLORIDA

Monticello Nursery Co., Monticello.

GEORGIA

Alcova Nurseries, 614 Emory Street, Covington.
 Beadford Nursery, 1023 Oleander Drive, Augusta.
 Cato's Nursery, Hall Street, Post Office Box 573, Bainbridge.
 Chatham Nursery, Route 1, Box 480, Bloomingdale.
 Chews Nursery, Bartow.
 Covington Nursery, Inc., Route 4, Covington.
 Dudley Nurseries, Inc., Box 609, Athens.
 Evergreen Nursery, 206 Pine Valley Drive, Athens.
 Flowerwood Nursery, Post Office 206, Cairo.
 Fruitland Nurseries, Box 3506, Augusta.
 Green Thumb Gardens, 2841 Central Avenue, Augusta.
 Calvin Harman Nursery, Stovall.
 McCorkle Nurseries, Fort Gordon Highway, Augusta.
 Miller Nursery, Post Office Box 5203, Augusta.
 Monroe's Landscape Nursery Co., 1898 Monroe Drive, Atlanta.
 Mountville Nurseries, Mountville.
 Northeast Georgia Nursery, Jefferson Road, Athens.
 Patch Nursery & Landscaping Co., Route 2, Leesburg.
 Powell's Nurseries, Thomasville.
 P. L. Smith Nursery, Box 276, 906 South Drive, Albany.
 Wight Nurseries, Inc., Box 390, Cairo.

ILLINOIS

Anna Nursery, Anna.
 Beloit Nurseries, South Beloit.
 Bergman Nurseries, Inc., 3607 North 12th Street, Quincy.
 Bork Nursery, 500 North Oak, Onarga.
 Egyptian Nursery & Landscaping Co., Farina.
 Walter Eisner Landscape Co., 10214 South Bell Avenue, Chicago.
 Chas. Fiore Nurseries, Inc., Post Office Box 67, Prairie View.
 Frese Bros. Nursery, Route 6, Quincy.
 Hanley's Nursery (dealer), Carbondale.
 H. B. Hartline Farm, Route 1, Makanda.
 Henry Nurseries, 1022 College, Henry.
 D. Hill Nursery Co., Dundee.
 Home Nursery Greenhouses, Inc., Box 181, Edwardsville.
 Ireland's Nursery, Onarga.
 Kankakee Nursery Co., Box 288, Kankakee.
 Lafayette Home Nursery, Lafayette.
 Leesley Nurseries, Inc., Route 1, Box 289, Libertyville.
 Maywood Nursery Co., Box 322, Maywood.
 Montgomery Ward & Co., Inc. (dealer), Main office: 619 West Chicago Avenue, Chicago (all outlets in United States).
 Jim Moorhead's North Park Gardens, Inc., Route 1, Poplar Grove.
 Onarga Nursery Co., Onarga.
 Sapp's Nursery, Post Office Box 703, Mount Vernon.
 Sears, Roebuck & Co. (dealer), 925 South Homan Avenue, Chicago Main Office: (all outlets in United States).
 R. H. Shunway Seedsman (dealer), 628 Cedar Street, Rockford.
 Eugene A. de St. Aubin & Bros. Inc., Box 1, Addison.

ILLINOIS—Continued

Sunnyside Nursery, Route 1, Troy and Edwardsville.
 Ralph Synnstedt & Assoc. Inc., 3602 Glenview Road, Glenview.
 Vienna Nursery, Vienna.
 Wandell's Twin City Nursery, Route 3, Urbana.
 Waukegan Nursery, 220 North Green Bay Road, Waukegan.
 Westman Evergreen Nurseries, 13700 South Street, Woodstock.
 Wheeling Nurseries & Sky-View, Wholesale Nursery Sales Co., Inc., 642 South Milwaukee Avenue, Wheeling.

INDIANA

Bebbe Nursery, Route 3, Box 452, Alexandria.
 Billings Nursery, Rural Route 4, Muncie.
 Chesterton Nursery, R.F.D. 1, Box 314, Chesterton.
 Crouse Nursery, Route 5, Kokomo.
 Gar Creek Nursery, Rural Route 2, New Haven.
 Hillside Nursery, Box 603, Dublin.
 C. M. Hobbs & Sons Inc., 9300 West Washington Street, Indianapolis (Bridgeport).
 The Krider Nurseries, Inc., Middlebury.
 Littleford Nurseries, Route 1, Vincennes.
 Mathews Nursery & Landscape Service, 3100 West Ridge Road, Gary.
 Whiteman's Gardens, Plymouth.

IOWA

Earl Ferris Nursery, 811 Fourth Street NE, Hampton.
 Henry Field Seed & Nursery Co., Shenandoah.
 Inter-State Nurseries, Inc., Hamburg.
 Linn County Nurseries, Center Point.
 May Seed & Nursery Co., Shenandoah.
 Mount Arbor Nurseries, Shenandoah.
 Shenandoah Nurseries, 301 Wabash Avenue, Shenandoah.
 Sherman Nursery Co., 1300 Grove Street, Charles City.
 Smith Nursery Co., Post Office Box 511, Charles City.

KANSAS

N. E. Bird Nursery, 8910 West 80th Street, Overland Park.
 Blueville Nursery, Route 1, Manhattan.
 Borst Nursery & Garden Center, 5118 South Broadway, Wichita.
 Gabler's Nursery, 8131 Metcalf, Overland Park.
 The Garden Shop, Inc., 6315 West 75th Street, Overland Park.
 Goodland Greenhouse & Garden Center, 508 East 12th Street, Goodland.
 Grutzmacher Nursery, 405 Webster Street, Clay Center.
 Hillside Nursery, 2200 South Hillside, Wichita.
 Holsinger Nursery Co., 2405 Merriam Lane, Kansas City.
 Kansas Landscape & Nursery Co., 1416 East Iron, Salina.
 Leavenworth Nurseries, 12th and Vilas, Leavenworth.
 M. Meyer's Nursery, 5439 South Hydraulic, Wichita.
 Ralph's Nursery & Garden Shop, 7929 Leavenworth Road, Bethel.
 Rieke Nursery, 7036 Nieman Road, Shawnee.
 Schnitzler Nursery Co., 2011 South Hillside, Wichita.
 J. H. Skinner & Co., Route 6, Topeka.
 Smith Floral Nursery, East 23d Street, Box 308, Lawrence.
 Sunnyside Nursery, Inc., 6750 South Broadway, Wichita.
 Twin Cedar Nursery, 120th Street and I35 Highway, Olathe.
 Williams & Harvey Village Nursery, 7223 Mission Road, Prairie Village.
 Willis Nursery Co., Fifth and Cherry, Ottawa.

KENTUCKY

Arrow-Wood Nurseries, East River Road, Warsaw.
 Boone-Gardiner Nurseries, 9409 Shelbyville Road, Louisville.
 Elkhorn Nursery, Route 4, Lexington.
 Hill's Nursery, Warsaw.
 Hillenmeyer Nurseries, Lexington.
 Donald Hillenmeyer Nursery, Lexington.
 Holiday Garden Nursery, 809 Lyndon Lane, Louisville.
 Theodore Klein Nurseries, Crestwood.
 Leichhardt Hillview Nursery, Nashville Road, Bowling Green.
 Lillard Nursery, Jeffersonton.
 J. L. Morrill Nursery, R.F.D. 1, Cunningham.
 Nick's Nursery, Route 2, Anchorage.
 Sanders Bros. Nursery, Rural Route 4, Benton Road, Paducah.
 Lawrence Sanders Nursery, 721 Kentucky Avenue, Paducah.
 Schneidman Nursery, R.F.D. 8, Paducah.
 Willadean Nurseries, Inc., Sparta.

LOUISIANA

Bailey's Nursery, Route 1, Box 84B, Forrest Hill.
 Casadaban's Nurseries, Abita Spring.
 Clegg's Nursery, 4411 Florida Boulevard, Baton Rouge.
 G & G Landscape Co., Inc. (dealer), 900 East 70th Street, Shreveport.
 Grandview Nursery, R.F.D. Box 54, Youngsville.
 Hillside Nursery, Folsom.
 Jenkins Nursery, Route 2, Box 140-A, Amite.
 Kraak Nursery, 1019 Central, Metairie.
 Magnolia State Nursery, 8820 Greenville Springs Road, Baton Rouge.
 McKee's Nursery, Post Office Box 749, Covington.
 Mizzell's Nursery, Folsom.
 Poole Brothers' Nursery, Lecompte.
 Purkey's Nursery, Route 1, Forest Hill.
 Richard's Nursery, Forest Hill.
 Roach Nursery, Highway 80 West, West Monroe.
 Straugham's Nursery, Loranger.
 Tammia Nursery, Post Office Box 157, Slidell.
 Williams' Nursery, Route 1, Forest Hill.
 Windmill Hill Nursery, Route 4, Box 180, Franklinton.

MARYLAND

Andover Nurseries, Massey.
 Angelica Nurseries, R.F.D. 1, Kennedyville.
 Bountiful Ridge Nursery (dealer), Princess Anne.
 Carroll Gardens (dealer), Box 310, Westminster.
 Chesapeake Nursery, Inc., Salisbury.
 Dolan's Evergreen Gardens, 1701 Bedford Street, Cumberland.
 Dubbert's Nursery (dealer), 5424 Falls Road, Baltimore.
 Eastern Shore Nursery, Box 743, Easton.
 C. T. Fooks Nursery, Route 4, Johnson Road, Salisbury.
 Glencoe Gardens, York and Ensor Mill Road, Baltimore.
 Greenwood Nursery, 316 Talbot Avenue, Laurel.
 Gude, A. Sons Co., Route 355, Box 1010, Rockville.
 Holloway Nursery, South Second Street, Delmar.
 Holly Gardens Nursery, 83 Frost Avenue, Frostburg.
 T/A Kalmia Farms Nursery (Kimburthill, Inc.), Post Office Box 96, Clarksville.
 Kelly's Nursery (dealer), Millington.
 Kingsville Nurseries, Inc., Kingsville.
 S. Klein Nursery & Greenhouse (dealer), 6000 Greenbelt Road, Greenbelt.
 Longwood Nursery, Inc. (dealer), Route 1, Waldorf.
 Meekins Evergreen Nursery, Post Office Box 254, Cambridge.

MARYLAND—Continued

Pine Arbor Nursery, Dickerson Church Road, Dickerson.
 Quaint Acres Nurseries, 11800 New Hampshire, Silver Spring.
 Sehman's Nursery, Route 13A, Delmar.
 Small, J. H. & Sons, 15910 Georgia Avenue, Rockville.
 Smith's Garden Center (dealer), 1120 Shades Lane, Cumberland.
 Stock Bros., Inc., 10500 Boswell Lane, Rockville.
 Sudlersville Nursery, Sudlersville.
 Ten Oaks Nursery & Gardens, Inc., 10 Oaks Road, Clarksville.
 Tingle Nursery Co., Pittsville.
 Towson Nurseries, Inc., Paper Mill Road, Cockeysville.
 Westminster Nurseries, Inc., Post Office Box 227, Westminster.
 Wye Nursery, Route 50, Queenstown.

MASSACHUSETTS

Adams Nursery, Inc., Springfield Road, Westfield.
 Atwater Nursery, 368 South Street, Agawam.
 Cherry Hill Nurseries, Cherry Hill Street, West Newbury.
 Corliss Bros., Inc., Essex Road, Ipswich.
 Hunting Hills, Federal Street, Montague.
 Littlefield-Wyman Nursery, Inc., 227 Centre Avenue, Abington.
 Stobbs' Nurseries, 444 East Central Street, Franklin.
 Weston Nurseries, Inc., 93 East Main Street, Hopkinton.
 Winslow Nurseries, Inc., Pilgrim Road, Needham.

MICHIGAN

Ackerman Nurseries, 1013 Lake Street, Bridgman.
 Berg Nursery, Star Route 2, Box 85A, Norway.
 Carleton Nursery Co., 11529 Jones Road, Carleton.
 Chiles Nursery, 24355 Telegraph Road, Flat Rock.
 The Cottage Gardens, 2707 West St. Joseph Street, Lansing.
 Dutch Mount Nursery, Route 1, Box 167, Augusta.
 Emlog Nursery, Inc., Stevensville.
 Farmington Gardens Nursery (dealer), 35620 Grand River, Farmington.
 Larry Ganun Nursery, 3307 North Adrian Highway, Adrian.
 Grootendorst Nursery, Box 123, Lakeside.
 Housels Nursery & Garden Center, 8519 Lewis Avenue, Temperance.
 M. J. Hunziker & Sons Nursery, Box 313, Niles.
 Inland Orchards & Nurseries, Post Office Box 288, Marshall.
 Lakeside Nursery, Route 1, Sawyer.
 Ed LaVigne & Son Nursery, 1555 Toben Road, Carleton.
 Lincoln Nursery & Landscaping, Grand Rapids.
 The Monroe Nursery Co., and Ilgenfritz Nurseries, Inc., Post Office Box 665, Monroe.
 Pine Mountain Nursery, Star Route 2, Iron Mountain.
 Art Plucinski & Son (Plutter Nursery), 14680 Hall Road, Mount Clemens.
 Ray & Fischer Nurseries, Route 1, Rothbury.
 Scherff's Nursery, 1605 North Monroe, Monroe.
 South Michigan Nursery, New Buffalo.
 Spielman's (dealer), 2170 North Main, Adrian.
 Earl Steinkopf Nursery, 14780 Hall Road, Mount Clemens.
 Zilke Bros. Nursery, Baroda.

MINNESOTA

Abrahamson's Nursery, Scandia.
 Anderson's Nursery, 6555 Arrowhead Road, Duluth.
 Andrews Nursery Co., Box 446 Faribault.

MINNESOTA—Continued

Bachman's Inc. (dealer), 8010 Lyndale Avenue South, Minneapolis.
 J. V. Bailey Nurseries, St. Paul and Newport.
 Bergeson Nursery, Fertile.
 Blacks Market and Nursery (dealer), Lakeland.
 Bulger Garden Center, Inc. (dealer), 1887 Rice Street, St. Paul.
 Cross Nursery, Box 193, Lakeville.
 Donaldson's Flower Shop and Garden Lot (dealer), 601 Nicollet, Minneapolis; also Southdale, Minneapolis.
 Donaldson's Garden Lot and Flower Shop (dealer), Miracle Mile, Rochester.
 Duluth Glass Block Store (dealer), 128 West Superior Street, Duluth.
 Elmore Nursery Co., Elmore.
 Farmers Seed & Nursery Co. (dealer), Faribault (and all retail outlets in Minnesota).
 Ferndale Nursery, Askov.
 Fillmore County Nursery, Canton.
 Flowerland Farms and Nursery, Shafer.
 Fritz' Farm and Garden Center (dealer), Newport.
 Galloway Nursery, Route 2, Lake Crystal.
 Garden and Lawn Center (dealer), Box 295, Wheaton.
 Golden Rule Flower Shop and Garden Lot (dealer), Eighth and Robert, St. Paul.
 Goldfine's Inc., 700 Garfield Avenue, Duluth.
 Grussendorf Nursery, 4022 Midway Road, Duluth.
 Home Landscape Supply (dealer), R.F.D. 1, Ortonville.
 Jewell Nurseries, Inc., Box 457, Lake City.
 H. L. Johnson Garden Store and Nursery (dealer), 3625 West Lake Street, Minneapolis.
 Killmer Northern Nurseries, 500 Parkwood Road, Rosemount.
 Lake Agassiz Nursery (dealer), Moorhead.
 Also Retail Sales Yard at Fargo, N. Dak.
 Lake City Nurseries, Inc., North Sixth Street, Lake City.
 Law's Valley View Nurseries, Inc. (dealer), Box 271, Hastings.
 Lindstrom Nursery, Post Office Box 266, Lindstrom.
 Meehan Bros. Nursery (dealer), 1215 Oakbury Road, Lake Elmo.
 North Central Nursery Sales (dealer), Owatonna.
 Owatonna Nursery Co., Inc., Box 330, East Rose Street, Owatonna.
 The Park Nurseries, 1200 St. Clair Avenue, St. Paul.
 Peters Evergreen Nursery, Box 337, Sherburne.
 Rose Hill Nursery, 2380 West Larpenteur, St. Paul, also Box 495, Minneapolis.
 Sargents Red Wing Nursery, Red Wing.
 Scheidler F-M Nursery (dealer), 825 North Highway 75, Moorhead.
 Seeferts Hudson Road Nursery (dealer), Highway 12 and White Bear Avenue, St. Paul.
 Shoppers' City Garden Center (dealer), c/o Donald Fritz, Glen Road, Newport; also outlets in Minneapolis and St. Paul.
 Shoreacres Gardens (dealer), 640 Shoreacres Drive, Fairmont.
 Springvale Nursery, 2627 Springvale Road, Duluth.
 Summit Nurseries, Inc., Route 4, Stillwater.
 Swedberg Nursery, Battle Lake.
 Trapper Hunt's Nursery, Bagley.
 Valley Nursery, 3855 Sixth, Goodview.
 Wedge Nursery, Route 2, Albert Lea.
 The Willmar Nursery (Irv Hanson) (dealer), Route 2, Box 31, Willmar.
 Wrights Nursery & Landscape Service, 2602 London Road, Duluth; also Larsmont.
 Wy's Gardens (dealer), East Grand Forks.

MISSISSIPPI

Big River Nursery, Lula.
 Gilmer Brothers Nursery, Route 2, Caledonia.
 A. P. Miller & Sons Nursery, 1506 Main Street, Columbus.

MISSISSIPPI—Continued

T. G. Owen & Sons, Inc., Box 946, Columbus.
C. W. Stuart & Co. (dealer), Bell Avenue and
South 19th Street, Columbus.

MISSOURI

Bruening Nursery, Higginsville.
Houlihan Nursery Co., Mosley Road, Creve
Coeur.
Forrest Keeling Nursery, Elsberry.
Logan's Nursery & Landscape Service, 1631
Independence Street, Cape Girardeau.
McCoy Nursery, Box 257, R.F.D. 3, Joplin.
Neosho Nurseries Co., Neosho.
Roller Nursery, Seligman.
Sarcoxie Nurseries (Wild Bros. Nursery Co.),
(also seed grower), Sarcoxie.
Stark Bros. Nursery & Orchards Co., Lou-
isiana.

MONTANA

Billings Nursery, Route 1, Box 47, Billings.
Holland Nursery, Route 4, Kalispell.
E. C. Moran (seed dealer), Stanford.
Pierce's Nursery, 352 Highway 2 East, Kal-
ispell.
Frank H. Rose Native Evergreens (seed
dealer), 1020 Poplar Street, Missoula.

NEBRASKA

ABC Nursery, Route 1, Box 113, Scotts Bluff.
Marshall Nurseries, Arlington.
Plumfield Nursery, Inc., 2105 Nye Avenue,
Fremont.

NEW JERSEY

Akerboom, Klaas, Route 1, Bridgeton.
Arcadian Gardens (Goldfarb) (dealer),
Menlo Park Shopping Center, Route 1 and
Parsonage Road, Menlo Park.
Arcadian Gardens (Goldfarb) (dealer), Gar-
den State Plaza, Paramus.
Behren, E. H., Rural Delivery 1, Newfield.
Blair's Nurseries, Inc., 652 Center Street,
Nutley.
Bobbink's Nurseries, Inc., Box 124, Freehold.
Bongarzzone Nursery, Wayside Road, Eaton-
town.
Bulk's Nurseries, Inc., Rural Delivery 3,
Smithburg-Manalapin Road, Freehold.
Calgo Gardens Nursery, North Maple Avenue,
Toms River.
Conifer Nursery, Rural Delivery, Mays Land-
ing.
Cumberland Nurseries, Rural Delivery No. 1,
Millville.
Cy's Nursery, Box 301, R.F.D. 4, Sewell.
D & D Rose Garden, 42 Monmouth Road,
Eatontown.
Deerfield Nurseries, Box 32, Deerfield.
deWilde's Rhodo-Lake Nursery, Rural De-
livery No. 1, Bridgeton.
F & F Nurseries, Box 126, Holmdel.
Happy Hill Nursery, Box 54, Alloway.
Hess Nurseries, Cedarville.
Hess Nurseries, Post Office Box 128, Wayne.
Hogbin Nursery, Frank, Black Horse Pike,
R.F.D., Williamstown.
Holly Ravine Nursery, R.F.D., Monroeville.
Homestead Nursery, N. Pemberton Road,
Rural Delivery No. 1, Pemberton.
Howe Nurseries, 304 Burd Street, Pennington.
Jackson & Perkins Corp., Perkins-de-Wilde
Division, Shiloh.
Jones Nursery, Harvey, Black Horse Pike,
R.F.D., Williamstown.
Jones Nursery, Maurice, Black Horse Pike,
R.F.D., Williamstown.
Jones Nursery, Wes, Black Horse Pike, R.F.D.,
Williamstown.
Kelsey Nursery Service (dealer), 104 Port-
land Road, Highlands.
Lovett's Nursery, Inc., Phalanx Road, Rural
Route No. 1, Colts Neck.
McCarty Gardens, R.F.D., Mays Landing.
Medford Nursery, Rural Delivery No. 1, Med-
ford.
Morestown Gardens, Inc., 55 East Oak
Avenue, Morestown.

NEW JERSEY—Continued

Oakview Nursery, Inc., R.F.D., Sewell.
Obert's Nursery, J., 169 Chestnut Street,
Somerville.
Osterman Nursery, 525 Bound Brook Road,
Middlesex.
Prickett's Nursery, Mantua Boulevard, Se-
well.
Princeton Nurseries-William Flemer's Sons,
Inc., Post Office Box 191, Princeton.
Somerset Rose Nursery, Inc., Post Office Box
608, New Brunswick.
South Jersey Colonial Nurseries, Inc., Rural
Delivery No. 1, Salem.
Split Rock Nursery, 218 Farview Avenue,
Paramus.
Straub Nursery, Lambs Road, Sewell.
Sonnybrook Nursery, Inc., Rural Delivery No.
1, Route 45, Swedesboro.
Vermeulen, John & Son, Inc., Post Office Box
267, Neshanic Station.
Wells Nursery, Inc., James S., Nutswamp
Road, Red Bank.
Whip-Poor-Will Nursery, Buck Hill and River
Roads, Woodbine.
Wilton, Michael F. & Son, Sugarman Avenue,
Rural Delivery No. 1, Millville.

NEW YORK

Arcadian Gardens (Goldfarb) (dealer), South
Highland Avenue, Ossining.
Arcadia Rose Co. (dealer), 1000 South Main
Street, Newark.
Babcock, Charles E., North Clinton Street,
Dansville.
Bagatelle Nursery, Half Hollow Hills, Hunt-
ington Station (Box 196).
Buck & Son, William, Rural Delivery 3,
Dansville.
Bulk's Nurseries, Inc., 610 West Montauk
Highway, Babylon, Long Island.
City of Glass (Goldfarb) (dealer), Melville
Road, Farmingdale, Long Island.
Congdon & Weller Wholesale Nursery, Mile-
block Road, North Collins.
Congdon's Wholesale Nursery, Mileblock
Road, North Collins.
Finnerty Nursery, 50 New York Avenue,
Rensselaer.
Garden Galleries, Inc. (dealer), 572 Castle
Street, Geneva.
Garden World, Inc. (dealer), Francis Lewis
Boulevard and 46th Avenue, Flushing.
Hathaway, Harry M. (dealer), Rural Delivery
5, Amsterdam.
Hoffman's Nursery, 921 Hoffman Street,
Elmira.
Jackson & Perkins Co., 1000 South Main
Street, Newark.
Johnson Avenue Nursery, Johnson Avenue,
Sayville.
K & B Gardens, Rural Delivery No. 1,
Falconer.
Kelly Bros. Nursery, Inc., Box 430, 23 Maple
Street, Dansville.
Laurel Hill Nurseries, Elwood Road, East
Northport, Long Island.
Lehde Nurseries, Edward, 86 French Road,
Buffalo.
Maney's Nurseries, Pre-Emption Road,
Geneva.
Maxwell, Bowden & Rice, Inc., Pre-Emption
Road, Geneva.
McNair Nurseries, C. W., Rural Delivery 3,
Dansville.
My Florist, Inc. (Goldfarb) (dealer), 160 East
57th Street, New York City.
Rosedale in Dutchess, Route 44, Millbrook.
Rosedale Nurseries, Inc., Sawmill River Road,
Hawthorne.
Shemin, Emanuel, 3990 Boston Road, Bronx.
Shepard Nurseries, Rural Delivery 1,
Skaneateles.
Smith, W. T. Corp. (dealer), 572 Castle Street,
Geneva.
Stern's Nurseries, Inc., 404 William Street,
Geneva.
Stuart, C. W., & Co., 165 East Union Street,
Newark.

NEW YORK—Continued

Westbrook Assoc., Inc., 33 Stony Hollow
Road, Greenlawn.
Westbury Rose Co., Inc., Jericho Turnpike
and Rose Avenue, Box 277, Westbury, Long
Island.
Wheelock & Turnbull, Inc., Versailles Road,
North Collins.
Woodlea Nursery, 615 Higbie Lane, West Islip.
Woodlea Nursery, Moriches.

NORTH CAROLINA

Gilmore Plant & Bulb Co., Inc., Julian.
Lindley Nurseries, Inc., Greensboro.
Knox Porter Nursery, Post Office Box 1242,
Rocky Mount.
Robbins Nursery, Inc., Willard.
Tinga Nursery, Route 1, Box 255, Castle
Hayne.

NORTH DAKOTA

Christianson Landscape Service (dealer),
Box 244, Fargo.
Lake Agassiz Nursery Retail Sales Yard,
Fargo.
Northwest Nursery Co., Valley City.
Talbot Drive-In Nursery (dealer), Route 2,
Minot.

OHIO

Bentley's Hardy Plants, 4640 Lane Road,
Perry.
The Berryhill Nursery Co., Route 6, Box 696,
Springfield.
Bo-Jo Acres Nursery, 4197 Middle Ridge,
Perry.
John Bos Nursery, 603 West Maple Street,
Clyde.
Bosley Nurseries Inc., 9579 Mentor Avenue,
Mentor.
L. P. Brick Nurseries, 483 Park Road, Paines-
ville.
Champion's Lakeview Nursery Co., Post Office
Box 772, Painesville.
Champion Nurseries Inc., 3689 Main Street,
Perry.
Louis Colavecchio (also seed grower), 1487
North Ridge Road, Painesville.
The Cole Nursery Co., Circleville.
Coie Nursery Co., 2000 West Jackson Street,
Painesville.
Donewell Nurseries, 2168 Mentor Avenue,
Painesville.
Dugan Nurseries, Center Street, Perry.
Fairview Floral Nursery, 27819 Center Ridge
Road, Westlake.
The French Nursery Co., Race Street, Clyde.
Girard Bros. Nursery Co., Route 20, Geneva.
Gwenn-Gary Nursery, Route 2, Columbiana.
Hollandia Gardens, Inc., South Vienna.
Holly Gardens (Wm. A. Karolyi), Route 2,
Perry.
Horton Nurseries, Inc., Route 20, Madison.
Edw. Y. James & Son Nursery, 25346 Butter-
nut Ridge, North Olmsted.
The Kallay Brothers Co., Painesville.
Joseph J. Kern Rose Nursery, Center Street,
Box 33, Mentor.
Kingwood Nurseries (also seed grower),
South Center Street, Mentor.
Gerard K. Klyn, Inc., Box 200, Mentor.
Lakewood Nursery, 18105 Detroit Avenue,
Lakewood.
Lake County Nursery Exchange, Box 22,
Route 84, Perry.
McGuff Nursery, Route 3, New Carlisle.
Mellinger's Inc., Route 1, North Lima.
Mentor Heights Nursery, Chillicothe Road,
Mentor.
Mentor Nurseries, Inc., Chillicothe Road,
Mentor.
Mentor Rose Growers, Inc., 7711 Little Mt.
Road, Mentor.
Moretti Nursery, 10 Fairport Nursery Road,
Painesville.
The William A. Natorp Co., 4400 Reading
Road, Cincinnati.
Ralph T. Norman Nurseries, Post Office Box
104, Painesville.

OHIO—Continued

Paul F. Otto Nursery, Lane Road, Perry.
 Ramsey's Nurseries, 7927 Madison Road, Thompson.
 Rocknoll Nursery, Morrow.
 Joe Sabo & Son Nursery, 365 Bowhall Road, Painesville.
 Scarff's Nursery, Inc., New Carlisle.
 The Siebenthaler Co., 3001 Catalpa Drive, Dayton.
 Spring Brook Gardens, Heisley Road, Mentor.
 Spring Hill Nurseries Co., Elm Street, Tipp City.
 Paul J. Square Nursery, 120 Fairport Nursery Road, Painesville.
 State Line Nursery, 6205 Lewis Avenue, West Toledo.
 J. G. Stropkey & Sons Nursery, 485 Bowhall Road, Painesville.
 Frank Toreki & Sons Nursery, 294 Bowhall Road, Painesville.
 Wade & Gatton Nursery, Route 3, Bellville.
 Warmer Nursery, Route 4, Willoughby.
 Wayside Gardens Co., 9456 Mentor Avenue, Mentor.
 Wilms Nursery, Depot Road, Salem.
 York Nurseries, 895 Elm Street, Painesville.

OKLAHOMA

Emil R. Bresser, Florist and Nurseryman, 1718 Locust, Box 973, Muscogee.
 Capitol Garden Farms, 4200 North May Avenue, Oklahoma City.
 Durant Nursery Co., Box 24, Durant.
 Greenleaf Nursery Co., Route 1, Box 98, Park Hill.
 Keyon's Nursery, Dover.
 Luke Nursery, Pauls Valley.
 Ozark Nursery Co. (Ozanco Nurseries), c/o J. E. Davis, Post Office Box 381, Talhequah.
 Sneed Nursery Co., Box 798, Oklahoma City.
 Stark Nursery Co., Post Office Box 345, Porum.

OREGON

Arneson Nursery, Route 1, Box 111, Canby.
 Aurora Nurseries, Route 2, Box 141, Aurora.
 E. P. Baltz Nursery, Route 1, Box 748, Gresham.
 Beaver Creek Nursery, Route 1, Box 1118, Gresham.
 Benedict Nursery Co., 735 Northeast 87th Avenue, Portland.
 Bixby Nursery, 6424 Monroe Road, Milwauki.
 E. J. Burnacci Nursery, Route 2, Box 840, Troutdale.
 George Caldwell Wholesale Nursery (dealer), 4229 Southeast Division, Portland.
 Calorwash Nursery, Route 1, Box 291A, Aurora.
 Canby Evergreen Nursery, Route 1, Box 152, Canby.
 Carlton Nursery Co. (dealer), Post Office Box 8, Forest Grove.
 Clinton Nursery, 2630 Southeast 75th Avenue, Portland.
 F. A. Doerfler & Sons Nursery, 250 Lancaster Drive NE, Salem.
 Doty & Doerner, Inc., 6691 Southwest Capitol Highway, Portland.
 Drew's Nursery, 13765 Tualatin Valley Highway, Beaverton.
 Carl Elksstrom Nursery, Route 2, Box 840, Gresham.
 Femrite's Nursery, Route 2, Box 355, Troutdale.
 Ferris Quality Nursery, 448 Northeast Loomis Street, Newport.
 Field Nursery, Route 2, Box 1107, Troutdale.
 Four-Mile Nursery, Route 3, Box 121, Canby.
 Garden Center Nursery (dealer), 4631 South Pacific Highway, Medford.
 Gasser's Nursery, Route 2, Box 128, Oregon City.
 Eddie Handy Nursery, 16440 SE Main Street, Portland.
 Handy Nursery Co., 17216 Northeast Sandy Boulevard, Portland.
 Hazel Dell Gardens, Route 1, Box 465, Canby.

OREGON—Continued

Hood View Acres, Route 5, Box 498, Oregon City.
 Kelso Nursery, Route 1, Box 205, Boring.
 Jack Leslie, 382 Northeast Third Street (Post Office Box 404) Cornelius.
 Le-Ge-Pa Nursery, Inc., Route 1, Box 339, Forest Grove.
 Lindstrom's Nursery, Post Office Box 92, Seaside.
 Mason's Nursery, 13890 Southeast Ambler Road, Clackamas.
 Milton Nursery Company, Box 7, Eastside Road, Milton-Freewater.
 Mitsch Nursery, Route 2, Box 34, Aurora.
 Motz & Son Nursery, Route 2, Box 54, Portland.
 Harry Park Nursery, Route 2, Box 629, Gresham.
 H. L. Pearcy Nursery Co., Route 2, Box 97, Salem.
 Portland Wholesale Nursery Co. (dealer), 5050 Southeast Stark Street, Portland.
 Powell Valley Nursery, Route 2, Box 257, Gresham.
 The Rhododendron Nursery, 2332 Southeast 42d Avenue, Portland.
 Rich Northwest Nurseries, Inc., Route 1, Box 330, Hillsboro.
 Rich & Sons Nursery, Route 1, Hillsboro.
 W. B. Sanders Nursery, 11165 Southwest Naevie Street, Tigard.
 Schmidt Brothers Nursery, Route 2, Box 390, Troutdale.
 Sharp's Nursery, 7430 Southeast Powell Boulevard, Portland.
 Sherwood Nursery Co., Corbett.
 Staab's Nursery, Route 1, Box 27, Boring.
 Floyd Stafford's Nursery, Route 2, Box 1075, Troutdale.
 Paul Stenzel, 14110 Northeast Glisan, Portland.
 Surface Nursery, Route 1, Box 832, Gresham.
 Alfred Teufel Nursery (dealer), 12345 Northwest Cornell Road, Portland.
 Alfred Teufel Nursery, 12345 Barnes Road, Portland.
 Villa Nursery, Box 5137, Portland.
 Glenn Walters Nursery, Route 4, Box 142, Hillsboro.
 Vern W. Wasson, Route 2, Box 1035, Troutdale.
 West Oregon Nursery, 3550 Northwest Saltzman Road, Portland.
 Mel Wills Nursery, Route 2, Box 113, Troutdale.
 Wil-Chris Acres, Route 2, Box 105, Sherwood.

PENNSYLVANIA

Angelica Nurseries, Inc., Rural Delivery 1, Mohnton.
 Appalachian Nurseries, Box 87, Waynesboro.
 Barcrest Nursery, 1725 Marietta Avenue, Lancaster.
 Bercaw's Nursery, Route 4, Waynesboro.
 Bloodgood Nurseries, Rural Delivery 1, Route 313, Doylestown.
 Blooming Valley Nurseries, Route 1, Meadville.
 Braine & Foreman, Rural Delivery 2, Sharon.
 Percy Brown Nursery, Inc., Gibraltar.
 Cacoosing Nurseries, Rural Delivery 1, Sink-ing Springs.
 The Conard-Pyle Co., West Grove.
 Darlington Nursery, Inc. (dealer), 1400 Beechwood Boulevard, Pittsburgh.
 Dauber's Nurseries, 1705 North George Street, York.
 DeKalb Nurseries, Inc., 2700 De Kalb Street, Post Office Box 67, Norristown.
 Fairview Evergreen Nurseries (seed grower), 131 East Water Street, Fairview.
 Farr Nursery, Womelsdorf.
 Fetherolf's Nurseries, Rural Delivery 4, West Chester.
 Gimbel Bros (dealer), Eighth and Market Streets, Philadelphia.

PENNSYLVANIA—Continued

W. S. Hamilton & Son (dealer), 278 Bridge-water Road, Chester.
 Hansen Brothers Nurseries, Inc., 472 South Gulph Road, King of Prussia.
 Hansen's Ground Covers, 1268 Montgomery Avenue, Narberth.
 Harborcreek Nursery, Route 20, Harborcreek.
 King Nursery, Rural Delivery 5, Greensburg.
 King Wholesale Nursery, Beatty Farm, Latrobe.
 Kraynak Nursery, 2525 East State Street, Sharon.
 LaBars' Rhododendron Nursery, West Bryant Street, Stroudsburg.
 Lincoln Way Nursery, Rural Delivery 2, West Lincoln Highway, Coatesville.
 Mayfair Nurseries, Rural Delivery 2, Nichols New York (Bradford County).
 Musser Forests, Inc. (seed grower), Box 640, Route 110, Indiana.
 Paint Creek Nursery, Shippensburg.
 Pallach Bros. Nurseries, Inc., Route 1, Harmony.
 Pendale Nurseries (dealer), 5081 Brightwood Road, Bethel Park.
 Pikes Peak Nurseries (division of Clearfield Bituminous Coal Corp.), Post Office Box 670, Indiana.
 Pitzonka Nurseries, Inc., Bristol-Oxford Valley Road, Bristol.
 Richard Schwoebel, 20 North Haverford Avenue, Ardmore.
 Sears, Roebuck & Co. (dealer), Roosevelt Boulevard and Adams Avenue, Philadelphia.
 Slater Supply Co., Inc. (dealer), 5081 Brightwood Road, Bethel Park.
 Star Rose Garden Center, Route 230, Lancaster.
 J. Franklin Styer Nurseries, Inc., Concordville.
 John F. Styer Landscape Nurseries, Box 37, Route 1, Concordville.
 John F. Styer Nurseries, Flagg Manor Road, Rural Delivery 2, Cochranville.
 Upper Bank Nurseries, Inc., South Orange Street, Media.
 Woodland Nursery, Rural Delivery 1, Perkiomenville.

RHODE ISLAND

Bald Hill Nurseries, Inc., Bald Hill Road, Pontiac.
 Boulevard Nurseries, 389 West Main Road, Newport.
 Forest Hills Nurseries, Inc., 1073 Reservoir Avenue, Cranston.
 Hoogendoorn, C., 408 Turner Road, Newport.
 Rhode Island Nurseries, Inc., East Main Road, Newport.
 Sowams Nursery, 82 Sowams Road Barrington.
 Van Hof Nurseries, 54 Bristol Ferry Road, Portsmouth.

SOUTH CAROLINA

Carolina Floral Nursery, Mount Holly.
 Green Nursery, West Poinsett (Old Highway 29), Greer.
 Magnolia Gardens & Nurseries, Route 2, Johns Island.
 Owens Nursery, Wiskey Road, Aiken.

SOUTH DAKOTA

Bob's Nursery (dealer), South 22d Avenue, Brookings.
 Brookings Nursery (dealer) (also known as Modern Landscaping Service), Box 359, Brookings.
 Arthur Christensen (dealer), 4010 Jackson Boulevard, Rapid City.
 Gunderson's Inc. (dealer), 2040 West Main, Rapid City.
 Gurney Seed & Nursery Co., Second and Capitol Streets, Yankton.
 Jake's Nursery (dealer), 2404 South West Avenue, Sioux Falls.

SOUTH DAKOTA—Continued

Johnson Nursery (dealer), 3013 East 10th, Sioux Falls.
Purinton Nursery (dealer), 503 Lacrosse, Rapid City.

TENNESSEE

Adcock Nursery, Route 3, McMinnville.
Barker Bros. (dealer), Route 2, McMinnville.
Vernon Barnes Nursery (dealer), Post Office Box 250, McMinnville.
Boyd Nursery Co., Inc., Box 71, McMinnville.
John D. Boyd, Bone Cave.
Braswell Nursery, Smithville.
Cartwright Nurseries, 10650 Poplar Street, Collierville.
Arnold C. Clark Nursery, Route 2, McMinnville.
Commerical Nursery, Dechard.
Crimson Dale Nursery, Winchester.
Easterly-Varnell Nurseries, Route 6, Box 543, Cleveland.
Evergreen Nurseries, 7433 Poplar Pike, Germantown.
Faulkner Springs Nursery, Post Office Box 242, McMinnville.
Fairview Nursery (dealer), Route 2, McMinnville.
Flower City Nurseries, Route 3, McMinnville.
Forest Nursery Co., Inc., Box 311, McMinnville.
Globe Wholesale Nursery, Post Office Box 249, McMinnville.
Groves Nursery, Winchester.
H. G. Hallum Nursery (dealer), Route 3, McMinnville.
Hawkersmith & Sons Nursery, Route 2, Tulsa.
Haynesfield Nurseries, Route 4, Bristol.
Howell Nurseries, Inc., 2407 Brooks Road, Knoxville.
C. A. Jones Nursery (dealer), Route 2, McMinnville.
H. R. Judds Nursery, Route 1, Smithville.
Morning Star Nursery, Hwy. 45 West, Rives.
Morse Bros. Nursery, Route 8, Chattanooga.
Mountain Wholesale Nursery, Bone Cave.
Murphy Nursery Co., Smithville.
Osban Scott Nursery (dealer), Box 123, McMinnville.
Parsley Bros. Nursery, Route 5, Smithville.
Phytotakt Inc., Winchester.
The H. R. Potter Nursery, Route 1, Joelton.
John Richardson Nursery (dealer), Route 2, McMinnville.
The Rigney Nursery, Route 4, Manchester.
Ernest Rubley, Route 2, McMinnville.
Sanders Nursery, Winchester.
Savage Farm Nursery (dealer), Box 125, McMinnville.
Scott Bros. Nursery Co. (dealer), Route 2, McMinnville.
Scruggs Nursery, Route 2, McMinnville.
Smith Bros. Nursery, Box 221, McMinnville.
Southern Nursery & Landscape Co., Winchester.
Stewart's Nursery Co., Route 4, McMinnville.
J. P. & Claude Stubblefield, Route 6, McMinnville.
Tate & Dykes Nursery (dealer), Route 2, McMinnville.
Tate Nursery, Route 2, McMinnville.
Tennessee Valley Nursery, Winchester.
The Triangle Nursery (dealer), Route 2, McMinnville.
Warren County Nursery, Route 6, McMinnville.

TEXAS

Aldrige Nursery, Von Ormy.
Baker Bros. Co., Box 828, Forth Worth.
Grace Nursery (dealer), Route 2, Box 58, Willis.
Lambert Landscape Co. (dealer), Valleyview Road, Dallas.
Magnolia Plant Farm (dealer), Route 3, Box 449, Conroe.
Pope Nursery, 4020 Race Street, Forth Worth.
Twitty Nursery, Box 777, Texarkana.

TEXAS—Continued

Verhalen Nursery Co., Scottsville.
Walton Nursery & Greenhouse, Route 3, Box 77, Conroe.
Wise Adkisson & Sons, 1605 Walnut Street, Greenville.
Wolfe Nursery, Inc., Box 811, Stephenville.
Glover's Nursery & Floral, 7195 South State Street, Midvale.
Pehrson Floral & Nursery, 1180 Canyon Road, Logan.
Pineae Greenhouses, Inc., 675 North Main, Centerville.
Porter-Walton Co., Post Office Box 1619, Salt Lake City.
Wuthrick Nursery, 1115 North Main, Logan.

VIRGINIA

Blue Ridge Gardens, Inc., 1830 Apperson Drive, Salem.
Blue Ridge Nurseries, Elliston.
Capper's Nursery, McLean.
Cole Nurseries, Inc., Post Office Box 443, Bluefield, W. Va. (nursery in Tazewell County, Va.).
Cole Nurseries, Inc., Route 1, Box 332, Bristol.
Cox's Nursery, R.F.D. 2, Box 386A, Christianburg.
Davis Bros. Nursery, R.F.D. 2, Rose Hill.
Eastern Shore Nursery of Virginia, Post Office Box 48, Keller.
Enterprise Nursery, Hiltons.
Gladsgay Garden Nursery, 6311 Three Chopt Road, Richmond.
Greenbrier Farms, Inc., 2145 Thrasher Road, Chesapeake.
Gresham's Nursery, Inc., 6801 Midlothian Pike, Richmond.
Gulf Stream Nursery, Wachapreague.
Hecht Co. Arcadian Gardens (Goldfarb) (dealer), 620 North Randolph Street, Arlington.
Holly Creek Nursery, Route 1, Melfa.
Ingleside Plantation Nurseries, Oak Grove.
John Kluis Nurseries, Post Office Box 428, Onancock.
Laird's Nurseries, 8900 Broad Street Road, Richmond.
J. Lewis & Sons Nursery, Cascade.
Phillipswood Garden Center, 1845 Abingdon Highway, Bristol.
South Side Nurseries, Inc., Route 15, Box 471, Richmond.
Tankard Nurseries, Exmore.
Watkins Nurseries, Inc., R.F.D. 2, Midlothian.
Waynesboro Nurseries, Inc., Waynesboro.
Williams & Harvey Nursery, 3608 West Cary Street, Post Office Box 7037, Richmond.
Winn Nursery, Inc., 6926 Granby Street, Norfolk.
Wood-Howell Nurseries, Inc., 4461 Lee Highway, Bristol.
Yeatts Nursery Inc., Martinsville.

WASHINGTON

Norman Anderson Nursery, Route 1, Box 212, Orchards.
Briggs Nursery, 4407 Gleason Road, Olympia.
Chenoweth's Mount Vernon Nursery, Second and Taylor, Mount Vernon.
Columbia & Okanogan Nursery, Box 116, 1700 Wenatchee Avenue, Wenatchee.
Gothman Nursery, 2000 Inland Empire Way, Spokane.
A. H. Hembree Nursery, East 7809 Indiana, Spokane.
Inland Empire Nursery, East 17213 Sprague, Greenacres.
Kent Nursery, 8812 South 218th Street, Kent.
Krause Nursery, Inc., East 3900 Sprague Avenue, Spokane.
May Nursery Co., 212 North Third Avenue, Yakima.
Mayhan Nursery, East 15723 Sprague Avenue, Veradale.
Mayhan Nursery (seed grower), East 15723 Sprague Avenue, Veradale.
Pioneer Nursery, Route 1, Box 665, Ridgefield.

WASHINGTON—Continued

Stanek's Nursery, East 2929 29th Avenue, Spokane.
Vibert's Nursery, 15025 124th Avenue NE, Woodinville.
Viewcrest Nursery, 9617 Northeast Borton Road, Vancouver.
Walter's Nursery, 7405 Stewart Avenue, Puyallup.
Wells Nursery, 424 East Section Street, Mount Vernon.

WEST VIRGINIA

Conner and Amos Garden Center, 129 Old Dutch Road, Charleston.
Conner and Amos Nursery Co., Route 2, Elizabethtown.
Gold Chestnut Nursery, Cowen.
Home Nursery Co., Box 126, Fort Gay.
Kenova Gardens, 1601 Sycamore Street, Kenova.
Lavalette Landscape Nursery, Fifth Street Hill, Lavalette.
Myer's Nursery, Route 2, Huntington.
Pike Vue Nursery (dealer), 1691 Washington Pike, Wellsburg.
White Sulphur Springs Nursery, Box D-540, White Sulphur Springs.

WISCONSIN

Dunne's Nursery, Stateline Road, Beloit.
Dunne's Nursery & Greenhouse (dealer), Highway 15 West, Delavan.
Evergreen Nursery Co., Route 3, Sturgeon Bay; also at Wisconsin 42 and 14th Avenue, Garden Center.
Fancher's Nursery, Sturtevant.
Frantal's Nursery & Garden Center, 6627 75th Street, Kenosha.
Johannsen Garden Centers, 2600 West Beltline Highway, Madison; also outlet at Highway 16 and Sussex Road, Pewaukee.
J. W. Jung Seed Co., Randolph.
McKay Nursery Co., Waterloo.
L. L. Olds Seed Co. (dealer), Madison; also at Beltline and Fish Hatchery Road, Garden Center.
Pippert Nurseries, Inc., Cleveland.
Suthers Moundview Nursery, Route 4, Platteville.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This list of specifically approved sources shall become effective October 29, 1966.

The purposes of this document are to list specifically approved sources from which regulated articles may be moved under less stringent provisions of the black stem rust quarantine regulations than would otherwise apply, and to revise the format of the list in accordance with the revised black stem rust quarantine and regulations. The list of specifically approved sources is completely revised each year based on an annual inspection.

Insofar as this list omits certain establishments included on the previous list and thereby imposes additional restrictions with respect to shipments from such establishments, it should be made effective promptly to prevent spread of the black stem rust disease. Insofar as this list relieves restrictions of the black stem rust quarantine regulations, it should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this list involves a non-substantive change of format, notice and other public procedure would serve no useful purpose. Accordingly, it is found

upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with regard to this regulation are impracticable and unnecessary, and good cause is found for making this regulation effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Hyattsville, Md., this 25th day of October 1966.

E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66-11802; Filed, Oct. 28, 1966;
8:47 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

ERADICATION AREAS

Under authority conferred by § 301.38-2 of the Black Stem Rust Quarantine regulations (7 CFR 301.38-2, as amended, 31 F.R. 13888), the following supplemental regulation is hereby issued to appear in 7 CFR 301.38-2c:

§ 301.38-2c List of eradication areas.

The States and portions of States designated below have adopted and are enforcing specific procedures to eradicate *Berberis*, *Mahoberberis*, and *Mahonia* plants susceptible to black stem rust, in cooperation with the Plant Pest Control Division. Therefore, such States and portions of States are listed as eradication areas:

All counties within the States of:

Colorado.	Montana.
Illinois.	Nebraska.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	South Dakota.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	Wyoming.

All counties within the following States except the counties specified below:

Pennsylvania. Except Delaware and Philadelphia counties.

Virginia. Except Accomack, Amelia, Brunswick, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Gloucester, Goochland, Greenville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Northampton, Northumberland, Norfolk, Nottoway, Patrick, Pittsylvania, Powhatan, Princess Anne, Prince Edward, Prince George, Richmond, Southampton, Sussex, Surry, Warwick, Westmoreland, and York counties.

Washington. Except Clallam, Clark, Cow-litz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom counties.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This regulation implements the black stem rust quarantine and regulations (7 CFR 301.38, 301.38-1 et seq.) as recently amended, by listing eradication areas. It omits from listing as eradication areas

certain portions of States, previously classed as "eradication States" under the prior quarantine and regulations, and thereby relieves restrictions of the regulations which would be applicable to interstate shipments of regulated articles into such portions of the States if they were included within the eradication areas. Insofar as the regulation thus relieves restrictions it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are relieved.

This regulation also imposes restrictions with respect to establishments located in, and with respect to interstate shipments of regulated articles from, those portions of the States which are excepted from the listing as eradication areas. These restrictions are necessary to prevent the spread of black stem rust and should be made effective promptly in the public interest.

Accordingly, it is found upon good cause under the administrative procedure provisions in 5 USC 553, that notice and other public procedure with regard to this regulation are impracticable, and good cause is found for making the regulation effective less than 30 days after publication in the *FEDERAL REGISTER*.

This regulation shall become effective October 29, 1966.

Done at Hyattsville, Md., this 25th day of October 1966.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66-11800; Filed, Oct. 28, 1966;
8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Pine Blister Rust

REVOCATION OF QUARANTINE AND REGULATIONS

The subpart captioned "White-Pine Blister Rust" of Part 301, Chapter III, Title 7 of the Code of Federal Regulations (7 CFR 301.63, 301.63-1 through 301.63-9), is revoked, effective October 29, 1966. However, such subpart shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

(Secs. 103, 106, 71 Stat. 32, 33, sec. 9, 37 Stat. 318; 7 U.S.C. 150bb, 150ee, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended)

All States concerned with or having plants known to be afflicted by white-pine blister rust are presently cooperating with the Department to prevent the spread of such disease. A review of the white-pine blister rust quarantine and supplemental regulations with State regulatory officials, various regional Plant Boards, and the National Plant Board has indicated that it is advisable to revoke such quarantine and regulations and have the States responsible for

measures to prevent the dissemination thereof. Accordingly, it has been decided to revoke said quarantine and regulations.

Inasmuch as this action relieves restrictions presently imposed and it appears that notice and other public procedure would not make additional information available to the Department, it is found upon good cause in accordance with the provisions of 5 U.S.C., section 553, that notice and other public procedure concerning such action are impracticable and contrary to the public interest, and the revocation should be made effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 25th day of October 1966.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-11799; Filed, Oct. 28, 1966;
8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1967 Crop

Pursuant to section 302 of the Sugar Act of 1948, as amended, §§ 855.25, 855.29, 855.31 and 855.32 (31 F.R. 11967) are amended as follows:

1. Paragraph (a) of § 855.25 is amended to read as follows:

§ 855.25 State acreage allocations.

* * * * *

(a) 197,400 acres for Florida and 316,300 acres for Louisiana.

* * * * *

2. Paragraph (a) of § 855.29 is amended to read as follows:

§ 855.29 Shares for reconstituted farms.

* * * * *

(a) *Subdivisions.* The share for each subdivision of a farm which is subdivided shall be the portion of the 1967-crop share established for the farm pursuant to § 855.27 including any adjustments made in such share pursuant to § 855.31 or § 855.33, determined for each subdivision in accordance with the method used for dividing the accredited acreage record of the farm set forth in paragraph (d) of § 892.1 of this chapter. However, if the share as so determined for any subdivision is greater than the acreage growing on the subdivision for the 1967-crop harvest, the county committee shall reduce the share for such subdivision to the acreage growing thereon except that such reduction shall not be made if the county committee determines that acreage on the subdivision has been plowed down in order to obtain

larger proportionate shares on the other subdivision or subdivisions. If such reduction is made the acreage made available shall be used to increase the share of each of the other subdivisions of the parent farm on which the acreage growing for the 1967-crop harvest exceeds the share determined for such subdivision, and such distribution of acreage by the county committee shall be prorated on the basis of the acreage growing on each subdivision and shall not result in the sum of the shares of the subdivisions exceeding the parent farm's share before division.

3. Paragraph (b) of § 855.31 is amended to read as follows:

§ 855.31 Reallotment of unused acres.

(b) *Filing requests for additional acreage.* Requests shall be filed at the ASCS county office in which the farm headquarters is located (in Florida, at the Hendry ASCS Office) not later in Florida than June 30, 1967, and in Louisiana not later than 10 days after the notice of 1967-crop farm share is mailed to the farm operator. However, late requests filed by operators before a distribution of unused acreage may be accepted as timely filed requests if the State Committee determines that such operators delayed filing for reasons beyond their control, and late requests may be accepted prior to harvest if there is acreage still available after filling all requests considered as timely filed under this paragraph.

4. Paragraph (a) of § 855.32 is amended to read as follows:

§ 855.32 Establishment of shares for new-producer farms.

(a) *Filing requests.* A person desiring a share for a new-producer farm shall file a request at the local county office (in Florida, at the Hendry ASCS Office) not later in Florida than November 15, 1966, and in Louisiana not later than November 1, 1966. However, late requests may be accepted if the State committee determines that the persons delayed filing for reasons beyond their control and there is acreage still available after filling all timely filed requests.

STATEMENT OF BASES AND CONSIDERATIONS

The 1967-crop acreage allocations to Florida and Louisiana were established at the same level as the 1966-crop allocation to each State. One of the items comprising the 1966-crop allocation is the sum of the 1965-crop accredited acreage records within the shares established for old and new-producer farms in each State. Inadvertently about 700 acres were not included in the 1965 accredited acreage for Louisiana in computing that State's 1967-crop allocation in the original regulation. This amendment increases the 1967-crop allocation to Louisiana by such an amount. This amendment makes certain that adjustments in proportionate shares deter-

mined for parts of a subdivided farm may be made by the county committee on the basis of sugarcane acreage growing for 1967-crop harvest, only to the extent of the unused portion of the proportionate share determined for any subdivision. This provision is designed to minimize plowing out of excess sugarcane acreage on some parts of a subdivided farm if the proportionate share for another part of the parent farm is not fully used.

The original regulation provided that the State committees (Louisiana and Florida) shall fix the closing dates for filing requests for additional proportionate share acreage and for proportionate shares for new-producer farms. This amendment establishes these closing dates as determined by the respective State committees.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., October 26, 1966.

ORVILLE L. FREEMAN
Secretary.

[F.R. Doc. 66-11820; Filed, Oct. 28, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 63, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate

the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 31, 1966. Shipments of Florida grapefruit are currently regulated pursuant to Grapefruit Regulation 63 (31 F.R. 11971) and, unless sooner terminated, will continue to be so regulated until August 1, 1967, determinations as to the need for, and extent of, continued regulation of Florida grapefruit shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of grapefruit shipments subsequent to October 31, 1966, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on October 25, 1966, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(a) *Order.* (1) In § 905.485 (Grapefruit Regulation 63, 31 F.R. 11971) the provisions of paragraph (a)(1) are amended by (1) deleting subdivision (iii) and substituting in lieu thereof new subdivisions (iii) and (iv) as set forth below, and (2) renumbering (iv) as (v):

§ 905.485 Grapefruit Regulation 63.

(a) *Order.* (1) * * *

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Russet;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2; or

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 27, 1966, to become effective at 12:01 a.m., e.s.t., October 31, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11851; Filed, Oct. 28, 1966; 8:49 a.m.]

[Valencia Orange Reg. 185]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.485 Valencia Orange Regulation 185.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 27, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 6, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 400,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same

meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 28, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11890; Filed, Oct. 28, 1966; 11:35 a.m.]

[Lemon Reg. 238]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.538 Lemon Regulation 238.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provi-

sions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 12, 1967, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 26, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11824; Filed, Oct. 28, 1966; 8:48 a.m.]

[Lemon Reg. 239]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.539 Lemon Regulation 239.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became avail-

able and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 6, 1966, are hereby fixed as follows:

- (i) District 1: 10,230 cartons;
- (ii) District 2: 79,980 cartons;
- (iii) District 3: 109,740 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 27, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11852; Filed, Oct. 28, 1966; 8:49 a.m.]

[Grapefruit Reg. 5]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.305 Grapefruit Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674),

and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period beginning at 12:01 a.m., e.s.t., October 31, 1966, and ending at 12:01 a.m., e.s.t., November 7, 1966, is hereby fixed at 350,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 28, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11889; Filed, Oct. 28, 1966; 11:35 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 5]

PART 1005—MILK IN TRI-STATE MARKETING AREA

Order Amending Order

§ 1005.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Associate Administrator was issued September 27, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued October 20, 1966. The changes effected by this order will not

require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) **Determinations.** It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1005.11(b) is revised to read as follows:

§ 1005.11 Pool plant.

* * * * *

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a

nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

2. Section 1005.15 is revised to read as follows:

§ 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant, at a reload point or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

3. Section 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted; *Provided*, That in any month of August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

4. A new § 1005.19 is added to read as follows:

§ 1005.19 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

5. In § 1005.32, a new paragraph (d) is added to read as follows:

§ 1005.32 Other reports.

* * * * *

(d) Each handler receiving milk from a reload point shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk received from such reload point.

6. Section 1005.53 is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is appli-

cable) at a plant outside the marketing area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants and reload points at a pool plant shall be assigned any remainder of Class I milk at such plant that is in excess of the sum of producer milk receipts at the plant (excluding such receipts from reload points) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants and reload points at which no location adjustment is applicable pursuant to this section and then in sequence beginning with receipts from the plant or reload point with the lowest applicable location adjustment.

7. Section 1005.72 is revised to read as follows:

§ 1005.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a pool plant shall be reduced as follows:

(1) Except as provided in paragraph (b) of this section, according to the location of the pool plant at the rates set forth in § 1005.53; and

(2) Additionally, at a pool plant at which the Gallipolis-Scioto or Athens district Class I price is applicable at the rate of 10 cents and 20 cents, respectively.

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of computations pursuant to § 1005.74(b), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: November 1, 1966.

Signed at Washington, D.C., on October 27, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11844; Filed, Oct. 28, 1966; 8:49 a.m.]

[Milk Order 13]

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

DEFINITIONS

Sec. 1013.1	Act.	Sec. 1013.60	Producer-handler.
1013.2	Secretary.	1013.61	Plants where other Federal orders may apply.
1013.3	Department.	1013.62	Obligations of handler operating a partially regulated distributing plant.
1013.4	Person.	1013.63	Person producing milk.
1013.5	Cooperative association.		DETERMINATION OF UNIFORM PRICES TO PRODUCERS
1013.6	Southeastern Florida marketing area.	1013.70	Computation of the net pool obligation of each pool handler.
1013.7	Fluid milk product.	1013.71	Computation of uniform price.
1013.8	Distributing plant.	1013.72	Butterfat differential to producers.
1013.9	Supply plant.	1013.73	Location differentials to producers and on nonpool milk.
1013.10	Pool plant.	1013.74	Notification of handlers.
1013.11	Nonpool plant.		PAYMENTS
1013.12	Route.	1013.80	Time and method of payment for producer milk.
1013.13	Handler.	1013.81	Producer-settlement fund.
1013.14	Producer.	1013.82	Payments to the producer-settlement fund.
1013.15	Producer.	1013.83	Payments out of the producer-settlement fund.
1013.16	Producer milk.	1013.84	Adjustment of accounts.
1013.17	Other source milk.	1013.85	Marketing services.
1013.18	Chicago butter price.	1013.86	Expense of administration.
1013.19	Class II product.	1013.87	Termination of obligations.
1013.20	Cream.		EFFECTIVE TIME, SUSPENSION OR TERMINATION
	MARKET ADMINISTRATOR	1013.100	Effective time.
1013.25	Designation.	1013.101	Suspension or termination.
1013.26	Powers.	1013.102	Continuing obligations.
1013.27	Duties.	1013.103	Liquidation.
	REPORTS, RECORDS AND FACILITIES		MISCELLANEOUS PROVISIONS
1013.30	Report of sources and utilization.	1013.110	Agent.
1013.31	Other reports.	1013.111	Separability of provisions.
1013.32	Records and facilities.		AUTHORITY: The provisions of this Part 1013 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.
1013.33	Retention of records.		§ 1013.0 Findings and determinations.
	CLASSIFICATION OF MILK		The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.
1013.40	Skim milk and butterfat to be classified.		
1013.41	Classes of utilization.		
1013.42	Shrinkage.		
1013.43	Responsibility of handlers and reclassification of milk.		
1013.44	Transfers.		
1013.45	Computation of skim milk and butterfat in each class.		
1013.46	Allocation of skim milk and butterfat classified.		
	MINIMUM PRICES		
1013.50	Basic formula price.		
1013.51	Class prices.		
1013.52	Butterfat differentials to handlers.		
1013.53	Location adjustments to handlers.		
1013.54	Use of equivalent prices.		

(4), and (10) and the corresponding steps of § 1013.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 30, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued October 19, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

- (1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;
- (2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and
- (3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

- (1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;
- (2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;
- (3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;
- (4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and
- (5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1013.46(a) (3),

area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all Government reservations and incorporated municipalities within this territory:

Broward.	Martin.
Dade.	Monroe.
Glades.	Okeechobee.
Hendry.	Palm Beach.
Indian River.	St. Lucie.

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milkshake mix.

§ 1013.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1013.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any

building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) are moved to a pool plant during the month.

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk receiving or processing plant.

§ 1013.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month: (a) Produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

§ 1013.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk (as described in § 1013.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption), and not less than 8 days' production of such person is physically received at a pool plant during the current month or was so received during the preceding month.

§ 1013.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1013.13(d); *Provided*, That if the

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

DEFINITIONS

§ 1013.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1013.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1013.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1013.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1013.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1013.6 Southeastern Florida marketing area.

The "Southeastern Florida marketing area," hereinafter called the "marketing

to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1013.30 through 1013.32, or payments pursuant to §§ 1013.80 through 1013.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II price, Class III price, Class IV price, and the corresponding butterfat differentials, all for the preceding month; and

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1013.46(a) (11) and the corresponding step of § 1013.46(b), the market administrator shall estimate and publicly announce the utilization (to

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1013.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1013.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1013.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month;

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1013.32.

§ 1013.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1013.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

§ 1013.20 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

MARKET ADMINISTRATOR

§ 1013.25 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1013.26 Powers.

The market administrator shall have the following powers with respect to this part:

milk received at a pool plant from a handler pursuant to § 1013.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1013.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1013.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8e(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1013.40 **Skim milk and butterfat to be classified.**

The skim milk and butterfat required to be reported pursuant to § 1013.30(a) shall be classified pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

- (a) *Class I milk.* Class I milk shall be all skim milk and butterfat:
 - (1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2), (c) (2), (3), and (4), and (d) of this section; and
 - (2) Not accounted for as Class II, Class III or Class IV milk.
- (b) *Class II milk.* Class II milk shall be all skim milk and butterfat:
 - (1) Disposed of in the form of a Class II product, except as provided in paragraphs (c) (2), (3), and (4), and (d) of this section; and
 - (2) In inventory of fluid milk products and Class II products at the end of the month.
- (c) *Class III milk.* Class III milk shall be:
 - (1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;
 - (2) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;
 - (3) Except as provided in paragraph (d) of this section, skim milk and butterfat

graph (b) of this section. In such reports receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

(d) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler pursuant to § 1013.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1013.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

- (a) The receipts and utilization of all skim milk and butterfat handled in any form;
- (b) The weights and tests for butterfat and other content of all milk and milk products handled;
- (c) The pounds of skim milk and butterfat contained in or represented by all items or products on hand at the beginning and end of each month; and
- (d) Payments to producers and cooperative associations including any deductions, and the disbursement of money so deducted.

§ 1013.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator

and end of the month or accounting period.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request; and

(d) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46 (d), shall submit a summary report of the same information for the entire month.

§ 1013.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler pursuant to § 1013.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1013.17(a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his sources and utilization of butterfat and skim milk and at such times as the market administrator shall prescribe.

(c) Each handler making payments pursuant to § 1013.62(a) shall report the information required pursuant to para-

the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped skim milk and butterfat in the form of milk products designated as Class I milk pursuant to § 1013.41(a) to an other order plant, the classification to which such skim milk and butterfat was allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator with respect to each plant at which milk is received for such month, and for each accounting period in each month, in detail and on forms prescribed by the market administrator, as follows:

- (a) The quantities of skim milk and butterfat contained in or represented by receipts of:
 - (1) Producer milk (or, in the case of handlers pursuant to § 1013.13(b) Grade A milk received from dairy farmers);
 - (2) Fluid milk products and Class II products received from pool plants;
 - (3) Other source milk;
 - (4) Milk diverted to nonpool plants pursuant to § 1013.16; and
- (5) Inventories of fluid milk products and Class II products at the beginning

dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order; (2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization

such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(c) (5); and

(2) Other source milk exclusive of that specified in § 1013.41(c) (5).

§ 1013.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that such skim milk and butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a) (11) and the corresponding step of § 1013.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a) (3) and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a) (10) or (11) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred up to the total of

fat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1013.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1013.13(d); *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b) (2).

(d) *Class IV milk.* Class IV milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed, or

(2) Dumped after such prior notification as the market administrator may require.

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II, Class III, and Class IV utilization of skim milk announced for the month by the market administrator pursuant to § 1013.27 (1) or the percentage that Class II, Class III, and Class IV utilization remaining is of the total remaining utilization of skim milk of the handler; and

(i) From Class I, the remaining pounds of such receipts;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44 (a); and

(13) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class IV. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

§ 1013.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. However, for the purpose of computing the Class I price for each month putting the effective date of this order

and thereafter from Class III and Class IV

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph);

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(9) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers that were not subtracted pursuant to subparagraphs (4) and (7) (i) of this paragraph;

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (7) (ii) of this paragraph:

(i) In series beginning with Class IV and thereafter from Class III and Class

§ 1013.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1013.41 (c) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III, the pounds of skim milk in other source milk as specified in § 1013.17 (b);

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(6) Subtract from the pounds of skim milk remaining in Class II, Class III and Class IV, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (5) of this paragraph;

§ 1013.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1013.30 (a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk and Class IV milk at each pool plant: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

and thereafter from Class III and Class IV

and thereafter from Class III and Class IV

through March 1967, the basic formula price shall not be less than \$4.

§ 1013.51 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundred-weight for the month shall be as follows:

- (a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be the basic formula price for the preceding month plus \$3.20.
- (b) *Class II price.* The Class II price shall be the basic formula price for the month plus \$1.
- (c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.
- (d) *Class IV price.* The Class IV price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

§ 1013.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

- (a) Class I and Class II prices, 7.5 cents; and
- (b) Class III and Class IV prices, 0.115 times the Chicago butter price for the month.

§ 1013.53 Location adjustments to handlers.

- (a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of, and 80 miles or more from, the U.S. Post Office in West Palm Beach, Florida, shall be reduced 13 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 90 miles from the U.S. Post Office in West Palm Beach.
- (b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and

unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the U.S. Post Office in West Palm Beach.

§ 1013.54 Use of equivalent prices.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 Producer-handler.

Sections 1013.50 through 1013.54, 1013.61, 1013.62, 1013.70 through 1013.74, and 1013.80 through 1013.86 shall not apply to a producer-handler.

§ 1013.61 Plants where other Federal orders may apply.

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b), and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

- (a) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10 (a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;
- (b) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the

plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

- (c) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1013.30 and 1013.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

- (a) An amount computed as follows:
 - (1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82
 - (b) (2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.
 - (ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1013.30 and 1013.31(c) similar re-

- (b) An amount computed as follows:
 - (1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;
 - (2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;
 - (3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and
 - (4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1013.63 Person producing milk.

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

ports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1013.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

- (2) From this obligation, there will be deducted the sum of:
 - (i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph and (ii) any payments to the producer-settlement fund of an other order under which such plant is also a partially regulated distributing plant.
- (b) An amount computed as follows:
 - (1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;
 - (2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;
 - (3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and
 - (4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

such producer, subject to the following adjustments:

- (i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph;
- (ii) Less marketing service deductions made pursuant to § 1013.85;
- (iii) Plus or minus adjustments for errors made in previous payments made to such producer; and
- (iv) Less proper deductions authorized by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1013.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producers-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

- (1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month; and

last known address, a statement showing:

- (a) The amount and value of his producer milk in each class and the total thereof;
- (b) The uniform price for producer milk computed pursuant to § 1013.71 and the butterfat differential to producers;
- (c) The amount and value of his producer milk at the uniform price; and
- (d) The amounts to be paid by such handler pursuant to §§ 1013.82, 1013.85, and 1013.86, and the amount due such handler pursuant to § 1013.83.

PAYMENTS

§ 1013.80 Time and method of payment for producer milk.

- (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

- (1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed \$6, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

- (2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed \$6, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

- (3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.71 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from

- (b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1013.72 and multiply the result by the total hundredweight of such milk;

- (c) Add an amount equal to the total value of the location differentials computed pursuant to § 1013.73;

- (d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

- (e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

- (1) The total hundredweight of producer milk; and
- (2) The total hundredweight for which a value is computed pursuant to § 1013.70(e); and
- (f) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1013.72 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1013.46 by the respective butterfat differential for each class.

§ 1013.73 Location differentials to producers and on nonpool milk.

- (a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1013.53; and

- (b) For purposes of computations pursuant to §§ 1013.82 and 1013.83, the uniform price shall be adjusted at the rates set forth in § 1013.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1013.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

- (a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class price;

- (b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a) (13) and the corresponding step of § 1013.46(b) by the applicable class prices;

- (c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a) (8) and the corresponding step of § 1013.46(b);

- (d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a) (3) and (4) and the corresponding steps of § 1013.46(b); and

- (e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a) (10) and the corresponding step of § 1013.46(b).

§ 1013.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price as follows:

- (a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to §§ 1013.80 and 1013.82 for the preceding month;

utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The months during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant

tion specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1013.86 Expense of administration.

(a) As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (1) producer milk (including such handler's own production), (2) other source milk allocated to Class I pursuant to § 1013.46(a) (3), (4), and (10) and the corresponding steps of § 1013.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1013.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's

§ 1013.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1013.82(b) exceeds the amount computed pursuant to § 1013.82(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1013.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1013.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1013.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduc-

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1013.84.

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.62, 1013.82 and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1013.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

(a) The net pool obligation computed pursuant to § 1013.70 for such handler; and

(b) The sum of:

- (1) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.80(a) (3); and
- (2) The value at the uniform price pursuant to § 1013.71 at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1013.70(e).

Sec. 1421.5551	General statement and administration.
1421.5552	Basic standards.
1421.5553	Bonding requirements.
1421.5554	Inspection of warehouses.
1421.5555	Basis for approval.
1421.5556	Basis for disapproval.
1421.5557	List of approved warehouses.
1421.5558	Waiver of requirements.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1421.5551 General statement and administration.

(a) This subpart prescribes the requirements of Commodity Credit Corporation (hereinafter referred to as "CCC"), and the procedure to be followed by warehousemen who desire initial or continuing approval of their warehouses by CCC, for the storage and handling of (1) wheat, corn, oats, rye, barley, grain sorghums, flaxseed, and soybeans under a Uniform Grain Storage Agreement, (2) rough rice under a Uniform Rice Storage Agreement, (3) milled rice under a Milled Rice Storage Agreement, (4) dry edible beans under a Bean Storage Agreement, and (5) seed under an Agreement for Cleaning and Storage of Seed (such commodities are referred to collectively in this subpart as "grain"), owned by CCC or held by CCC as security for price support loans. This subpart does not apply to the storage and handling of grain outside of the limits of the several States of the United States and the District of Columbia or to grain handling of a temporary nature.

(b) Warehousemen desiring to secure approval of their warehouses under this subpart may obtain information and application and other prescribed forms from the Kansas City Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo. 64141 (hereinafter referred to as the "Kansas City Office"). A warehouse must be approved by the Kansas City Office before such warehouse will be used by CCC for the storage and handling of grain. The approval of a warehouse or the execution of an agreement with the warehouseman does not constitute a commitment that the warehouse will be used by CCC and

(3) Class I price provisions of the order would otherwise expire at the end of October 1966.

(4) A public hearing was held at Jackson, Miss., on September 13, 1966. On the basis of the evidence adduced at the hearing a recommended decision was issued October 14, 1966, containing findings and conclusions as to appropriate Class I milk price provisions after October 31, 1966 (31 F.R. 13476), and parties were allowed through October 24, 1966, to submit exceptions. The decision contained a conclusion which would provide in November 1966 a continuation of the existing price formula.

(5) The procedure for amending the order cannot be completed before the October 31, 1966, expiration of the present Class I price provisions; and this suspension order is necessary to insure the continuation of Class I milk pricing after October 31, 1966.

Therefore, good cause exists for making this order effective for the month of November 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of November 1966.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: November 1, 1966.

Signed at Washington, D.C., on October 26, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11825; Filed, Oct. 28, 1966; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

This subpart (30 F.R. 11315) is revised as follows:

MISCELLANEOUS PROVISIONS

§ 1013.110 Agent.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1013.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: November 1, 1966.

Signed at Washington, D.C., on October 26, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11826; Filed, Oct. 28, 1966; 8:48 a.m.]

[Milk Order 103]

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi marketing area (7 CFR Part 1103), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the month of November 1966.

(1) That part of the text in § 1103.51 in which the order is effective, * * *.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

to section 8c(15) (A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1013.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1013.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

§ 1421.5552 Basic standards.

Initial approval of a warehouse, and the continued approval of an approved warehouse, are conditioned upon conformance with the following standards. The standards specified in paragraph (a) (8) and (9) of this section are not applicable to a warehouseman licensed under the U.S. Warehouse Act.

(a) The warehouseman shall:

(1) Be an individual, or an existing legal entity organized in good faith to operate a public warehousing business and, if organized in the corporate form, be chartered with authority to conduct a public warehousing business.

(2) If State or local law requires a license to operate a public warehousing business, furnish CCC evidence that the warehouse is so licensed by the appropriate licensing authority.

(3) Have sufficient experience, in and knowledge of, the warehousing business to assure that proper protection and adequate service will be rendered in the storage and handling of the commodity involved.

(4) Have satisfactorily complied with all previous CCC or USDA agreements and instructions issued thereunder: *Provided, however*, That this subparagraph shall apply only in circumstances excepted from CCC regulations governing suspension and debarment (31 F.R. 4950) unless suspension or debarment action has been taken as provided in such regulations.

(5) Have a net worth equal to at least 4 percent of the total value of the principal commodity which may be stored (computed as provided in this subparagraph), with a minimum net worth of \$10,000. A deficiency in net worth above the \$10,000 minimum requirement may be compensated for by additional bond coverage. The total value of the principal commodity which may be stored in a warehouse shall be computed by multiplying the unit price of such commodity, as determined annually by the Executive Vice President, CCC, by the total capacity of the warehouse which can be used to store such commodity. The unit price used for such purpose may be obtained from the Kansas City Office.

(6) Have sufficient funds available to meet ordinary operating expenses.

(7) Submit a completed Form CCC-24, "Application for Approval of Warehouse Grain, Rice, Dry Edible Beans, and Seed", for each type of agreement and for each location; a completed Form CCC-24-1, "Supplement to Application for Approval of Warehouse Grain, Rice, Dry Edible Beans, and Seed", for each section of the warehouse; and such other documents or information as CCC may require.

(8) Furnish a financial statement, Form TW-51 "Financial Statement", supported by such supplemental schedules as may be requested. Subsequent financial statements shall be furnished annually and at such other times as may

be required by CCC. The financial statement shall show the financial condition of the warehouseman as of a date not earlier than 90 days prior to the date of the statement. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. In the case of a chain of warehouses owned or operated, or both, by a single business entity, only one financial statement is required for all such warehouses.

(9) Furnish CCC such surety bonds as may be required under § 1421.5553.

(10) Use only prenumbered warehouse receipts and scale tickets.

(11) Maintain adequate inventory and operating records.

(b) Supervisory employees of the warehouse shall meet the requirements of: (1) Paragraph (a) (3) of this section, and (2) paragraph (a) (4) of this section.

(c) Directors, responsible officers and employees of the warehouse shall meet requirements of paragraph (a) (4) of this section.

(d) The warehouse shall:

(1) Be of sound construction with equipment in good repair.

(2) Be under the control at all times of the warehouseman who executes the agreement.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate fire-fighting equipment.

(5) Be located on a railroad or waterway or have a suitable rail loadout point under the complete control of the warehouseman.

(6) Have adequate equipment to assure that, within approximately thirty (30) working days, the quantity of grain for which the warehouse is or may be approved can be loaded out except that the maximum load-out capacity of any warehouse need not be more than 200 cars per day.

(e) Notwithstanding any other provision of this section, a Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance with the standards prescribed in paragraphs (a) (1), (3), (5), and (6); (b) (1); and (d) (1), (2), (3), and (4) of this section and such warehouseman will not be required to furnish bond coverage for deficiency in net worth.

§ 1421.5553 Bonding requirements.

(a) CCC has a Blanket Insurance Policy which covers a warehouseman operating under a Uniform Grain Storage Agreement, a Uniform Rice Storage Agreement, or a Bean Storage Agreement during the effective period of such policy. (The blanket policy protects CCC against losses up to \$2 million for each warehouse having a separate CCC warehouse code number, with a maxi-

mum aggregate annual liability to the insurance company of \$50 million. The coverage, however, does not relieve any warehouseman from his obligation to insure the grain against loss or damage as specified in the applicable CCC storage agreement.) A warehouseman seeking approval under such agreements, who otherwise meets the requirements of this subpart, will not be required to furnish bonds to CCC. Approval of a warehouse whose coverage under the CCC Blanket Insurance Policy has been terminated by the underwriter may be continued if (1) it is determined that such warehouse is essential in carrying out the functions and responsibilities of CCC and is in the public interest and (2) the warehouseman furnishes a performance bond on CCC Form 33, "Warehouseman's Bond—Storage Agreement", or acceptable substitute security, in lieu of such bond in accordance with paragraph (c) of this section. CCC Form 33 shall be executed by a surety company which has been approved by the U.S. Treasury Department (Circular No. 570) and which maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) Except as provided in paragraph (c) of this section, an applicant for a Milled Rice Storage Agreement, an Agreement for Cleaning and Storage of Seed, or both, shall furnish a performance bond on CCC Form 33. Such bond shall be executed by a surety specified in paragraph (a) of this section. Bond coverage for an applicant for such agreement(s) who fully conforms with all of the standards and requirements prescribed in this subpart, shall be in the amount of 6 percent of the total value of the principal commodity which may be stored computed as provided in § 1421.5552(a) (5). Such bond coverage shall not be less than \$5,000 and need not be more than \$200,000.

(c) Warehouse bonds furnished under State law (statutory bonds) or under operational rules of nongovernmental supervisory agencies, cash, negotiable securities, or legal liability insurance policies may be substituted for bonds on CCC Form 33 under the following conditions:

(1) A bond offered in lieu of a CCC Form 33 bond must provide protection equivalent to that afforded by a CCC Form 33 bond and must be executed by a surety specified in paragraph (a) of this section or have a blanket rider and endorsement executed by such a surety. The liability of the surety under a blanket rider and endorsement shall be the same as that of the surety under the original bond. Such substitute bonds also must be noncancelable for not less than 90 days and include a rider providing for not less than 90 days' notice to CCC before cancellation. If the warehouseman has more than one warehouse in the same State and has State warehouse bonds covering such warehouses which are determined to be acceptable to CCC, the excess coverage on one warehouse may not be applied against insufficient bond coverage on another warehouse.

(2) CCC will determine the amount of cash and the acceptability of and valuation to be placed on negotiable securities offered in substitution for bond coverage. When the period for which the bond was required has ended and it is determined that all liability under the agreement has terminated, such cash or securities held by CCC will be returned to the warehouseman.

(3) Legal liability insurance policies must show CCC as the insured and be approved for legal sufficiency by the Regional Attorney or the Attorney-in-Charge, Office of the General Counsel, U.S. Department of Agriculture for the region or area in which the warehouse for which approval is requested is located.

(d) In the case of a warehouseman applying for approval of more than one warehouse in the same State, the total capacity of all such warehouses shall be considered as one warehouse in determining bonding requirements.

(e) Notwithstanding any other provisions of this subpart, CCC may, after considering all the circumstances relating to the operation of the warehouse and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, require additional bond coverage.

§ 1421.5554 Inspection of warehouses.

Unless a warehouse is licensed under the U.S. Warehouse Act, the warehouse will be examined by a person designated by CCC before it is approved for the storage and handling of grain. The warehouse examiner will make recommendations regarding the approval or disapproval of the warehouse. Such other action as considered necessary will be taken to determine whether the requirements of § 1421.5552 have been met.

§ 1421.5555 Basis for approval.

A review and analysis will be made of the information disclosed by the warehouseman's application, warehouse examiner's report and recommendation, financial statement, credit reports, and other pertinent information. If it is determined that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, the warehouse will be approved. The applicant also may be approved, if one or more of the standards of § 1421.5552 are not met, if it is determined that the warehouse storage and handling conditions provide satisfactory protection for grain, that the services of the warehouseman are required by CCC in fulfilling its responsibilities under the grain price support program, and additional bond coverage or acceptable substitute security (including coverage for any deficiency in net worth) is furnished in an amount determined to be sufficient to protect the interests of CCC.

§ 1421.5556 Basis for disapproval.

A warehouse will not be approved (or its present approval will be terminated) if:

(a) The warehouseman is in violation of any provisions of the regulations of the licensing authority, or if any condition which has resulted or may result in the refusal, suspension, or revocation of the applicable warehouse license has not been corrected. (Correction of any such condition shall not result in automatic approval of the warehouse and CCC may require the submission of a new application, such additional information as it considers pertinent, and a new inspection of the warehouse to determine whether the warehouse meets the requirements of this subpart.)

(b) The warehouseman or any of the directors, responsible officers, and employees of the warehouse are suspended or debarred under regulations issued by CCC.

§ 1421.5557 List of approved warehouses.

(a) After a warehouse has been approved and the applicable storage agreement has been signed by CCC, a notice of approval will be forwarded to the warehouseman by the Kansas City Office. The warehouse will then be eligible to store and handle CCC-owned grain and grain under CCC's price support programs. A list of approved warehouses will be maintained by the Kansas City Office.

(b) The financial condition and the amount of bond or substitute security furnished by an approved warehouseman will be reviewed from time to time to determine that the requirements of CCC are being met. If a net worth deficiency is determined to exist, the warehouseman shall furnish any additional bond coverage or substitute security required under the provisions of this subpart. The warehouse will be reexamined from time-to-time to determine its continued compliance with the standards and requirements of this subpart. If at any time it is determined that a warehouseman or a warehouse does not conform with the standards and other requirements set out in this subpart, CCC shall remove the warehouse from the list of approved warehouses and take such other appropriate action as may be necessary to protect the interests of CCC. If a warehouse is removed from the list of approved warehouses under this section, the Kansas City Office will inform the warehouseman of the reasons therefor and the warehouseman may obtain reinstatement on presentation of information satisfactory to CCC that the warehouseman or warehouse or both again comply with the standards and requirements of this subpart.

(c) Approval of the warehouse will remain in effect until the warehouse is removed from the list of approved warehouses, or the storage agreement is terminated, or the warehouseman is suspended or debarred from contracting with CCC under applicable regulations.

§ 1421.5558 Waiver of requirements.

If the warehousing services required in fulfilling responsibilities under CCC programs cannot be secured under the provisions of this subpart and no reason-

able and economical alternative is available, CCC may exempt the applicant from one or more of the provisions of this subpart and may establish such other requirements in lieu thereof as determined necessary to safeguard the interests of CCC. Such action shall be authorized only by the Executive Vice President, CCC.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 26, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-11821; Filed, Oct. 28, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7305; Amdt. 39-296]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Model G-164 and G-164A Airplanes

Amendment 39-225 (31 F.R. 6200), AD 66-11-1, requires repetitive inspection for cracks of the torque tube and repair as necessary until modification on certain Grumman Model G-164 and G-164A airplanes. Subsequent to the issuance of Amendment 39-225, the Agency has determined that no cracks have occurred in airplanes with less than 500 hours' time in service, and that the present AD does not permit modification in accordance with FAA-approved revisions of the applicable Service Bulletin. Therefore, Amendment 39-225 is being superseded by a new AD that relaxes the initial inspection requirement on low-time airplanes, and that permits modification in accordance with later FAA-approved revisions of the applicable Service Bulletin.

Since this amendment relieves a restriction, provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Model G-164 and G-164A airplanes that have elevators with S/N 461 and below.

Compliance required as indicated.

To prevent failure of the elevator torque tube due to cracks, accomplish the following:

(a) For airplanes with 1,000 or more hours' time in service on April 22, 1966, comply with paragraph (d) within the next 25 hours' time in service after April 22, 1966, and at intervals not to exceed 100 hours' time in service

from the last inspection until modified in accordance with paragraph (e).

(b) For airplanes with 500 or more but less than 1,000 hours' time in service on April 22, 1966, comply with paragraph (d) within the next 100 hours' time in service after April 22, 1966, or before the accumulation of 1,025 hours' time in service, whichever occurs first, and at intervals not to exceed 100 hours' time in service from the last inspection until modified in accordance with paragraph (e).

(c) For airplanes with less than 500 hours' time in service on April 22, 1966, comply with paragraph (d) before the accumulation of 600 hours' time in service and at intervals not to exceed 100 hours' time in service from the last inspection until modified in accordance with paragraph (e).

(d) Remove two inboard blind rivets that attach the elevator leading edge skin cover, P/N A1205-49, to the right-hand elevator torque tube, P/N A1205-11. Visually inspect the torque tube for cracks where inboard elevator rib, P/N A1205-17, is welded to the torque tube and between the two inboard blind rivets. If no cracks are found, install new rivets before further flight. If cracks are found, comply with paragraph (e) before further flight.

(e) Modify torque tube in accordance with Grumman Model G-164 Alert Service Bulletin No. 33, dated March 8, 1966, or later FAA-approved revision, or an equivalent approved by an FAA Aircraft Engineering Division or Engineering and Manufacturing Branch.

This supersedes Amendment 39-225 (31 F.R. 6200), AD 66-11-1.

This amendment becomes effective October 29, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 21, 1966.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-11774; Filed, Oct. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WA-2]

SUBCHAPTER E—AIRSPACE

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On November 2, 1965, Airspace Docket No. 65-WA-60, which designated the Nashua, N.H., Temporary Restricted Area R-4902, from November 4, 1965, through February 4, 1966, was published in the FEDERAL REGISTER (30 F.R. 13864). On January 25, 1966, Airspace Docket No. 66-WA-2, which extended the time of designation of R-4902 through April 30, 1966, was published in the FEDERAL REGISTER (31 F.R. 958). The time of designation of R-4902 was further extended, to October 31, 1966, by Airspace Docket No. 66-WA-2 which was published in the FEDERAL REGISTER (31 F.R. 6355) on April 27, 1966. The area was designated to accommodate a classified operation involving unusual maneuvers by jet aircraft that would be hazardous to non-participating aircraft.

The Department of the Navy on October 25, 1966, advised the Federal Aviation Agency that it has a continuing urgent military requirement for R-4902.

Although the Navy in April 1966, informed the Agency that action was being taken to transfer the operation conducted within R-4902 to another restricted area, it now states that because of unforeseeable technical difficulties, a new test site in preparation cannot become operational until November 1967. Accordingly, the Navy requests that the designation of R-4902 as presently configured and controlled be extended to November 1967.

Since the Department of the Navy has stated that the continued designation of the area is of urgent military necessity, the Administrator has determined that it is contrary to the public interest to comply with the notice, public procedure, and effective date requirements of the Administrative Procedure Act. Therefore, this amendment may become effective in less than thirty days.

In consideration of the foregoing, effective immediately, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 73.49 (31 F.R. 2322, 958, 6355), R-4902 Nashua, N.H. (Temporary) is amended as follows: "Time of designation. 0900 local time to sunset, November 4, 1965, through October 31, 1966," is deleted, and "Time of designation. 0900 local time to sunset, November 4, 1965, through October 31, 1967," is substituted therefor.

(Secs. 307(a), 307(f), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 26, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-11833; Filed, Oct. 28, 1966; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7649; Amdt. 505]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 66-10766 appearing in the issue for Friday, October 14, 1966, at page 13316, make the following change: On page 13322, in the fourth line following the last table, the reference to "R 311" should read "R 321".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Removal of Foreign Origin Disclosure and Use of Word "Manufacturing"

§ 15.98 Removal of foreign origin disclosure and use of word "manufacturing."

(a) The Commission advised a distributor of imported time clocks that the "re-

moval or obliteration of foreign origin disclosures on imported products is under certain circumstances a violation of the Tariff Act which is administered by the Bureau of Customs" and invited the distributor to contact that Bureau on this particular point. The distributor wanted permission to remove the foreign origin label prior to reselling the time clocks in the United States. "Regardless of the position of that Bureau," the Commission added, "such removal or obliteration in the circumstances you describe may result in a deception of the purchasing public as to the country of origin" and might be found to be in violation of the FTC Act.

(b) Permission was also requested to use the word "manufacturing" in the trade name of the company and in advertising, even though the time clocks are imported in their finished state. The Commission was of the opinion that the use of such word "would have the tendency to lead consumers and others into the belief, contrary to fact, that they are dealing directly with the manufacturer and so to mislead or deceive them. In these circumstances, it would not be proper to use the word 'manufacturing' or any other word of similar import in your trade name or in your advertising or to otherwise represent your company as a manufacturer."

(c) Finally, the distributor wanted to know if it would be proper to represent his company as a manufacturer if it performed a "small part" of the manufacturing process on the time clocks. In regard to this question, the Commission reached the following conclusion:

(d) "The amount of manufacturing which a concern must engage in to justify representing itself as a manufacturer will vary from case to case, depending on the specific circumstances. Your question, however, indicates you intend to operate as a manufacturer only in the technical sense and not in a substantive way, in an attempt to justify the use of a term not otherwise a correct description of your business. We likewise do not believe, in these circumstances, that it would be proper to represent your company as a manufacturer."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 28, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11812; Filed, Oct. 28, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Retailer's Advertising of "Reward" Approved

§ 15.99 Retailer's advertising of "reward" approved.

(a) The Commission advised a retailer of mobile homes and house trailers that he might properly advertise a \$100 "reward" to be paid to anyone referring a purchasing prospective customer pro-

vided such offer was a bona fide offer implemented in good faith. In the Commission's view, such advertisement would amount to the offering of a finder's fee or, perhaps, a commission on a sale.

(b) The Commission pointed out that the prospective purchaser might himself claim the "reward." In such case, the purchaser must realistically benefit in the amount of \$100.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 28, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11813; Filed, Oct. 28, 1966;
8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of and Dealings in Certain Merchandise

BEADED ARTICLES

The terms cotton manufactures, linen manufactures, and silk manufactures in § 500.204(a)(3) are interpreted to include beaded articles, such as beaded bags, if the backing to which the beads are attached is cotton, linen, or silk. Accordingly, an additional item is being added to the interpretations under § 500.204 which reads as follows:

(29) *Beaded articles.* Beaded articles, such as beaded bags, are regarded as cotton, linen, or silk manufactures subject to § 500.204(a)(3) if the fabric to which the beads are attached is cotton, linen, or silk.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-11817; Filed, Oct. 28, 1966;
8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Manage- ment, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2216]

PART 1720—PROGRAMS AND OBJECTIVES

Subpart 1727—Designation of Areas and Sites

On May 12, 1966, there was published in the FEDERAL REGISTER a notice of proposed rule making defining the circumstances and procedures under which specific areas of public or other Federal

land exclusively administered by the Secretary of the Interior through the Bureau of Land Management may be designated. Only one comment relating to the definition of "recreation lands" was received. After study of this comment, it was determined that no change should be made in this definition. Accordingly, the regulations are adopted without change and are set forth below.

Effective date: These regulations shall be effective on publication in the FEDERAL REGISTER.

CHARLES F. LUCE,
Acting Secretary of the Interior.

OCTOBER 25, 1966.

Part 1720 is amended to add a new Subpart 1727 to read as follows:

Subpart 1727—Designation of Areas and Sites

§ 1727.0-1 Purpose.

This subpart defines the circumstances and procedures under which specific areas of public and other Federal lands exclusively administered by the Secretary of the Interior through the Bureau of Land Management may be designated and identified.

§ 1727.0-2 Objective.

The objective is to provide guidelines for the designation and identification of such areas, and to specify the nature and effect of such designations.

§ 1727.0-3 Authority.

(a) Section 1(b)(1) of the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411) provides that none of the public or other Federal lands exclusively administered by the Secretary of the Interior through the Bureau of Land Management shall be given a designation or classification unless such designation or classification is authorized by statute or defined in regulations promulgated by the Secretary of the Interior. Classifications are described in Part 2410 of this chapter.

(b) Section 2478 of the Revised Statutes, as amended (43 U.S.C. 1201), authorizes the Secretary of the Interior to enforce and carry into execution, by appropriate regulation, every part of the provisions of the public land laws not otherwise specially provided for.

§ 1727.0-5 Definitions.

(a) "Designation" refers to the official identification and naming of a general area or site on public land or other Federal land exclusively administered by the Secretary through the Bureau of Land Management.

§ 1727.1 Areas or sites that may be designated.

(a) No lands may be designated under the regulations in this subpart unless they are either (1) classified for retention for multiple use management under the regulations and criteria in Part 2410 of this chapter, or (2) withdrawn or reserved under the regulations in Subpart 2311 of this chapter or other appropriate authority, or (3) given special

status by act of Congress such as the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands or lands acquired under the Bankhead-Jones Act and transferred to the Bureau of Land Management for administration.

(b) The following types of areas and sites may be designated under the regulations in this subpart:

(1) *Recreation lands.* A tract of land usually several thousand acres in size where recreation is or is expected to be a major use, and designation will assist the public by making the areas known to them. Some examples of areas which may be designated as recreation lands follow: Scenic areas of natural beauty such as waterfalls; habitat of interesting, rare or unusual plants or animals; gorges; natural lakes; geological areas of outstanding structural or historical features of the earth's development such as caves, glaciers and other phenomena; roadless areas in which the primitive environment is preserved, sometimes referred to as wilderness, wild, primitive, roadless or virgin areas. Recreation lands will contain one or more of the six classes adopted by the Bureau of Outdoor Recreation. These classes will be identified and described at the time an area is designated. These lands may be defined briefly as follows:

(i) Class I—High-density recreation areas: Areas intensively developed and managed for mass use.

(ii) Class II—General outdoor recreation areas: Areas subject to substantial development for a wide variety of specific recreation uses.

(iii) Class III—Natural environment areas: Varied and interesting land forms, lakes, streams, flora, and fauna within attractive natural settings suitable for recreation in a natural environment and usually in combination with other uses.

(iv) Class IV—Outstanding natural areas: Areas of outstanding scenic splendor, natural wonder, or scientific importance that merit special attention and care in management to insure their preservation in their natural condition. These usually are relatively undisturbed, representative of rare botanical, geological, or zoological characteristics of principal interest for scientific and research purposes.

(v) Class V—Primitive areas: Extensive natural, wild, and undeveloped areas and settings essentially removed from the effects of civilization. Essential characteristics are that the natural environment has not been disturbed by commercial utilization and that the areas are without mechanized transportation.

(vi) Class VI—Historic and cultural sites: Sites of major historical or cultural significance, either national, regional, or local. These are usually small tracts of lands containing significant evidence of American history, such as battlegrounds, mining camps, cemeteries, pioneer trails, and trading posts; or lands which contain significant evidence of prehistoric life such as pictographs,

petroglyphs, burial grounds, prehistoric structures, middens, fossils, paleontological remains, and any other evidences of prehistoric life forms.

(2) *Recreation sites.* These are relatively small tracts of land which have value for concentrated and intensive recreation use that usually requires construction and maintenance of public facilities. Recreation sites will contain Class I, II, III, or VI recreation lands under the Bureau of Outdoor Recreation classification system described in subparagraph (1) of this paragraph.

(3) *Resource conservation areas.* These are relatively small areas of land which include a variety of resource management activities demonstrating multiple use and sustained yield conservation in action.

§ 1727.2 Standards for names.

(a) To the fullest extent possible, standards established by the Board on Geographic Names will be followed in naming special management areas.

(b) First preference will generally be given to a geographic feature within the site or area if the feature significantly

affects the utilization of the natural resources of the area.

(c) No site or area will be named after a living person. An area may be named after a deceased person if that person made a personal contribution to the utilization or management of the natural resources in the area.

(d) For public identification purposes, names of sites and areas designated in accordance with the regulations in this subpart shall be brief and descriptive.

§ 1727.3 Standards for identification.

Lands designated in accordance with the regulations in this subpart may be—

(a) Posted by means of entrance and boundary signs sufficient to make the lands and the reason for posting known on the ground.

(b) Identified on maps or diagrams sufficient to make the existence and locations known to the general public.

§ 1727.4 Procedure for designating areas and sites.

The sites and areas defined under § 1727.1 may be designated, named, and posted by the authorized officer, after consultation and coordination with the

authorized users and any other parties, organizations, and units of government which may have an interest in such action.

§ 1727.5 Effect of designations.

(a) Designation under this section will have no effect upon established use or management of the areas or sites involved.

(b) If changes in the status of the land or use arrangements are desired, such changes must be accomplished by—

(1) Segregation under the Classification and Multiple Use Act regulations in Part 2410 of this chapter;

(2) Withdrawal or reservation under regulations in Subpart 2311 of this chapter or other appropriate authority;

(3) Modification of existing use arrangements, to the extent authorized by existing authority and regulations, such as Subchapter D—Range Management (4000) of this chapter for livestock grazing.

[F.R. Doc. 66-11792; Filed, Oct. 28, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Parts 10, 11, 12]

[CGFR 66-62]

APPRENTICE ENGINEERS

Licensing and Certificating of Merchant Marine Personnel

1. In the FEDERAL REGISTER of September 3, 1966 (31 F.R. 11665; vol. 31, No. 172), a notice of proposed rule making was published regarding the establishment of a seaman's entry rating as apprentice engineer and recognition of training programs for prospective third assistant engineers, as well as acceptance of the completion of an approved training program as qualifying experience for a license as a third assistant engineer. This announcement requested submission of written comments prior to October 1, 1966. Many requests were received asking for an extension of time for submission of comments and for consideration of the proposals at a public hearing.

2. The Merchant Marine Council will hold a public hearing on Tuesday, November 22, 1966, 9:30 a.m. in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views and data on the proposed rules and regulations regarding engineers which were published in the FEDERAL REGISTER of September 3, 1966 (31 F.R. 11665) as proposed changes to 46 CFR 10.10-21(a) (8), 11.10-50(a), and 12.25-35. Copies of these proposals have been mailed to persons and organizations who have expressed an active interest in this subject. Copies of the proposals may be obtained upon request from the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, so long as they are available. After the supply of extra copies is exhausted, copies will be available for reading purposes only in Room 4211, Coast Guard Headquarters or at the offices of the various Coast Guard District Commanders. The written comments and requests to submit oral comments should be submitted in triplicate to the Commandant (CMC), prior to November 18, 1966, in order to assure consideration or scheduling of witnesses before the Merchant Marine Council.

3. The public hearing held by the Merchant Marine Council is informal and intended to obtain views and information from those who will be directly affected by the proposals under consideration. Each oral or written comment received is considered and evaluated. If it is believed the comment, view or suggestion clarifies or improves the wording of a proposed regulation, such proposal is changed accordingly, and after adoption

by the Commandant, the regulations, as revised, are published in the FEDERAL REGISTER. If the proposals are not accepted by the Commandant, the proposals are rejected or withdrawn.

Dated: October 26, 1966.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 66-11819; Filed, Oct. 28, 1966;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1068]

[Docket No. AO-178-A18]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued October 25, 1966, giving notice of a public hearing to be held in the East Room of the Curtis Hotel, Third Avenue and 10th Street South, Minneapolis, Minn., beginning at 10 a.m., local time, on November 3, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area.

Notice is hereby given that the said public hearing is rescheduled to be held on November 9, 1966. Also, the hearing will begin at 10 a.m., local time, at a new location in the President Lincoln Room of the Leamington Hotel, 10th and 11th Streets and Third Avenue South, Minneapolis, Minn.

Signed at Washington, D.C., on October 27, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-11885; Filed, Oct. 28, 1966;
9:16 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WE-66]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the

Federal Aviation Regulations which would alter the Montrose, Colo., transition area.

The Frontier Airlines ADF-1 (Special) approach procedure for Montrose County Airport, in addition to the holding and departure procedures, have recently been revised to utilize the 315° M (329° T) bearing from the Montrose RBN. Therefore, the FAA proposes the following airspace action:

Redesignate the Montrose, Colo., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.); within 8 miles SW and 5 miles NE of a 329° bearing from the Montrose RBN (latitude 38°30'00" N., longitude 107°54'00" W.), extending from the RBN to 13 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 9 miles SW and 6 miles NE of the 329° and 149° bearings from the Montrose RBN, extending from 19 miles NW to 8 miles SE of the RBN.

The proposed 700-foot and 1,200-foot floor transition areas will provide controlled airspace protection for aircraft executing the Special approach, departure, and holding procedure established on the Montrose RBN.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 20, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-11783; Filed, Oct. 28, 1966;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Faribault-Owatonna, Minn., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Faribault-Owatonna terminal area, as a result of the planned installation by the State of Minnesota of a VOR facility to serve the Faribault and Owatonna Municipal Airports, and the development of public-use instrument approach procedures at both airports utilizing this facility, proposes the following airspace action:

Designate the Faribault-Owatonna, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport, extending from the Faribault 5-mile radius area to 9 miles S of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 200° bearing from Faribault Municipal Airport extending from 9 miles to 21 miles S of the airport; within 5 miles NE and 8 miles SW of the 315° bearing from Owatonna Municipal Airport extending from the airport to 21 miles NW of the airport; within 5 miles each side of the 015° bearing from Faribault Municipal Airport, extending from the airport to the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.); and within 5 miles each side of the 140° bearing from Owatonna Municipal Airport, extending from the airport to 12 miles SE of the airport, excluding the portion which overlies the Hope, Minn., transition area.

The proposed 700-foot floor transition area would provide controlled airspace protection for aircraft executing prescribed instrument approach and/or departure procedures during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above

the surface. The proposed 1,200-foot floor transition area would provide controlled airspace protection for the procedure turn and missed approach areas of the prescribed instrument approach procedures and for aircraft holding at the Halfway VOR.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Since new approach procedures are to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details concerning the new approach procedures may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 13, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11782; Filed, Oct. 28, 1966;
8:45 a.m.]

**SECURITIES AND EXCHANGE
COMMISSION**

[17 CFR Part 240]

[Release No. 34-7984]

BROKERS AND DEALERS NOT MEMBERS OF NATIONAL SECURITIES ASSOCIATIONS

Conduct, Supervision and Records

Notice is hereby given that the Securities and Exchange Commission has un-

der consideration a proposal to adopt Rules 15b10-1 (17 CFR 240.15b10-1, Definitions), 15b10-2 (17 CFR 240.15b10-2, General Business Conduct), 15b10-3 (17 CFR 240.15b10-3, Suitability of Recommendations), 15b10-4 (17 CFR 240.15b10-4, Supervision of Associated Persons), 15b10-5 (17 CFR 240.15b10-5, Discretionary Authority), and 15b10-6 (17 CFR 240.15b10-6, Record Keeping), under the Securities Exchange Act of 1934 as amended and more particularly sections 15(b)(10), 17(a), and 23(a) thereof.

These proposed rules would establish standards of supervision, general business conduct, and suitability of recommendations; regulate discretionary accounts; and impose record keeping requirements upon brokers and dealers who are registered with the Commission and not members of a registered national securities association.¹ Section 15(b)(10) of the Exchange Act authorizes the Commission to regulate certain activities including the selling practices of nonmember brokers and dealers. That section provides:

No broker or dealer subject to paragraph (8) of this subsection shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) in contravention of such rules and regulations as the Commission may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.

Proposed Rule 15b10-1 (17 CFR 240.15b10-1). *Definitions.* Proposed Rule 15b10-1 (17 CFR 240.15b10-1) defines the terms "nonmember broker or dealer," "associated person," and "complaint" as they are used in rules promulgated pursuant to section 15(b)(10) of the Act. It is contemplated that, as new terms are introduced in future rules, new definitions will be added to Rule 15b10-1 (17 CFR 240.15b10-1).

Proposed Rule 15b10-2 (17 CFR 240.15b10-2). *General business conduct.* Proposed Rule 15b10-2 (17 CFR 240.15b10-2) requires that nonmember brokers and dealers and their associated persons adhere to high standards of commercial honor and just and equitable principles of trade in the conduct of their business. The proposed rule is intended to impose a general ethical standard of fair dealing on such persons.

Proposed Rule 15b10-3 (17 CFR 240.15b10-3). *Suitability of recommendations.* Proposed Rule 15b10-3 (17 CFR 240.15b10-3) is intended to require a nonmember broker-dealer, or an associated person, to concern himself with securing the facts and circumstances pertaining to the transaction and the customer to permit him to make a reasonable judgment as to the suitability of the recommended transaction for the customer. Under this proposed rule the broker or dealer, and his associated per-

¹ At present, the National Association of Securities Dealers, Inc. ("NASD"), is the only such association.

sons, when recommending a transaction to a customer, would be expected to make reasonable inquiry concerning the customer's investment objectives, and his financial situation and needs. Information concerning financial situations and needs would ordinarily include information concerning the customer's marital status, the number and age of his dependents, his occupation, his earnings, the amount of his savings and life insurance, and his security holdings and other assets. The broker-dealer and his associated persons may rely on the information furnished by the customer.

The proposed suitability rule would supplement existing rules under the Exchange Act² which prohibit or prevent fraudulent conduct.

Proposed Rule 15b10-3 (17 CFR 240.15b10-3) is not an attempt to second-guess the exercise of the reasonable business judgment of a broker-dealer or to make him an insurer of favorable investment performance. The suitability of his recommendations must be judged in the light of the information available to him after reasonable inquiry as to the customer's situation at the time of the recommendation and not by reference to subsequent events. The proposed rule would not affect legitimate sales efforts in the securities industry.

The proposed rule is responsive to the recommendation by the Special Study of Securities Markets ("Special Study") that, "Greater emphasis should be given by the Commission and the self-regulatory bodies to the concept of 'suitability' of particular securities for particular customers."³

Proposed Rule 15b10-4 (17 CFR 240.15b10-4). *Supervision of associated persons.* Proposed Rule 15b10-4 (17 CFR 240.15b10-4) would impose a general duty on nonmember brokers and dealers to supervise diligently the securities activities of their associated persons.⁴ As part of this general duty each nonmember broker-dealer would be required to maintain and enforce written procedures which would set forth the measures adopted by the broker-dealer to comply with the duties imposed by the rule. Each nonmember broker-dealer must keep a copy of these procedures in each business office. Furthermore, each such broker-dealer would be required to designate certain of his associated per-

sons as supervisors. Every associated person of the broker-dealer would be subject to the supervision of one such supervisor and there would be at least one such supervisor in each business office of the broker-dealer.

With regard to the activities of the associated persons subject to his supervision, the rule would require each supervisor to review and approve by signature the opening of new customer accounts; provide frequent examination of these accounts; and review and endorse promptly by signature all securities transactions and correspondence pertaining thereto. Endorsements may be made on copies of order tickets or confirmations, the daily blotter, or by any other method which would indicate a proper review of the transactions by the designated supervisor.

The proposed rule would require special supervisory treatment of discretionary accounts. The supervisor would be required to approve by signature the delegation by any customer of discretionary authority with respect to his account to a stated associated person of the broker-dealer and would be required to approve by signature on the day the order is entered every discretionary transaction effected on behalf of such customer.

The supervisor would also be required to review and approve the handling of all customer complaints which are handled by or pertain to the associated persons subject to his supervision. A complaint shall be considered to be any statement pertaining to a customer's grievance involving the securities activities of the broker-dealer or of any associated person.

The proposed rule contemplates that every customer account and all transactions, correspondence and complaints pertaining to that account shall be subject to the supervision of at least one such supervisor. In selecting the individuals to carry out the required supervisory procedures, the broker-dealer should take into consideration the need for qualified individuals in such positions.⁵ Furthermore, the Commission has recognized the need for special qualifications for supervisors by imposing higher passing grade requirements for principals and supervisors who must take the Commission's examination. Full compliance with the proposed rule, therefore, will involve careful selection of only the most qualified individuals to perform the required supervisory functions.

In addition to requiring the direct supervision over the securities activities of the broker-dealer's associated persons by the supervisor, the proposed rule would also require that broker-dealers with more than one business office maintain a secondary level of overall supervision in order to review and supplement the supervision effected by the supervisors. In particular, an individual or group of individuals chosen from among the

partners, officers or other qualified associated persons of the broker-dealer would have to supervise and review periodically the activities of the aforementioned supervisors; review and approve by signature the opening of each new customer account; review and approve promptly by signature the opening of each new discretionary account; and review and approve promptly each discretionary order entered. The overall supervisor or supervisors would be required to inspect each business office of the broker or dealer periodically. This office inspection would include but not be limited to the examination of the customer accounts and complaints handled in such office. This inspection should be undertaken on no less than a quarterly basis.

Proposed Rule 15b10-5 (17 CFR 240.15b10-5). *Discretionary authority.* Proposed Rule 15b10-5 (17 CFR 240.15b10-5), which governs discretionary accounts, is intended to safeguard against malpractices and abuses that occur in the creation and handling of such accounts. It would require the person who is to exercise discretionary authority in any account to be specifically so authorized in writing by the customer. The proposed rule would also require that the broker-dealer's records state the reasons given by the customer for granting discretionary authority in his account. Every transaction effected in a discretionary account would have to be approved, on the day the order is entered, by a person with supervisory responsibility.

Excessive trading or "churning" in discretionary accounts is prohibited by applicable antifraud provisions of the Exchange Act including Rule 15c1-7 (17 CFR 240.15c1-7).

Proposed Rule 15b10-6 (17 CFR 240.15b10-6). *Record keeping.* Proposed Rule 15b10-6 (17 CFR 240.15b10-6) would impose record keeping requirements on nonmember brokers and dealers designed to complement certain provisions of the proposed rules on suitability (Rule 15b10-3; 17 CFR 240.15b10-3), personnel supervision (Rule 15b10-4; 17 CFR 240.15b10-4), and discretionary accounts (Rule 15b10-5; 17 CFR 240.15b10-5). It would not duplicate any of the record keeping requirements to which nonmember brokers and dealers are already subject under Rule 17a-3 (17 CFR 240.17a-3) of the Exchange Act.

The proposed rule would require that a record be kept for each customer maintaining an account with the firm which would contain the customers' name, age, address, nationality or citizenship, and social security number. Where the broker-dealer, or any associated person, has made any recommendation to the customer to purchase or sell any security, the record would also have to indicate the customers' occupation, marital status, investment objectives, and information concerning the customers' financial situation and needs which the broker-dealer or associated persons considered in making recommendations; but there would be no obligation to record any such information which the broker-

² Rule 10b-5 (17 CFR § 240.10b-5) and Rule 15c1-2 (17 CFR § 240.15c1-2).

³ Report of the Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st sess., pt. I, p. 329 (hereinafter cited as "Special Study").

⁴ The Commission in its decisions has continually recognized the need for greater broker-dealer supervision and the Special Study emphasized the need for such supervision.

⁵ The supervision by the broker-dealers of the selling activities of their personnel, particularly in branch offices, should be generally strengthened by the adoption of appropriate procedures. The Commission should adopt rules to facilitate and reinforce controls by firms, the self-regulatory bodies and the Commission over selling practices. (Special Study, pt. I, pp. 328, 329.)

⁶ The Special Study urged that those persons who are branch office managers should be relieved of ordinary selling responsibilities. See Special Study, pt. I, p. 328.

dealer does not have because the customer declines to furnish it if the record contains a statement to that effect. Further, where the customer has delegated discretionary authority to the broker-dealer or any associated person, the proposed rule would also require, that in addition to the information mentioned above, broker-dealer records must also contain the customers' written delegation of discretionary authority, a statement of the reasons given by the customer for granting such authority, and the signature of the persons with supervisory responsibility over that account.

The proposed rule would also require that, for each new customer acquired after the effective date of the rule, the customer account record would have to include the signature of the customer, the signature of the associated person who introduced the new account, and the signature of the person with primary supervisory responsibility over that particular account.

The proposed rule would also require a separate complaint file, to be kept alphabetically by customers' names, and to include copies of all material relating to complaints, and a record of what action, if any, has been taken by the broker or dealer.

All of the records to be maintained under this proposed rule would be required to be preserved for a period of not less than six years, the first two years in an easily accessible place.

The text of the proposed rules would be substantially as follows:

§ 240.15b10-1 Definitions.

(a) For the purposes of all rules issued pursuant to section 15(b)(10) of the Act:

(1) The term "nonmember broker or dealer" shall mean any person registered as a broker or dealer under section 15 of the Act who is not a member of a national securities association registered with the Commission under section 15A of the Act.

(2) The term "associated person" shall mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are clerical or ministerial).

(3) The term "complaint" shall mean any statement pertaining to a customer's grievance involving the securities activities of the nonmember broker or dealer or any of his associated persons.

§ 240.15b10-2 General business conduct.

Every nonmember broker or dealer and associated person shall observe high standards of commercial honor and just and equitable principles of trade in the conduct of his business.

§ 240.15b10-3 Suitability of recommendations.

Every nonmember broker or dealer and every associated person who recommends to a customer the purchase, sale or exchange of any security shall have reasonable grounds to believe that the recommendation is suitable for such customer on the basis of information furnished by such customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by such broker or dealer or associated person.

§ 240.15b10-4 Supervision of associated persons.

Every nonmember broker or dealer shall exercise diligent supervision over the securities activities of all of his associated persons. As part of his responsibility under this section:

(a) Every such broker or dealer shall establish, maintain and enforce written procedures, a copy of which shall be kept in each business office, which shall set forth the procedures adopted by the broker or dealer to comply with the duties imposed by this section.

(b) Every associated person of the nonmember broker or dealer shall be subject to the supervision of a supervisor designated by such broker or dealer. There shall be at least one such supervisor in each business office of the nonmember broker or dealer. The supervisor may be the broker or dealer in the case of a sole proprietor, or a partner, officer, office manager, or any other qualified associated person.

(1) Every such supervisor shall:

(i) Review and approve by signature the opening of each new customer account handled by the associated persons whom he supervises;

(ii) Examine frequently all such customer accounts to detect and prevent irregularities or abuses;

(iii) Review and endorse promptly by signature, all securities transactions and correspondence pertaining to the solicitation and execution of all securities transactions by associated persons subject to his supervision;

(iv) Review and approve by signature the delegation by any customer of discretionary authority with respect to his account to a stated associated person or persons of the broker or dealer and approve by signature each discretionary order on the day entered on behalf of that account as required by § 240.15b10-5; and

(v) Review and approve the handling of all customer complaints relating to the associated persons subject to his supervision.

(c) Every nonmember broker or dealer with more than one business office shall designate from among his partners, officers or other qualified associated persons, a person or group of persons who shall:

(1) Supervise and periodically review the activities of the supervisors designated pursuant to paragraph (b) of this section in order to insure that they are discharging their supervisory duties;

(2) Review and approve by signature the opening of each new customer account;

(3) Review and approve promptly by signature the delegation by any customer of discretionary authority with respect to his account to any associated person of that broker or dealer; promptly review and approve each discretionary order entered on behalf of that account as required by § 240.15b10-5; and review all discretionary accounts at frequent intervals, but not less than once a month; and

(4) Periodically inspect each business office of the broker or dealer. Such inspection shall include but not be limited to the examination of the customer accounts and customer complaints handled through each such office.

§ 240.15b10-5 Discretionary authority.

(a) No nonmember broker or dealer, or any associated person, shall exercise any discretionary power or authority for any customer unless such customer has given prior written authorization to exercise such power or authority to a stated associated person or persons, and has indicated the reasons for such authorization.

(b) This section shall not apply to transactions in which the broker-dealer's discretion is limited to the price at which or the time when an order given by a customer for the purchase or sale of a definite amount of a specified security shall be executed.

§ 240.15b10-6 Record keeping.

(a) Every nonmember broker or dealer shall make and keep current in the office through which the customer account is handled:

(1) A record for each customer which shall state the customer's name, age, address, nationality or citizenship and social security number; and in the case of a person who becomes a customer after the effective date of this section, the record shall also contain the signature of the customer, the signature of the associated person introducing the account, the signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10-4, and, if appropriate, the signature of the person or persons exercising supervisory authority as designated pursuant to paragraph (c) of § 240.15b10-4,

(ii) If the broker or dealer, or any associated person, has made any recommendation to the customer to purchase or sell any security, the record shall also state the customer's age, occupation, marital status, investment objectives and other information concerning the customer's financial situation and needs which the broker-dealer or the associated person considered in making recommendations;

(2) A record or records with respect of each discretionary account which shall include:

(1) The customer's written authorization to exercise discretionary power or authority with respect to such account,

(ii) The reasons given by the customer for granting discretionary authority in his account,

(iii) The signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10-4, and if appropriate, the signature or signatures of the person or persons designated pursuant to paragraph (c) of § 240.15b10-4, approving the delegation of discretionary authority,

(iv) The approval by signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10-4 of each transaction in said account indicating the exact time and date of such approval;

(3) A separate file for all complaints by customers and persons acting on behalf of customers, which shall be filed alphabetically by customer's name and shall include copies of all material relating to the complaint, and a record of what action, if any, has been taken by the broker or dealer;

(4) Every nonmember broker or dealer shall preserve all records to be required by this section for a period of not less than 6 years, the first 2 years in an easily accessible place.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended, sec. 203(a), 49 Stat. 704, secs. 4, 8, 49 Stat. 1379, sec. 5, 52 Stat. 1076, sec. 6, 78 Stat. 570, 15 U.S.C. 78o, 78q, 78w)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before December 5, 1966. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

OCTOBER 25, 1966.

[F.R. Doc. 66-11793; Filed, Oct. 28, 1966;
8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Determination of Producers' Approval on Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (68 Stat. 912; 7 U.S.C. 1787), a referendum was held among producers of sheep and wool in the United States to determine whether they approved a proposed agreement by the Secretary of Agriculture with the American Sheep Producers Council, Inc., for developing and conducting advertising and sales promotion programs and for deductions from payments to such producers to be made pursuant to the act for the marketing years 1966, 1967, 1968, and 1969. Notice of the referendum (31 F.R. 10202), published July 28, 1966, included the text of the proposed agreement.

In the referendum held pursuant to the notice, 79.9 percent of the voting producers who were engaged in the United States in the production for market of sheep or wool (i.e., anyone who owned sheep or lambs, 6 months of age or older, located in the United States, continuously during a single period of at least 30 days between January 1, 1966, and the date his ballot was cast) voted in favor of the agreement, and those voting in favor owned 79.5 percent of the sheep owned by all the voting producers. The period from January 1, 1966, to the time the ballots were cast is a representative period of production.

Accordingly, I hereby determine that the agreement has the approval of the requisite number of producers as required by said act since in said referendum more than two-thirds of the total number of producers voting and producers of more than two-thirds of the total volume of production represented in the referendum indicated approval of the agreement.

I have this day signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on October 25, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11803; Filed, Oct. 28, 1966; 8:47 a.m.]

Consumer and Marketing Service

PAYNES LIVESTOCK AUCTION, TUCSON, ARIZ., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

<i>Original name of stockyard, location, and date of posting</i>	<i>Current name of stockyard and date of change in name</i>
ARIZONA	
Paynes Livestock Auction, Tucson, Oct. 15, 1957__	Nelson Livestock Auctions, Inc., July 30, 1966.
Willcox Livestock Commission Company, Willcox, Oct. 15, 1957.	Nelson Livestock Auctions, Inc., July 30, 1966.
IDAHO	
Tink's Livestock Commission, Inc., Jerome, Mar. 29, 1950.	Jerome Producers Livestock Marketing Association, Sept. 6, 1966.
ILLINOIS	
Stoutenborough Sale Pavilion, Springfield, Nov. 18, 1959.	Stoutenborough Sales, Inc., Oct. 10, 1966.
IOWA	
Leon Livestock Market, Leon, May 18, 1959_____	Leon Sale, Sept. 1, 1966.
Low Moor Sales Company, Low Moor, Apr. 3, 1957__	Low Moor Sales Company, Inc., Aug. 3, 1966.
MASSACHUSETTS	
Michelson's Cattle, South Easton, Apr. 26, 1960---	Michelson's Livestock Commission Auctions, Inc., Jan. 1, 1966.
MINNESOTA	
Terminal Auction Market, Thief River Falls, Sept. 21, 1959.	Joppru Sales Barn, Aug. 31, 1966.
MONTANA	
Miles City Stockyards Company, Miles City, Nov. 9, 1951.	Miles City Salesyards Company, June 23, 1966.
NEW MEXICO	
Albuquerque Livestock Auction, Inc., Albuquerque, N. Mex., Jan. 24, 1957.	Albuquerque Livestock Commission Company, Inc., Jan. 11, 1966.
OKLAHOMA	
Oklahoma Stockyards, Inc., Comanche, Sept. 2, 1964.	Cattleman's Stockyards, Sept. 1, 1966.
Madill Horse Auction, Madill, Nov. 6, 1964-----	Marshall County Livestock Auction, Aug. 1, 1966.
PENNSYLVANIA	
Greenville Livestock Market, Inc., Greenville, Jan. 15, 1960.	Greenville Livestock Auction, May 1, 1966.
SOUTH DAKOTA	
Hub City Livestock Sales Pavilion, Inc., Aberdeen, Nov. 29, 1949.	Hub City Livestock Sales, Inc., May 2, 1966.

Done at Washington, D.C., this 24th day of October, 1966.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds, and Reports Branch, Packers and
Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11822; Filed, Oct. 28, 1966; 8:48 a.m.]

Office of the Secretary NEBRASKA

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-

named county in the State of Nebraska natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska, Sheridan; original designation, 29 F.R. 11934; first extension, 30 F.R. 7616; present extension, 31 F.R. 5642-5643.

Pursuant to the authority set forth above, emergency loans will not be made

in the above-named county after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of October 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11804; Filed, Oct. 28, 1966;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management SACRAMENTO, CALIF., DISTRICT OFFICE

Change of Location

Notice is hereby given that the Sacramento District Office, Bureau of Land Management, 4516 U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814, will be moved to Folsom, Calif., and the name will be changed to the Folsom District. No change in administrative responsibilities is involved.

The Sacramento District Office will close at 4:30 p.m., P.s.t., November 4, 1966. The Folsom District Office, 63 Natoma Street, Folsom, Calif. 95630, will open at 7:45 a.m., P.s.t., November 7, 1966. The Folsom District Office will be open to the public between the hours of 7:45 a.m. and 4:30 p.m., daily, Monday through Friday, excepting Federal holidays.

JOHN O. CROW,
Associate Director.

OCTOBER 27, 1966.

[F.R. Doc. 66-11875; Filed, Oct. 28, 1966;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16187]

COMPANIA DE AVIACION "FAUCETT," S.A.

Notice of Hearing

Application for a renewal of foreign air carrier permit to engage in foreign air transportation with respect to persons, property, and mail between a point or points in Peru, the intermediate point Panama City, Panama, and the terminal point Miami, Fla.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 4, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are

referred to the Report of Prehearing Conference, served June 6, 1966, and other documents on file in the above docket in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 26, 1966.

[SEAL]

LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 66-11814; Filed, Oct. 28, 1966;
8:47 a.m.]

[Docket No. 17728]

OZARK-CENTRAL MERGER CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will commence on Monday, November 21, 1966, at 10 a.m., l.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report and all other documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 26, 1966.

[SEAL]

MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 66-11815; Filed, Oct. 28, 1966;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-98]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

OCTOBER 20, 1966.

Take notice that on October 17, 1966, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP67-98 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of increased volumes of natural gas to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to increase peak day sales authorization on its northern system by 75 Mcf per day, commencing November 1, 1966, and by a subsequent increase of 3,246 Mcf, commencing November 1, 1967, amounting to a total increase of 3,321 Mcf. Applicant is presently authorized to make sales from its northern system of 213,796 Mcf.

Applicant states that no new facilities are needed to meet the proposed increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 18, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11785; Filed, Oct. 28, 1966;
8:45 a.m.]

[Docket No. CP67-101]

TRUNKLINE GAS CO.

Notice of Application

OCTOBER 20, 1966.

Take notice that on October 17, 1966, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission for the abandonment of sale of natural gas to Transcontinental Gas Pipe Line Corp. (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon sale of natural gas to Transco from Luby Field Area, Nueces County, Tex., which sale was authorized in Docket No. CP62-281. Applicant states that it is no longer economically feasible to continue delivery of natural gas from this area.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 18, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition

to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11786; Filed, Oct. 28, 1966;
8:45 a.m.]

[Docket No. CP67-100]

WISCONSIN POWER AND LIGHT CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 21, 1966.

Take notice that on October 17, 1966, Wisconsin Power and Light Co. (Applicant), 122 West Washington Avenue, Madison, Wis., filed in Docket No. CP67-100 an application pursuant to section 7(a) of the Natural Gas Act requesting the Commission to order Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection with facilities to be built by Applicant and to sell and deliver to Applicant volumes of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent extend its gas transporta-

tion facilities by constructing 7.8 miles of 4-inch line and a gate station to and at a point near the villages of Cambria and Randolph, Wis., establish physical connection of such facilities with facilities to be constructed by Applicant in and about the villages of Cambria and Randolph, and sell and deliver natural gas to Applicant for distribution and sale in Cambria and Randolph and the towns of Springvale, Courtland, and Randolph, Columbia County, and the towns of Fox Lake and Westford, Dodge County, Wis.

The estimated third year peak-day and annual requirements of the new service is 878 Mcf and 234,320 Mcf, respectively.

The estimated cost of Respondent's construction is \$156,213.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11787; Filed, Oct. 28, 1966;
8:45 a.m.]

[Docket Nos. RI67-110 etc.]

L. E. SMITH, ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates ¹

OCTOBER 21, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate sched-

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

ules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 7, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-110..	L. E. Smith, et al., Commercial National Bank Bldg., Shreveport, La. 71101.	1	4	Southern Natural Gas Co. (Bear Creek Field, Bienville Parish, La.) (Northern Louisiana).	\$24,150	9-22-66	10-23-66	3-23-67	¢ 11.85	3 ¢ 18.75	
RI67-111..	David Crow (Trustee) et al., 200 Beck Bldg., Shreveport, La. 71101.	2	6	.....do.....	214,314	9-22-66	10-23-66	3-23-67	¢ 11.85	3 ¢ 18.75	
RI67-112..	H. T. Shalett and David Crow, et al., 200 Beck Bldg., Shreveport, La. 71101.	1	5	.....do.....	64,101	9-22-66	10-23-66	3-23-67	¢ 11.85	3 ¢ 18.75	

² The stated effective date is the first day after expiration of the statutory notice.

³ Unilateral rate increase.

⁴ Pressure base is 15.025 p.s.i.a.

⁵ Includes 2.0 cents deductible by buyer for dehydration (not provided by contract) (also includes 1.75 cents tax reimbursement).

⁶ Includes 1.5 cents tax reimbursement, which portion of rate was collected subject to refund in Docket Nos. G-17679 and RI60-356 (Smith), G-17714 and RI60-355 (Crow), and RI60-393 (Shalett).

The Respondents herein request that their proposed rate increases be permitted to become effective on October 22, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for these producers' rate filings and such requests are denied.

The producers herein, claiming that their gas sales contracts are either invalid or have

terminated, propose unilateral rate increases from 10.35 cents (at 15.025 p.s.i.a.), plus 1.5 cents tax reimbursement, to 17 cents per Mcf, plus 1.75 cents tax reimbursement, totalling \$302,565 annually, for sales to Southern Natural Gas Co. (Southern) in Northern Louisiana.

Southern, by letters filed October 13, 1966, urges rejection or, in the alternative, suspension of each of the instant filings, stating

that it denies that the contracts have terminated.

All of the producers' proposed increased rates and charges exceed the applicable area price level for increased rates in Northern Louisiana as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

Under the circumstances, we shall provide that the hearings ordered above shall in-

volue not only the justness and reasonableness of the producers' proposed rate increases, but also the question of the right of each producer to make the unilateral filings involved here.

[F.R. Doc. 66-11789; Filed, Oct. 28, 1966; 8:45 a.m.]

[Docket Nos. G-6352, etc.]

CONTINENTAL OIL CO. ET AL.

Findings and Order; Correction

OCTOBER 12, 1966.

Continental Oil Co., et al., Docket Nos. G-6352, etc.; Houston Natural Gas Production Co. (Operator), et al., Docket No. G-10181; Herman Geo. Kaiser (Operator), et al., Docket No. G-12663.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, reinstating certificate, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successor co-respondent, redesigning proceedings, requiring filing of agreements and undertakings, accepting offer of settlement and accepting related rate schedules and supplements for filing, issued August 30, 1966 and published in the FEDERAL REGISTER September 8, 1966 (F.R. Doc. 66-9749; 31 F.R. 11774-11780); in paragraph 4 change Emerald Oil & Carboic Co. (Operator), et al., FPC Gas Rate Schedule No. 5 to read "FPC Gas Rate Schedule No. 2".

In the chart FPC Gas Rate Schedule No. "1" to read No. "5" after Herman Geo. Kaiser, Docket No. G-12663.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 66-11784; Filed, Oct. 28, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM DEPOSITORS TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Depositors Trust Co., for approval of merger with First Maine Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c), as amended by Public Law 89-356), an application by Depositors Trust Co., Augusta, Maine, for the Board's prior approval of the merger of that bank and First Maine Trust Co., Augusta, Maine, a newly organized bank, under the charter and title of Depositors Trust Co. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's statement¹ accompanying its order of this date concerning the application of Depositors Corp., Augusta, Maine, to become a bank holding company, that said application for merger be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 24th day of October 1966.

By order of the Board of Governors.²

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11790; Filed, Oct. 28, 1966; 8:45 a.m.]

DEPOSITORS CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Depositors Corp., Augusta, Maine, for approval of action to become a bank holding company through the acquisition of 100 percent of the outstanding voting shares of Depositors Trust Co., Augusta, Maine, and at least 80 percent of the outstanding voting shares of the Liberty National Bank in Ellsworth, Ellsworth, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1), as amended by Public Law 89-485), and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application by Depositors Corp., Augusta, Maine, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the outstanding voting shares of Depositors Trust Co., Augusta, Maine, and at least 80 percent of the outstanding voting shares of the Liberty National Bank in Ellsworth, Ellsworth, Maine.

As required by section 3(b) of the Act, the Board notified the Bank Commissioner of the State of Maine and the Comptroller of the Currency of receipt of the application and requested their views and recommendations. The Commissioner expressed no objection to approval of the application; the Comptroller recommended its approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 11, 1966 (31 F.R. 10704), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. Time for filing such views and comments

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

² Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Daane.

has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved, provided that the transaction so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 24th day of October 1966.

By order of the Board of Governors.²

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11791; Filed, Oct. 28, 1966; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-3]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* To delegate to the Secretary of Health, Education, and Welfare authority to assist in controlling violations of law.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Health, Education, and Welfare to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of the National Institutes of Health facilities at Bethesda and Poolesville, Md., over which the Federal Government has exclusive or concurrent jurisdiction.

b. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer, official, or employee of the Department of Health, Education, and Welfare.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

3. *Effective date.* This delegation of authority is effective immediately.

Dated: October 25, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-11805; Filed, Oct. 28, 1966; 8:47 a.m.]

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

² Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Daane.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1986]

BOWSER, INC., ET AL.

Notice of and Order for Hearing on Application for Order Exempting Proposed Transaction

OCTOBER 25, 1966.

Notice is hereby given that Bowser, Inc. ("Bowser"), 400 West Madison Street, Chicago, Ill. 60606, an Indiana corporation, the Equity Corp. ("Equity"), 26 Broadway, New York, N.Y. 10004, a registered closed-end nondiversified investment company, Sterling Precision Corp. ("Sterling"), 103 Park Avenue, New York, N.Y. 10017, Mr. J. Russell Duncan, 4 Riverview Terrace, New York, N.Y., chairman of the board of directors of Sterling, and Jardun Corp. ("Jardun"), 4 Riverview Terrace, New York, N.Y., wholly owned by Mr. Duncan, have filed jointly an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the purchase by Bowser of an aggregate of 222,600 shares of its common stock from a group consisting of Equity, Sterling, Duncan, and Jardun at \$13 per share, or an aggregate price of \$2,893,800.

Sections 17(a) and 17(b) of the Act make it unlawful, with certain exceptions, for any affiliated person of a registered investment company (as defined in section 2(a)(3) of the Act), or any affiliated person of such a person, to sell to or purchase from such registered company, or any company controlled by such registered company, any security or other property, or to borrow any money or other property therefrom, unless the Commission upon application grants an exemption from such prohibitions after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act. All interested persons are referred to the application on file with the Commission for a full statement of the representations made therein, which are summarized below.

The purchases by Bowser are proposed to be made pursuant to an agreement dated February 24, 1966, between Bowser and the sellers providing for the purchases by Bowser of its common stock in the following amounts:

Sellers	Shares of common stock of Bowser	Sale price
Equity	30,000	\$390,000
Sterling	144,200	1,874,600
Duncan	3,400	44,200
Jardun	45,000	585,000
Total	222,600	2,893,800

At the time of the agreement, Equity owned 11.8 percent of Sterling's voting securities, and Sterling, in turn, owned 19.98 percent of Bowser's voting securities. Mr. Duncan at that time was a director of Bowser as well as chairman of the board of Sterling.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application.

It is ordered, Pursuant to section 40(a) of the Act that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 14th day of November 1966, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, Washington, D.C. 20549, on or before the 9th day of November 1966, his request as provided by Rule 9 of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses noted above, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) shall be filed contemporaneously with such request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Investment Company Act of 1940; and

(3) Whether the proposed transaction is consistent with the general purposes of the Investment Company Act of 1940.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Bowser, Equity, Sterling, Mr. J. Rus-

sell Duncan, and Jardun and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 66-11794; Filed, Oct. 28, 1966;
8:46 a.m.]

[812-1986]

CONTINENTAL ASSURANCE CO. SEPARATE ACCOUNT (B)

Notice of Application for Order of Exemption

OCTOBER 25, 1966.

Notice is hereby given that Continental Assurance Co. Separate Account (B) ("Applicant"), 310 South Michigan Avenue, Chicago, Ill. 60604, an open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting it from the provisions of sections 14(a), 15(a), 16(a), 22(d), 22(e), 27(c), and 32(a)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was established on June 1, 1966, under the provisions of Article XIV-1/2 of the Illinois Insurance Code by Continental Assurance Co. ("Company"), a stock life insurance company organized under the Illinois Insurance Code and licensed as a life insurance company in all states of the United States. Section 857.51 of Article XIV-1/2 of the Illinois Code authorizes a domestic life insurance company to establish a separate account to fund group variable annuity contracts. Applicant proposes to engage in the sale of group variable annuity contracts in connection with annuity purchase plans adopted by public school systems and tax exempt organizations which satisfy the requirements of sections 403(b) and 501(c) of the Internal Revenue Code ("Code").

Section 14(a) of the Act provides in substance that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. Applicant represents that since the Company and its employees are not entitled to tax deferred treatment under section 403(b) of the Code, the Company cannot advance funds to meet the requirements of section 14(a) of the Act. Applicant further states that under the Illinois Insurance Code, the Company, which has capital and surplus in excess of \$100 million is liable for all the expenses and liabilities of the separate account.

Sections 15(a), 16(a), and 32(a) of the Act, respectively, provide for the owners of the outstanding voting securities of a registered investment company to: (1)

Approve its investment advisory contract, (2) elect its directors and (3) ratify the selection of its independent public accountant. Applicant will not, initially, have any voting securities and Applicant therefore requests a temporary exemption from these sections. Applicant represents that the first annual meeting of participants in the group variable annuity contracts in the Separate Account will take place on the first Wednesday in April 1967. Applicant further represents that by that time it expects to have sold some group variable annuity contracts so that the participants therein can then vote on such matters. In the interim the Company has chosen a Committee for the management of the separate account, 60 percent of the members of which are persons not affiliated with the Company. The Committee has entered into an investment advisory and management contract with the Company and has appointed independent public accountants.

Section 22(d) of the Act provides that no registered investment company shall sell any redeemable securities except at a current offering price described in its prospectus which is required to state separately the sales charges on the sale of its securities. Applicant represents that the only charge which will be made against contributions by participants is a 6-percent combined sales and administrative fee payable to the Company as principal underwriter, which fee cannot be increased by virtue of the Company's guarantee that no further deductions will be made for sales or administrative expenses. Applicant further represents that it is not possible to set forth in advance a single rate of sales charge applicable to all group variable annuity contracts it may sell. Applicant intends to employ full-time salaried salesmen compensated by Continental Assurance Co. for sale of its group variable annuity contracts to large school systems in the Midwest. In other areas Applicant intends to enter into brokerage contracts under which commissions will be paid at varying rates, depending in part upon the expenses incurred by individual brokers for printing and other items, and no salaried salesmen will be used. Applicant further represents that mortality guarantees will be made under group contracts which might adversely affect the reserves for the separate account and necessitate holding subsequent expenses to a minimum, including further commissions payable.

Section 22(e) of the Act prohibits a registered investment company issuing redeemable securities from suspending or postponing the right of redemption for more than 7 days after the tender of such security to the investment company for redemption. Applicant states that annuity benefits under the proposed contracts will be freely redeemable for cash prior to retirement. However, once annuity payments guaranteed for the life of the annuitant have commenced, cash surrender of such annuities would interfere with the actuarial computations upon which the lifetime guarantee is based and might exhaust the actuarial

reserves set aside for the purpose before the death of the last member of the retired group. Accordingly, Applicant requests exemption from section 22(e) with respect to the right of redemption of retired persons who have commenced to receive annuity payments.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) places certain restrictions on charges which may be made against the trust income and corpus and prohibits the trustee from charging as an expense to the fund any payment to the depositor or principal underwriter of the trust except for bookkeeping and other administrative services in such reasonable amount as the Commission may prescribe. Section 26(a)(3) requires certain arrangements to assure the continuity of the trustee or custodian.

Applicant represents that the Company, as a life insurance company, is subject to extensive regulation by the Insurance Department of the State of Illinois and by all the other 49 States in which it is licensed to do business and that such control furnishes ample protection to the participants against embezzlement and misfeasance. Applicant also represents that it has no expenses other than the investment advisory fee since all other expenses are paid by the Company, for which the Company receives a maximum fee (including sales charges) of 6 percent from each contribution made by participants. Moreover, Applicant states that, for the purposes of the Illinois Insurance Code, applicant is a part of the Company and therefore all of the Company's assets are available to meet applicant's obligations. Applicant further represents that the Company is contractually obligated to the participants and cannot resign or otherwise avoid its contractual obligation.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 10, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any

such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air-mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11795; Filed, Oct. 28, 1966;
8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

OCTOBER 25, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5½ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1969, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period October 26, 1966, through November 4, 1966, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-11796; Filed, Oct. 28, 1966;
8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

OCTOBER 25, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period Octo-

ber 26, 1966, through November 4, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 66-11797; Filed, Oct. 28, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 26, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40763—*Tea or tea dust to Peoria, Ill.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2868), for interested rail carriers. Rates on tea or tea dust, in carloads, from North Atlantic ports and points grouped therewith, to Peoria, Ill.

Grounds for relief—Market competition and port equalization.

Tariffs—Supplement 129 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-236 and 2 other schedules named in the application.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11809; Filed, Oct. 28, 1966;
8:47 a.m.]

[Notice 277]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 26, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67, (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce

Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31389 (Sub-No. 82 TA), filed October 24, 1966. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerney, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Boone, N.C., and Mountain City, Tenn., from Boone, over U.S. Highway 321 to Vilas, N.C., thence over U.S. Highway 421 to Mountain City, and return over the same routes, serving no intermediate points. Note: Applicant states tacking will take place at Boone, N.C., for points throughout the McLean system to points in numerous eastern, southeastern, Middle Atlantic, New England and central territory States, for 180 days. Supporting shipper: Southern Glove Manufacturing Co., Inc., Post Office Box 397, Conover, N.C. 28613. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 111057 (Sub-No. 4 TA), filed October 24, 1966. Applicant: EAST EXPRESS, INCORPORATED, Post Office Box 923, Thomasville, N.C. 27360. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated in mixed loads with uncrated new furniture, from High Point and Thomasville, N.C., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland (except Baltimore and Annapolis), Virginia (except Richmond) and the District of Columbia. Note: Applicant states it holds authority under its certificate No. MC-111057 covering the transportation of *new furniture*, uncrated, from High Point and Thomasville, N.C., to all of the destinations here involved. The sole purpose of the authority sought is to enable handling crated new furniture in mixed loads with the already authorized uncrated new furniture. Supporting shippers: B & H Manufacturing Co., Inc., 1430 Trinity Avenue, High Point, N.C. 27260, Burton Upholstery Co., Inc., Post Office Drawer 1150, High Point, N.C. 27261, Carsons of High Point, Post Office Box 150, High Point, N.C. 27261, Crestwood Furniture Co., Post Office Box 590, High Point, N.C. 27260, Erwin-Lambeth, Inc., Thomasville, N.C. 27360, Lincoln Lounge Co., Post Office Box 975, High Point, N.C. 27261, Pilgrim Furniture Co., Post Office Box 246, High Point, N.C. 27261, Security Upholstering Co., Post

Office Box 246, High Point, N.C. 27261. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 115654 (Sub-No. 8 TA), filed October 24, 1966. Applicant: TENNESSEE CARTAGE COMPANY, INC., 815 Ewing Avenue, Nashville, Tenn. 37201. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, (1) from Nashville, Tenn., over U.S. Highway 41 to Springfield, Tenn., thence via U.S. Highway 431 to Drakesboro, Ky., thence over Kentucky Highway 176 to Greenville, Ky., thence over U.S. Highway 62 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Madisonville, Ky., and return over same route, serving no intermediate points, (2) between Springfield, Tenn., and Hopkinsville, Ky., over U.S. Highway 41, serving no points on said route, but to be used for joinder only, (3) between Princeton, Ky., and Hopkinsville, Ky., over U.S. Highway 62 from Princeton to its junction with U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, serving Princeton, Ky., except the site of the Princeton Co., at or near Princeton; and serving Hopkinsville for joinder only, (4) between Princeton, Ky., and Nashville, Tenn., over Kentucky Highway 91 to Hopkinsville, thence over U.S. Highway 41A to Nashville, Tenn., serving Nashville, Tenn., and Princeton, Ky., except the site of the Princeton Co., at or near Princeton, and serving Hopkinsville for joinder only. Note: Applicant states that by this application the applicant seeks authority only between Nashville, Tenn., on the one hand, and, on the other hand, Madisonville, Ky., and Princeton, Ky., except the site of the Princeton Co., at or near Princeton, Ky., but it does seek the right to operate over any and all routes set out above in providing service to the points to be served, for 180 days. Supporting shippers: Hart Equipment Co., Inc., Bearings Service Co., J. C. Penney Co., Inc., Austin Powder Co., Madisonville, Ky., Princeton Hosiery Mills, Inc., and Cumberland Manufacturing Co., Inc., Princeton, Ky. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn.

No. MC 116949 (Sub-No. 6 TA), filed October 24, 1966. Applicant: BURNS TRUCKING, INC., Route No. 1, South Sioux City, Nebr. 68776. Applicant's representative: Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, used and/or wrecked semitrailers, parts and equipment therefor*, between the plantsites of Jason Manufacturing, Inc., at or near

Hampton, Iowa, on the one hand, and, on the other, points in the United States including the District of Columbia, for 180 days. Supporting shipper: Jason Manufacturing, Inc., Hampton, Iowa 50441. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124983 (Sub-No. 7 TA), filed October 24, 1966. Applicant: CLARENCE NEWLUN, doing business as NEWLUN TRANSPORT SERVICE, 119 Lincoln Street, North Pekin, Ill. Applicant's representative: Donald S. Manion, 53 West Jackson Boulevard, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

Dairy products and supplies, between Indianapolis, Ind., and Pekin, Ill., for 150 days. Supporting shipper: The Borden Co., 231 Elizabeth Street, Pekin, Ill. 61555. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128656 TA, filed October 24, 1966. Applicant: CASKET TRANSPORT COMPANY, INC., 1610 Southwest Evans, Des Moines, Iowa. Applicant's representative: Russell H. Wilson, Suite 200, 3839 Merle Hay Road, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket parts, and burial vaults* (1) from Arthur, Ill., to Little Rock, Ark., Ot-

tumwa, Iowa, and Omaha, Nebr., (2) between Arthur, Ill., Little Rock, Ark., Ottumwa, Iowa, and Omaha, Nebr., (3) from Omaha, Nebr., to points in that part of Iowa West of U.S. Highway 63 and on South of Interstate Highway 80, except Des Moines, Iowa, for 180 days. Supporting shipper: Progress Industries, Inc., 400 East Progress Street, Arthur, Ill. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 227 Federal Office Building, Des Moines, Iowa. 50309.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11810; Filed, Oct. 28, 1966; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR

PROCLAMATIONS:

3749	12935
3750	12995
3751	13197
3752	13635

EXECUTIVE ORDERS:

Sept. 24, 1847 (revoked by PLO 4100)	12950
April 17, 1926 (revoked in part by PLO 4098)	12950
10126 (superseded by 14 CFR 73.87)	13422
10154 (superseded by EO 11313)	13417
10558 (superseded by EO 11313)	13417
10686 (superseded by EO 11313)	13417
11122 (superseded by EO 11307)	12917
11215 (amended by EO 11309)	13075
11307	12917
11308	12919
11309	13075
11310	13199
11311	13413
11312	13415
11313	13417
11314	13419

4 CFR

Ch. II	13381
--------	-------

5 CFR

213	12833,
	12937, 13113, 13465, 13521, 13695, 13835.
351	13521
534	13521
550	13835
1700	13113
2200	13787

6 CFR

530	13747
-----	-------

7 CFR

51	13637
81	13203, 13527
110	13203
112	13203
113	13203
207	13747
210	13035, 13887
301	13747,
	13835, 13887, 13889, 13890, 13896
319	12834
354	13203
401	13581, 13583-13588
402	13588
403	13588
406	13588
407	13588
408	13589
409	13589
701	13035
719	13204
722	13035,
	13036, 13132, 13168, 13205, 13303, 13465, 13529, 13530, 13589.
728	13036
729	12921, 12940
751	13531
775	13791
777	13502
811	13133, 13313
813	13589
815	13836
847	13837
849	13695
855	13896
873	13748
874	12940
905	12835, 13385, 13897
906	13750
908	12836, 13077, 13385, 13639, 13897
909	13134
910	12837, 13077, 13386, 13640, 13898
913	13899
915	13135, 13386
932	13171
947	13171
948	13791

Page

7 CFR—Continued

958	12940
982	13591, 13837
984	13421, 13640
989	13696
993	13037, 13751
1004	13751
1005	13899
1013	13901
1038	13037
1103	13910
1126	13641
1421	13078, 13641, 13910
1427	13641, 13696
1443	12837
1446	13207
1475	13532
1490	12997

PROPOSED RULES:

52	13551, 13861
725	13242
730	12952
905	13800
909	13174
912	13758
929	13136
947	13758
948	12953
959	13862
971	13551
972	13394
982	12954, 13346
984	13005
989	13244, 13552
991	13394
993	13136
994	13090
1003	13863
1005	12845, 13090, 13726
1006	13272
1012	13605
1013	13655, 13863
1016	13863
1038	12954
1041	13136
1063	13864
1067	13395

7 CFR—Continued

Page

PROPOSED RULES—Continued

1068	13864, 13916
1069	13091
1070	13864
1078	13864
1079	13864
1102	13395
1103	13476
1106	13607
1126	13005, 13607
1205	13478
Ch. XI	12956

8 CFR

211	13387
212	13114

9 CFR

78	13465
97	13114
318	13856

10 CFR

115	13792
-----	-------

12 CFR

329	12837
526	13039
531	13591
545	12838, 12839, 13000
556	13592
561	13592
563	13167
571	13593

PROPOSED RULES:

11	13725
222	12965

13 CFR

107	13532
121	12840

PROPOSED RULES:

121	12849, 12924, 13353, 13758
-----	----------------------------

14 CFR

11	13697
21	13387
37	12941
39	12921, 13167, 13521, 13751, 13912
47	13313
61	13522
63	13522
65	13522
71	12840, 12921, 12943, 13038, 13039, 13115, 13207, 13314, 13315, 13389, 13390, 13421, 13422, 13466, 13525, 13641, 13698, 13699.

73	12922, 12944, 13115, 13422, 13699, 13913
----	--

91	13525
95	12944

97	13116, 13316, 13594, 13642, 13838, 13913
----	--

121	13078
143	13522

151	13423
209	12947

295	12948
278	12948

PROPOSED RULES:

39	12924, 13554
61	13554
71	12925, 13481, 13669, 13725, 13800, 13801, 13916, 13917.

14 CFR—Continued

Page

PROPOSED RULES—Continued

73	12925, 13802
75	13176
91	13352
121	13802
127	13802

15 CFR

230	13167, 13390, 13752
372	13040
373	13040
374	13040
379	13040
382	13040
385	13040
398	13040
399	13040, 13699

16 CFR

13	12937, 12938, 13078-13080, 13208, 13209, 13337, 13423, 13753, 13792.
15	13210, 13423, 13754, 13913

PROPOSED RULES:

170	13865
174	13865
303	13353

17 CFR

200	13533
-----	-------

PROPOSED RULES:

240	13917
-----	-------

18 CFR

141	13593
154	13720
204	12840

PROPOSED RULES:

141	13557
260	13557

19 CFR

1	12938, 13080, 13390, 13721, 13755
4	13424, 13755
13	13722

PROPOSED RULES:

12	12964
----	-------

20 CFR

404	13126, 13533
405	13424, 13456, 13534
602	13466

21 CFR

3	13537
8	12840
17	12949, 13792, 13793
27	12949
51	12950
53	12840
120	13210
121	12841, 13128, 13474, 13475, 13722, 13793
146	12841
146a	13723
148k	13603

PROPOSED RULES:

19	13005
121	12849
130	13347
191	13006

22 CFR

41	13080
42	13080

22 CFR—Continued

Page

50	13537
51	13540, 13654
52	13546
53	13546

23 CFR

Ch. II	13128
--------	-------

24 CFR

5	13081
203	13000
220	13000
221	13000
232	13000
234	13000
1000	13000

25 CFR**PROPOSED RULES:**

131	13605
221	13242

26 CFR

147	13723
177	13443
507	13466

PROPOSED RULES:

1	12843, 12845, 13091, 13242
---	----------------------------

28 CFR**PROPOSED RULES:**

5	13343
---	-------

29 CFR

102	13850
462	13001
512	13211

PROPOSED RULES:

40	13174
1207	13176

31 CFR

500	13794, 13914
520	13001

32 CFR

1	13326
2	13329
3	13329
4	13330
7	13331
8	13332
11	13332
13	13336
15	13336
18	13337
156	13642
713	13794
855	13081
1001	13217
1002	13217
1003	13217, 13547
1004	13217
1007	13218, 13547
1010	13219
1012	13548
1013	13219
1017	13220
1018	13220
1030	13220
1053	13220
1054	13220

32A CFR	Page
BDSA (Ch. VI):	
M-11A	13852
M-11A, Dir. 1	13856
Reg. 2	13852
FRS (Ch. XV):	
FRS Reg. V	13444
PROPOSED RULES:	
Ch. X	12924, 13050
33 CFR	
84	13647
202	13129
203	13647
204	13129, 13445, 13647
36 CFR	
311	13313
326	13172
37 CFR	
1	12922
4	13648
38 CFR	
2	13548
3	13088, 13172, 13390, 13446
14	13548
36	13003
39 CFR	
35	13857
41	13857
96	13794
822	13172
PROPOSED RULES:	
33	13800
43	13394
41 CFR	
5-12	13337
9-1	13046
9-2	13046
9-3	13046
22-1	13001

42 CFR	Page
22	12939
52	13445
43 CFR	
1720	13914
5430	13446
PUBLIC LAND ORDERS:	
1195 (revoked in part by PLO 4099)	12950
3152 (revoked in part by PLO 4104)	12951
3584 (revoked in part by PLO 4104)	12951
4094 (corrected)	13473
4097	12950
4098	12950
4099	12950
4100	12950
4101	12951
4102	12951
4103	12951
4104	12951
4105	13549
PROPOSED RULES:	
3107	13799
45 CFR	
6	12842
7	12842
8	12842
170	13220
46 CFR	
10	13916
11	13916
12	13649, 13916
510	13650
PROPOSED RULES:	
2	12860
24	12860
30	12860
70	12860
90	12860

46 CFR—Continued	Page
PROPOSED RULES—Continued	
110	12860
175	12860
188	12860
189	12860
190	12860
191	12860
192	12860
193	12860
194	12860
195	12860
196	12860
525	13805
47 CFR	
0	13473
1	13228, 13593
2	13230
15	13391
73	13234, 13237, 13474, 13653, 13755, 13794
83	13653
91	13230
99	13230
PROPOSED RULES:	
31	13244
33	13244
73	12965, 13245, 13246, 13481, 13803
49 CFR	
7	13446
71-79	13756
PROPOSED RULES:	
Ch. I	13392
95-97	13393
50 CFR	
32	12923, 12939, 13003, 13004, 13048, 13049, 13088, 13130, 13240, 13241, 13342, 13447, 13475, 13549, 13550, 13757, 13851
33	12939, 13391, 13447, 13475, 13550



3 0112 059128428